



SEPTEMBER 8, 2026

IMPLEMENTING OAR 660-023-0210, THE GOAL 5 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's effective date is **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. Most 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 respectively. 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. These include model notice procedures, model procedures, and optional enhancements. Jurisdictions may adopt, adapt, or use these tools as reference these tools 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. Effective January 1, 2027, the rule establishes required procedures for: tribal notice of specified local actions; local significance evaluation for cultural landscape features; and the adoption of site-specific protection measures for cultural 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.

Local governments customizing model materials should review draft language carefully against the underlying rule text and their own plan and code language and consider legal counsel review before adoption.

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

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” for significant cultural landscape feature is used only when referring to features already determined by a local government to be significant.

What This Guidance Contains

This document is organized into four 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 application of those measures to future development, uses, and permits.
- **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 to include in a cultural landscape feature application
- A full model ordinance package
- A model fee resolution package

DLCD also maintains a Frequently Asked Questions document on the Tribal Relations page.

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 and cultural groups

Not everything on this list needs a code change to satisfy the rule. Some process steps may be quick staff tasks, some can be updates to internal procedures, and some work better – and may hold up better on challenge – once written into your code. Chapter 4 walks through which is which.

Summary of Rule Requirements and Effective Dates

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

- Tribal notice for land use applications that include a comment opportunity involving ground disturbance
- Tribal notice for UGB amendments
- Tribal notice for certain applications outside UGBs
- Applying Goal 5 when the record of a UGB amendment includes information on the existence of a culturally important landscape feature in the expansion area
- Processing applications to recognize a cultural landscape feature as significant

Local governments may prepare or adopt optional procedures at any time. By the end of 2026, with the Legislative Commission on Indian Services, DLCD will provide the list of tribes with an ancestral connection to land within the jurisdiction of the local government that wish to be notified.

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 agency's 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 wishing to receive notice, based on their ancestral connection to particular areas. A local government satisfies the rule's notice requirements by sending notices to the tribes on their jurisdiction's list. DLCD will provide the list to planners in those communities before the end of 2026. If you have not received this list, please reach out to DLCD's Tribal Liaison Kirstin Greene at 971-701-1584 or via email at Kirstin.greene@dlcd.oregon.gov – or your Regional Representative.

Oregon State Historic Preservation Office (SHPO)

Oregon's State Historic Preservation Office 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 staff 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 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.

Local governments should apply the notice requirements described in the rule carefully. While a local government may provide more notice, DLCD encourages that local government to check with tribal representatives for your area to ascertain what level of notice is desired.

A sample tribal notification sheet, usable for notice under any of the categories described in this chapter, is included as **Supplement 2**.

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 archaeological sites. Cities and counties must notify tribes of applications seeking local authorization for development that will result in ground disturbance that will be reviewed through a public process. 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 ORS 197A.146.

Tribal notice is not required when public notice is not required by statute, including applications for ministerial permits and limited land use decisions processed ministerially under ORS 197.195(6).

Land Use Approvals that Precede Ground Disturbance

Some approvals, e.g. land divisions, site plan or development reviews, planned unit developments, do not themselves authorize grading, utilities, or other physical disturbance. That authorization typically comes later, through a separate, often ministerial permit, which is exempt from notice under OAR 660-023-0210(5)(c)(D). If notice were delayed until that later stage, it would likely never come at all.

Local governments should anticipate the ground disturbance that will result from these kinds of approvals and send notice to tribes. This does not extend to approvals that do not create new development capacity, such as a property line adjustment, which is typically processed ministerially.

Examples of Ground Disturbance

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

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 a known or suspected archaeological site.

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 197.797 or ORS 197A.146.

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 ORS 197A.146.

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. This should be done 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 site.

Information concerning the location of archaeological sites or objects is exempt from public records law under ORS 192.345(11). A local jurisdiction may record information on a specific site that is used to inform local permit conditions or recommendations for avoiding impacts to a site. However, all information exempt from the public disclosure law must be kept separate from information that is nonexempt. Exempt information can be shared with local decision makers and a property owner on a need-to-know basis.

Local governments must inform the applicant when a tribe responds and transmit to the applicant a tribe's recommendation for avoiding or mitigating impacts, consistent with OAR 660-023-0210(5)(g). This requirement is separate from the public records exemption in ORS 192.345(11), which allows a local government to withhold certain archaeological site information from a public records request, but does not limit what the local government must share with an applicant during review of the applicant's own project.

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 communicated to the applicant for avoiding or minimizing impacts.

Additional Requirement

If the record documents that the proposed development is within the established boundaries of an archaeological site recorded in OARRA, the city or county must condition the land use decision on the applicant applying for an Oregon Archaeological Permit under state archaeological law. Measures for avoiding impacts to a suspected site, or a site in OARRA without established boundaries, are advisory only unless the measures are required by other provisions in the local code.

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, including approvals that precede ground disturbance	ORS 215.402(4), ORS 227.160(2), ORS 197.195, ORS 197.797, ORS 197A.146
2	Identify tribes and tribal contacts listed by LCIS for the local government	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 192.338 and 192.345(11) and section OAR 660-023-0210(3)(d)
6	Inform applicant of tribal recommendations	Not considered public disclosure
7	If information is provided that development is proposed on a site in the OSRRA database with established boundaries, condition approval on the applicant applying for an archaeological permit	ORS 390.235; OAR 736-051 OARRA – Oregon Archaeological Record Remote Access database

Urban Growth Boundary (UGB) Amendments

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

Applicability

Local governments must send notice to tribes when they propose a UGB amendment 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.

Response and Treatment of Sensitive and Confidential Information

Directives for handling confidential and sensitive information are the same as those described above under *Response and Treatment of Sensitive and Confidential Information* for Land Use Applications involving Ground Disturbance. Tribal responses received within the comment period or 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).

Table 2: Required Tribal Notice for UGB Amendments

STEP	REQUIREMENT
1	Identify tribes and tribal contacts listed by LCIS for the local government
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

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.

Notices required under section (5) 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

In some cases, the importance of a landscape feature is entwined with the presence of archaeology. For more information on laws and best practices that apply to archaeological sites on private land see **Supplement 1**.

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 ORS 197A.146.

If one or more tribes indicates the proposal has 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. Consultation with tribes carried out as part of a federal action substitutes this requirement.

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 for avoiding impacts to important landscape features or required federal measures in the record unless the tribe requests confidentiality.

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 the tribe requests confidentiality

Cultural Landscape Feature Applications

OAR 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 and Additional Local Protection Strategies

OAR 660-023-0210(9)

Alternate Notice Procedures (MOU-Based)

As provided in subsection (9)(a) of the rule, a local government may adopt a government-to-government consultation program, enabled by a memorandum of understanding (MOU) with one or more tribes. Alternative notice procedures, adopted as a plan amendment, may replace the tribal notice requirements for ground disturbing applications (OAR 660-023-0210(5)) and land use applications outside a UGB (OAR 660-023-0210 (8)) for tribes party to the MOU. When working with a tribe to outline alternative notice procedures, a local government should consult guidance from the Legislative Commission on Indian Services on establishing tribal relationships.

A local government must resume notification under sections (5) and (8) of the rule upon notification by a tribe that they withdraw from a memorandum of understanding,

Optional Preconstruction Archaeological Survey Requirement

As provided in subsections (9)(c) and (d) of the rule, a local government may identify areas with a high likelihood of containing archaeological sites and require preconstruction surveys within such archaeologically sensitive areas. A local government may limit development to protect an archaeological site identified through a preconstruction survey. However, limits on development within archaeologically sensitive areas 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.

Local governments must notify tribes when initiating a local program identifying areas with a high likelihood of containing archaeological sites.

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 revised version of a template. 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.

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 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 and expected 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** and **Appendix D** provide 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	Check for sufficient information on feature’s location, quality, and quantity
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
8	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)(f). These applications must be processed as Goal 5 actions; a fee may be charged. Local governments may not decline to process an application.

Upon receiving an application, the local government must determine whether the application includes adequate information as to the feature's location, quality, and quantity, consistent with OAR 660-023-0030(2)-(3). This threshold determines whether there is enough information to proceed with the Goal 5 process; it is separate from and comes before, the substantive significance evaluation described below.

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. As described in **Chapter 1**, the Legislative Commission on Indian Services (LCIS) will maintain 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 a cultural landscape feature's significance based on criteria described in OAR 660-023-0040(4) and 660-023-210(4)(a). When assessing a site that is important to a tribe, a local government shall consider the Tribal Government an authoritative source of knowledge on the landscape feature and its cultural significance to that tribe. Local governments must incorporate tribal information submitted during the review 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 that exist or could occur, evaluate the consequences of allowing, limiting or prohibiting them. The analysis must also determine the impact area – the geographic area within which allowed uses could adversely affect the feature – which defines the boundaries of the ESEE analysis and the resulting protection measures.

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 plan amendment that recognizes a 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 for all affected development, uses, and permits.

Updating the Goal 5 Inventory

Once a local government has determined a cultural landscape feature to be locally significant and protection measures have been identified through the ESEE analysis, the local government must add the feature and its impact area to the Goal 5 inventory and adopt the protection measures concurrently. The inventory entry must describe the feature, identify its location, and reference the protection measures.

Integrating Protections Across Permit Types

After adoption, the protection measures apply to all development, uses, and permits affecting the significant cultural landscape feature or its impact area. Local governments must ensure this applies consistently across every affected chapter, and that staff and decision-makers apply it consistently regardless of permit type.

Table 6: Applying Protection Measures

REQUIREMENT	DESCRIPTION
APPLY ADOPTED CRITERIA	Use protection measures for all affected development, uses, and permits
MAINTAIN CONFIDENTIALITY	Summarize sensitive information without disclosing site locations
COORDINATE WITH TRIBES	Notify any tribe that is not an applicant 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 use best practices for protecting the confidentiality of sensitive information throughout the review process. Information on the location of archaeological sites, including tribal burial and ceremonial sites, is exempt from public record requests (ORS 192.345(11)). ORS 192.338 requires that material exempt from public record requests be separated from material which is not exempt. This allows local governments to have non-exempt records more readily available to the public. [See ORS 192.335 through 192.355] To inform local planning decisions, information on the approximate location of a site may be summarized in a way that obscures the specific location and nature of the site. Public disclosure does not include providing information to a property owner about the location of a site on their property. Local governments can share information with a property owner to support avoidance of a site and compliance with state archaeological laws.

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 it 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.

How the Model Ordinance Package is Organized

Appendix D. 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. Exhibit A can be adopted independently. Exhibit B depends on Exhibit A for tribal notice procedures so a jurisdiction adopting Exhibit B should also adopt Exhibit A or otherwise ensure equivalent tribal notice procedures exist in its code.

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 is designed to align local procedures with the requirements of OAR 660-023-0210(4), (5), (7), and (8) 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 described in **Chapter 2**. Staff should access the current version of the LCIS tribal contact list and use standardized notice templates to ensure consistency. Staff should also document when notice is sent, track responses, and protect confidential information. Coordination with SHPO is advised when concerns over impacts to an archaeological site arise.

Optional Model Code Enhancements for Exhibit A

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

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.

Finding 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 application of those measures to future development, uses, and permits through a mapped overlay zone. Staff should follow the steps in Ordinance Exhibit B, document notice and responses, and coordinate early with legal counsel and decision-makers to ensure the process aligns with applicable local procedures.

Timing of Ordinance Exhibit B Adoption

The rule sets a specific deadline for tribal notice on a cultural landscape feature application – within 7 days of receipt. It does not set a deadline for completing the significance evaluation, ESEE analysis, or adoption of protection measures.

This means a jurisdiction is not required to adopt Exhibit B (or similar code) before receiving its first cultural landscape feature application. A jurisdiction may adopt Exhibit A now to ensure tribal notice is in place, rely on the rule’s direct applicability to process a cultural landscape feature application if and when one arrives, and develop and adopt Exhibit B - including the overlay zone and protection measures for that specific feature - once an application is received. Whether and how quickly local procedural or statutory timelines apply to this process is a determination for the jurisdiction and legal counsel, based on the applicable procedure under local code.

Because cultural landscape feature applications are expected to be rare, many jurisdictions may reasonably defer adopting Exhibit B until they have an actual application to work from. Others may prefer to have the framework ready in advance, to avoid developing procedures for the first time alongside a specific, potentially high-visibility decision. Both approaches are reasonable - the choice depends on local capacity and how a local government prefers to sequence that work.

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 qualities that contribute to a site’s significance, identification of conflicting uses, and available GIS data

Completeness Review

For cultural landscape feature applications, staff may wish to use a minimal completeness standard. Additional information may be requested at any time before the close of the record. This flexibility clarifies for the applicant the initial information needed to evaluate significance and conflicting uses without delaying the start

of the process. This standard governs intake only. It does not substitute for the determination a city or county will make regarding adequacy of information needed to proceed to significance evaluation {OAR 660-023-0030(2)-(3)}.

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(4)(a) and 660-023-0030. 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 to protecting the resource site. 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.

Applying Protections Across All Affected Permit Types

Protection measures are applied through the mapped overlay zone established under **Section Z-** as an approval criterion for discretionary permits, and as a development standard for ministerial permits. Local governments should confirm the overlay is reflected in their zoning map, GIS layer, and pre-application materials, and should check whether other chapters – such as land divisions, conditional use permits, or property line adjustments – need their own explicit reference to the overlay’s standards, particularly where those chapters run on a separate procedural track.

Optional Model Code Enhancements for Exhibit B

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

Protection Measures Schedule

Protection measures are adopted feature by feature, so a local government expecting more than one cultural landscape feature over time may want a single consolidated reference rather than pointing staff to each feature’s adopting ordinance separately.

This option provides a consolidated way to track and reference protection measures across all mapped Cultural Landscape Feature Overlay Zones, making it easier for staff and applicants to locate applicable standards.

The [City/County] shall maintain an adopted Cultural Landscape Feature Protection Measures Schedule listing the site-specific standards applicable to each mapped overlay zone. The Schedule is incorporated by reference into Section Z.040 and shall be updated concurrently with each action under Section Y.040.

Explicit Cross-Reference in Additional Procedure Chapters

Protection measures apply through the mapped overlay zone regardless of which chapter governs a given permit. A local government may still want an explicit reference within a specific procedure chapter – such as land divisions – so staff and applicants encounter the requirement directly in the chapter they are working from.

The [procedure type] procedures in Chapter [] shall reference the Cultural Landscape Feature Overlay Zone protections in Section Z and require findings of compliance where applicable. This cross-reference supplements, and does not replace mapped protections established under Section Z.

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 to future development, uses, and permits.

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. Exhibit C itself establishes three foundational Goal 5 policies covering the jurisdiction’s basic commitment to cultural resource stewardship, tribal partnership, and implementation. The policies below are additional options a local government may adopt to reinforce or expand on that foundation- they are not a restatement of Exhibit C’s content.

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 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.

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 lists the fee for processing a 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.

Choosing a Fee Structure

The model package supports two approaches. A local government that expects few cultural landscape feature applications may prefer a single flat fee covering the whole process – Sections 1 and 2 of the fee calculation worksheet are sufficient to establish one. A local government that wants closer cost recovery, particularly where

consultant work is likely, may prefer a flat filing fee plus a refundable review deposit billed against actual staff and consultant time. Sections 3 through 6 of the worksheet support that approach. Both are legitimate; the deposit-based structure recovers more cost but requires more ongoing administration, including tracking staff time against the deposit and handling replenishment and refunds.

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 cultural landscape feature 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 cultural landscape feature 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.

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.

Review Deposit

This option allows the local government to recover actual staff and consultant costs through a refundable deposit rather than a flat fee alone. It requires tracking staff time against the deposit and administering replenishment and refund provisions, is provided in **Appendix E, Resolution Exhibit A**.

A review deposit of \${amount} shall be collected at application submittal and billed against actual staff and consultant time required to complete review. Unused balances shall be refunded.

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	GUIDANCE LOCATION
EXHIBIT A: TRIBAL NOTICE PROCEDURES	Development code amendments to establish when tribal notice is required, along with timelines, notice content, confidentiality protections, and how to handle tribal responses	OAR 660-023-0210(4), (5), (7), (8), (9)	Chapter 2; Chapter 4
EXHIBIT B: CULTURAL LANDSCAPE FEATURE PROCEDURES	Development code amendments to provide intake steps, significance evaluation, ESEE analysis, adoption of protection measures, and application of those measures to future development, uses, and permits	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. Not every option in this guidance carries the same weight. Some are genuinely supplementary- useful refinements a jurisdiction can take or leave. Others, while not required by rule, are practically necessary for the underlying protection to function – for example, showing a protection on the zoning map, not just in the comprehensive plan narrative, so staff and applicants actually encounter it during permit review. When evaluating an “optional” item, consider whether skipping it would undermine the protection it’s meant to support.

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. If the record shows a landscape feature or its impact area is present in the expansion area, apply Goal 5 (OAR 660-023-0210(7)(c))	Early coordination with tribes; supplemental outreach materials	Chapter 2
LAND USE 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 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	Local intake checklists; pre-application meetings; mapping	Chapter 3

TOPIC / PROCESS	REQUIREMENT	CORE STEPS	OPTIONAL	DETAILS
		protections and update inventory concurrently	conventions for impact areas	
PROTECTION MEASURES FOR SIGNIFICANT CULTURAL LANDSCAPE FEATURES	Adopt site-specific protections concurrently with addition to Goal 5 inventory; add site to an overlay zone	Identify conflicts; evaluate protection strategies; adopt enforceable measures; integrate into all affected development, uses, and permits	Additional local protections through MOU-based programs; preconstruction survey requirements	Chapter 3
APPLYING PROTECTIONS AFTER ADDITION TO GOAL 5 INVENTORY	Apply adopted protection measures to all affected development, uses, and permits	Use protection measures as an approval criterion for discretionary permits and a development standard for ministerial permits; 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, modify, 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 application fees for federally recognized tribes. Because cultural landscape feature applications are infrequent and can be submitted by tribes 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 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 and 660-023-0210(4)(a).
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 660-023-0040.

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 application fee, as listed in the local government's fee schedule.

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.
MAPPING OF CONFLICTING USES	A spatial depiction of zoning and allowed uses within the feature and its impact area to support a more precise identification of conflicting uses under OAR 660-023-0040(2).
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 not party to the application.
SUMMARY OF TRIBAL COORDINATION	A description of any coordination with tribes undertaken before submitting the application, and how that coordination informed the proposal. Applicants should not include culturally sensitive information provided by a tribe without that tribe's agreement.
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 cultural landscape feature 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.

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 protections apply to all development, uses, and permits affecting the feature or its impact area – not only those requiring discretionary 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 adding significant cultural landscape features to the Goal 5 inventory and adopting site specific protection measures
- Applies adopted protections to future development, uses, and permits through a mapped overlay zone

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 review, tribal notice, significance evaluation, and economic, social, environmental, and energy analysis to whatever existing resource protection, historic, or cultural policy content the comprehensive plan already contains – or, where no such content exists, establishes it as new policy language.
- 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
- Following significance evaluation and, where warranted, ESEE analysis, ensuring protection measures are adopted concurrently with addition of the feature 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; they do not designate any specific cultural landscape feature, adopt site-specific protections, or amend the urban growth boundary. Exhibit B establishes an ongoing process, consistent with OAR 660-023-0210(7)(c) and OAR 660-023-0250(3)(c), for applying Goal 5 if a future UGB amendment reveals a landscape feature within an expansion area; that process does not itself expand urban land supply or affect the [City/County]’s ability to meet its 20-year land needs. Therefore, the amendments are consistent with Statewide Planning Goal 14.

Finding: Consistent with Goal 14.

Note:

The findings above address the statewide planning goals most commonly implicated by adoption of this model ordinance package. Depending on local context – such as a feature’s proximity to a Willamette River Greenway boundary, recreational access affected by protection measures, or other site-specific circumstances – additional statewide planning goals may apply. Each jurisdiction should confirm whether any other goals are implicated by its specific amendment before relying on this findings template.

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, 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 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].

PASSED AND ADOPTED by the [GOVERNING BODY] of the [CITY/COUNTY] of _____ this _____, 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, most of these steps can be handled as internal staff procedure without a code amendment; codifying them gives staff a clear, consistent workflow for identifying when notice is required, who receives it, and how confidential information is managed. Because notice obligations are associated with several existing permit type procedures rather than forming a procedure of their own, this exhibit is designed to be codified in the jurisdiction's general procedures title and cross referenced from each affected procedure chapter (Section X.025), not embedded in a single permit type chapter.

What This Exhibit Does

- Identifies the types of applications that require 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 are mandatory (a site with established OARRA boundaries) versus advisory only (a suspected site, or a known site without established boundaries)
- Requires cross references in each application procedure that meets the statutory triggers in X.025, so tribal notice is not an isolated requirement (drafting note and sample cross-reference language provided)
- Clarifies Section X applies regardless of whether the underlying application is processed under the development code or a separate ordinance (e.g. a land division ordinance)

This exhibit provides a single, accessible location for OAR 660-023-0210 tribal notice requirements and supports consistent implementation of directly applicable rule provisions.

Section X. Tribal Notice Procedures

Section X.010 Definitions

For purposes of this Section:

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

Section X.020 Applicability

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

1. Cultural landscape feature applications under OAR 660-023-0210(4)(c)
2. Land use applications requiring public notice that involve ground disturbance under OAR 660-023-0210(5)(c)

3. Land use applications outside the UGB requiring public notice under OAR 660-023-0210(8)(a)
4. UGB amendments requiring notice under OAR 660-023-0210(7)(a)
5. This Section applies to an action described in subsections 1 through 4 regardless of whether that action is processed under this Ordinance, a separate land division ordinance, or another procedure chapter of the [City/County] code.

Section X.025 Relationship to Other Procedures

Drafting Note:

When adopting this Section, insert a cross-reference to it in the notice provisions governing each procedure under which a decision may be a permit as defined in ORS 215.402(4) or 227.160(2), a limited land use decision under ORS 197.195 or 197.797, or an action under ORS 197A.146. The applicable statutory category – not the procedure’s local Type I-IV classification – determines whether a cross-reference is needed. A single locally defined procedure, e.g. Type II, may include some decisions that meet this statutory test and others that do not; confirm case by case rather than assuming an entire Type category is covered or excluded. Sample cross-reference language follows.

The requirements of this Section apply to applications processed under other chapters of this Code. Cross-references to this Section appear in the notice provisions governing those procedures. A cross-reference supplements, and does not replace, the notice requirements otherwise applicable to that procedure.

Section X.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 X.040 Timing of Notice

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

1. Within 7 days of receiving a cultural landscape feature application (OAR 660-023-0210(4)(d)).
2. Within 5 days after completeness for ground disturbing applications (OAR 660-023-0210(5)(d)(A)).
3. [For counties] Within 5 days after completeness for applications outside the UGB (OAR 660-023-0210(8)(a)).
4. [For cities outside Metro] At least 35 days before the first evidentiary hearing for UGB amendments (OAR 660-023-0210(7)(a)).

Section X.050 Content of Notice

Notice shall include the information required by:

1. OAR 660-023-0210(5)(e) for ground disturbing applications; and
2. [For counties] OAR 660-023-0210(8)(a)(C) for applications outside the urban growth boundary.
3. For a cultural landscape feature application under X.020.A, the [City/County] shall base the content of notice on the application materials required under Section Y.030.

4. For a UGB amendment under X.020.D, the [City/County] shall describe the proposed amendment and request information on potential conflicts between future urbanization of the expansion area and a cultural area, consistent with OAR 660-023-0210(7)(a).

Section X.060 Handling of Tribal Feedback

1. Tribal comments shall be included in the record consistent with the [City/County]'s procedures governing the close of the evidentiary record for the application.
2. The [City/County] shall inform the applicant when a tribe responds to a notice provided under this Section and shall transmit to the applicant the tribe's recommendation for avoiding or mitigating impacts, consistent with OAR 660-023-0210(5)(g).
3. [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.
4. Tribal comments may be considered as part of the record; any conditions of approval or decisions must relate to applicable approval criteria.
5. Tribal comments do not create new approval criteria or modify existing criteria.
6. Confidential information shall be protected consistent with state and federal law and OAR 660-023-0210(3)(d).
7. Where the [City/County] receives tribal responses to a UGB amendment forwarded by Metro under OAR 660-023-0210(7)(b), the [City/County] shall evaluate those responses for purposes of Section Y.007.

Section X.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 X.080 Known Archaeological Sites

Where information is entered into the record documenting that the proposed development is within the established boundaries of an archaeological site in the Oregon Archaeological Records Remote Access (OARRA) database, approval shall be conditioned on the applicant applying for an Oregon Archaeological Permit under ORS 390.235 and OAR chapter 736, division 51, consistent with OAR 660-023-0210(5)(h). Measures addressing a suspected archaeological site, or a known site for which boundaries have not been established in OARRA, are advisory to the applicant only and shall not be imposed as a mandatory condition of approval, consistent with OAR 660-023-0210(5)(a).

Ordinance Exhibit B — Development Code Amendments: Cultural Landscape Features

What This Exhibit Is

Exhibit B is organized into two parts. Section Y is the cultural landscape feature inventory addition procedure – a comprehensive plan amendment track for receiving, evaluating, and acting on applications submitted by Oregon-based governments. Section Z is a standalone Cultural Landscape Feature Overlay Zone, to be codified with existing overlay zones, that apply adopted protections to future land use decisions through the zoning map rather than through the comprehensive plan narrative alone. While the cultural areas rule allows local governments to rely on Goal 5 procedures described in OAR chapter 660 division 23, this two-part structure keeps the one-time inventory amendment process, and the ongoing development-standards function in the parts of the code where each already belongs.

What This Exhibit Does

- Creates a cultural landscape feature application type
- Establishes intake and notice procedures, including a minimal completeness standard and Planning Director checklist authority
- Sets out the significance evaluation process, clarifying that the cultural area rule-specific standards apply alongside the standard Goal 5 significance test
- Recognizes each tribal government as an authoritative sources of knowledge on cultural areas important to that tribe.
- 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
- Applies protection measures to ministerial permits as a development standard, not only as an approval criterion for discretionary review, so a permit that doesn't require discretionary review is not automatically excused from protection measures
- Requires a concurrent zoning map amendment establishing a Cultural Landscape Feature Overlay Zone, so adopted protections are reflected on the zoning map and apply to all development, uses, and permits affecting the site - as an approval criterion for discretionary review and as a development standard for ministerial permits - rather than relying on a comprehensive plan narrative alone
- Provides a mechanism for submitting sensitive cultural information as a confidential supplemental exhibit, separate from the public record
- Requires notice to DLCD of the underlying comprehensive plan amendment, consistent with standard post-acknowledgment plan amendment (PAPA) procedures
- Requires an opportunity for a property owner to object to inclusion of the feature on the resource list where the significance finding is based in part on historic quality, consistent with ORS 197.772

This exhibit gives a complete, ready-to-use process for cultural landscape feature applications, from initial addition to the Goal 5 inventory through ongoing application to future development.

Section Y. Cultural Landscape Features

Y.005 Purpose

The purpose of Section Y is to provide a procedure for evaluating whether a landscape feature is a significant cultural landscape feature under OAR 660-023-0030 and 660-023-0210(4), and for adopting protection measures for a feature found to be significant.

Y.007 Application of Goal 5 Following a UGB Amendment

1. Where the [City/County] is responsible for comprehensive planning of a UGB expansion area and factual information is entered into the record of a UGB amendment demonstrating that a landscape feature or its impact area is present in that expansion area, the [City/County] shall apply Goal 5, consistent with OAR 660-23-0210(7)(c) and OAR 660-023-0250(3)(c).
2. The Goal 5 process required by subsection 1 shall follow the procedures in this Section except that where the [City/County] identifies the feature on its own initiative rather than in response to an application, the [City/County] shall instead follow the procedures and standards in OAR 660-023-0210(4)(a)-(b).

Y.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).
4. Tribe: As defined in OAR 660-023-0210(1)(h).

Y.020 Applicability

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

Y.030 Application Intake

1. The [City/County] shall accept and process a cultural landscape feature application submitted under OAR 660-023-0210(4)(c). The [City/County] shall not decline to process such an application, notwithstanding the discretionary treatment otherwise applicable to legislative amendments.
2. Applications shall be processed as comprehensive plan amendments. Consistent with OAR 660-023-0210(4)(c), the [City/County] shall not require property owner consent to process such an application.
3. The [City/County] shall provide tribal notice consistent with Section X. 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. In addition to tribal notice under Section X, the [City/County] shall provide notice of the proposed comprehensive plan amendment to the Department of Land Conservation and Development not less than 35 days before the first evidentiary hearing, consistent with ORS 197.610 and OAR chapter 660, division 18.

4. The [City/County] shall provide notice to owners of property within the landscape feature and its impact area.
5. An application under this Section is complete when it includes, at a minimum, a map of the feature and proposed impact area and a written description of the feature and its cultural importance. The Planning Director may request additional information at any time prior to the close of the record, including documentation supporting significance (historical, ethnographic, or tribal information); a tribal coordination summary; materials necessary for a conflicting use analysis; GIS-ready spatial data; and authorship and source documentation.
6. If the [City/County] determines the landscape feature is not significant, or the application is withdrawn, no further action is required under this Section, and no protection measures are adopted.

Y.040 Goal 5 Review Procedures

1. The [City/County] shall evaluate whether a landscape feature meets the definition of a potentially significant cultural landscape feature under OAR 660-023-0210(1)(d). Both the review criteria in OAR 660-023-0030 and the cultural areas rule criteria in OAR 660-023-0210(4)(a) apply. Where they conflict, the cultural areas rule supersedes OAR 660-023-0030. A Tribal Government is an authoritative source of knowledge on the cultural significance of the feature. If the application does not include adequate information as to location, quality, and quantity under OAR 660-023-0030(2)-(3), the [City/County] shall not proceed with the significance determination until adequate information is provided and shall not adopt interim protections for the feature in the meantime.
2. If the feature is determined to be significant, the [City/County] shall conduct an economic, social, environmental, and energy analysis (ESEE) consistent with OAR 660-023-0210(6) and OAR 660-023-0040. The ESEE shall consider the protection strategies listed in OAR 660-023-0210(6)(b), including:
 - a. Clustering and open space preservation
 - b. Time window access restrictions
 - c. Height limits
 - d. Non-reflective surfaces
3. The [City/County] shall adopt site specific protection measures for the feature concurrently with the amendment under subsection 1, consistent with OAR 660-023-0210(6)(a) and OAR 660-023-0050. The comprehensive plan amendment shall document the feature's location, consistent with OAR 660-023-0030(2)-(3), and the protection measures shall be shown as a Cultural Landscape Overlay on the Zoning Map. Where the significance finding under subsection 1 is based in part on the feature's significant historic quality, and the [City/County] proposes to adopt local protections for the feature, the [City/County] shall provide the property owners an opportunity to object to protection measures that would affect their property, consistent with ORS 197.772.

Y.045 Confidentiality

1. Information about the location of an archaeological site or object is exempt from public disclosure under ORS 192.345(11). Other information submitted in support of a cultural landscape feature application may be culturally sensitive without being subject to that exemption.
2. An applicant may submit precise locational, ethnographic, or other sensitive information as a supplemental exhibit separately from the public application materials. The [City/County] shall maintain the confidential exhibit and shall not include it in materials posted publicly or released in response to a public records request, except as required by court order or as authorized in writing by the submitting Oregon-based government.
3. Staff reports, findings, and maps prepared for public distribution shall generalize or approximate the location of sensitive features to the minimum extent consistent with applicable public records law, while providing decision makers and the public sufficient information to understand the nature and general location of the proposal.
4. This Section does not limit the [City/County]'s authority to enter into a memorandum of understanding with one or more tribes under OAR 660-023-0210(9) establishing alternative confidentiality protections for information provided under that subsection.

Y.050 Application of Protections

Protection measures adopted under Section Y.040 shall be applied to future land use decisions through the Cultural Landscape Feature Overlay Zone established in Section Z.

Section Z. Cultural Landscape Feature Overlay Zone

Drafting Note:

The following sections are new zoning code content and should be codified with the [City/County]'s other overlay zone chapters (e.g. alongside Historic Resource Overlay), not with the Goal 5 designation procedures in Section Y.

Z.010 Purpose

The purpose of the Cultural Landscape Feature Overlay Zone is to implement the protection measures adopted under Section Y.040 by applying site-specific standards to land use decisions affecting a mapped cultural landscape feature and its impact area.

Z.020 Establishment of Overlay Zone and Map

1. A Cultural Landscape Feature Overlay Zone is established, applicable to land within the boundaries of a cultural landscape feature and its impact area added to the Goal 5 inventory under Section Y.

2. The boundaries of each Cultural Landscape Feature Overlay Zone shall be shown on the Official Zoning Map. The [City/County] shall adopt the zoning map amendment establishing or amending the overlay boundary as part of the same ordinance and hearing record as the comprehensive plan amendment under Section Y.040. The overlay zone's approval criteria do not apply until both amendments have taken effect.
3. Adoption or amendment of the overlay boundary does not require the consent of the owner of the property within the boundary, consistent with OAR 660-023-0210(4)(c).

Z.030 Applicability

This Section applies to all development, uses, and permits affecting land within a Cultural Landscape Feature Overlay Zone, including but not limited to land divisions (subdivisions and partitions), property line adjustments, conditional use permits, planned unit developments, site design review, and variances.

Z.040 Approval Criteria

1. Development within a Cultural Landscape Feature Overlay Zone shall comply with the site- specific protection measures adopted for the applicable cultural landscape feature under Section Y.040. For a permit type with discretionary criteria, compliance with the protection measures is an additional approval criterion. For a ministerial permit, compliance with the protection measures is a development standard, checked the same as any other applicable dimensional or design standard.
2. Where a protection measure adopted under Section Y.040 conflicts with a standard of the underlying zone, the more restrictive standard applies, consistent with OAR 660-023-0050.
3. Protection measures adopted under Section Y.040 shall contain clear and objective standards, consistent with AOR 660-023-0050(2). The [City/County] may offer an alternative discretionary review pathway consistent with OAR 660-023-0050(3).

Z.050 Relationship to Underlying Zone and Review Procedure

1. The Cultural Landscape Feature Overlay Zone does not change the underlying zoning district or the review procedure otherwise required for a given application.
2. An application affecting land within the overlay zone is processed under the procedure otherwise applicable to that application type, with the additional approval criteria in Section Z.040 applied at that stage of review.

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, regardless of whether the comprehensive plan is amended
- 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

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, protect archaeological site information consistent with ORS 192.345(11), handle other culturally sensitive information with care, 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 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 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 the addition of the feature to the Goal 5 inventory; and
- apply adopted protections to future development, uses, and permits, and incorporate the feature into 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, conflicting use analysis coordination, hearings, and findings).

- Provide clarity and predictability for applicants about the expected cost of processing.
- Align cultural landscape feature 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, 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 [City/County Official] 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 chapter 660, division 23 rules in December 2025, establishing a process for the recognition 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. A local government adopting a flat fee only may include item A and omit items B through E.

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
- Sensitive 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

How to use this worksheet. Sections 1 and 2 are sufficient to establish a flat filing fee. A local government that expects few cultural landscape features may stop there. Sections 3 through 6 support a deposit-based structure with closer cost recover, for jurisdictions that want it.

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 — GOAL 5 PROCESS WORKLOAD (REVIEW DEPOSIT)

Step 1 — Inventory & Significance Determination (OAR 660-023-0210(4)(a))

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 / PAPA				\$ -
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. *Sensitive records handling: actual cost*