



Goal 5 Cultural Areas Rule Implementation – FAQs

The Land Conservation and Development Commission (LCDC) amended implementing rules for Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces at the December 2025 LCDC meeting. The amendment created a new rule within Goal 5 to define cultural areas. Oregon Administrative Rule 660-023-0210 now provides definitions and describes requirements and options for local governments' consideration of cultural areas. These rules will go into effect January 1, 2027.

Local Implementation

Will I need to update my code or comprehensive plan to comply with the new rule?

No. The rule does not require local governments to update comprehensive plans or to conduct a jurisdiction-wide inventory to comply with the new rule. A comprehensive plan amendment is required only if a city or county adds a significant cultural landscape feature to a list of Goal 5 significant resource sites or adopt protections that change allowed uses.

However, the rule does impose procedural requirements that local governments must implement (for example, sending required tribal notices within the rule's timelines, and offering meetings in the limited circumstances set out in section 8). Local governments may need to amend procedural codes to ensure that required notices are sent and to provide for the receipt and processing of an application to recognize a cultural landscape feature as a significant Goal 5 resource site. Local governments may also choose to amend their comprehensive plan or development code to reflect the parts of the rule that apply directly.

Notice Requirements

How will local planning staff know which tribes must receive notice and to whom they must send notice?

The Legislative Commission on Indian Services (LCIS) will develop a list for each city and county. These lists will include federally recognized tribes in Oregon that have stated an interest in the area covered by the city or county, and one or more contact persons for these tribes. LCIS will update these lists periodically.

For which types of land use actions must notice be sent to tribes?

Notice must be sent for applications involving ground disturbance that will be reviewed through a public process. This includes: a permit as defined in ORS 215.402(4) or ORS 227.160(2); a limited land use decision for which public notice is required under ORS 197.195 or ORS 197.797; or a land use action subject to the procedures established in ORS 197A.146.

Do I need to mail or email the notices to the tribes?

Email is sufficient. However, if you have follow-up questions, you are free to reach out to each specific tribe once you obtain contact information from LCIS or DLCD.



Do the notice requirements apply to public works projects?

Yes, if land use approval is required for the public works project.

Is a meeting with tribes required before processing a land use application?

Only in the specific situation described in Section (8) of the rule, which requires notice to be sent informing tribes of development permit applications on land outside of an urban growth boundary. The rule requires a county to offer to arrange a meeting with the applicant and one or more tribes, within the required review timeline, when they receive a response to a notice required under section (8). A meeting is required only if the applicant and a tribe accept the offer. Section (8) speaks to communication regarding possible impacts to a potentially significant landscape feature.

In other situations, meetings are not required but may be offered as a best practice for tribal engagement.

How long do tribes have to respond to a notification?

The rule does not set deadlines for tribes. The rule requires local governments to take specific actions if a response is received before the first evidentiary hearing or within the public comment period for reviews without a hearing. Communication and coordination with tribes is encouraged even if responses are received after the review window.

An application might be complete upon submission, but found to be complete only after internal review, which can take up to 30 days. Does the rule account for this delay?

Yes. Notice to tribes must be sent within 5 days of when the application is determined to be complete (deemed complete) by the local government.

Is there a threshold for the amount of ground disturbance that triggers the notice requirement in section (5)(c) of the rule?

No. In recognition of the fact that small amounts of disturbance could impact an archaeological site, the rule does not set a threshold. Also, applications might not contain information about the footprint or volume of ground disturbance. Local governments should adopt an internal protocol to determine when to send notice to tribes based on the application type and available information.

Potential Influence on Development

Could a tribe's concern over potential impacts from a land use decision disrupt the decision-making process? What if all areas are significant to a tribe?

No. The rule does not change local approval criteria or the decision-making process. Tribal comments inform the record and may lead to recommended avoidance or mitigation measures, but they do not automatically alter local review standards.

If a city or county were to recognize a cultural landscape feature as significant through a comprehensive plan amendment and apply local protections, new review criteria could be added and would be integrated into the local review process.



Do recommended measures to avoid impacts to an archaeological site (section 5) or an important cultural landscape feature (section 8) need to be clear and objective?

No. Recommended avoidance or mitigation measures provided in response to a notice are advisory and do not have to meet clear and objective standards. They are communicated to the applicant for consideration.

Could protections for a SCLF conflict with clear and objective housing standards?

No. When a local government identifies a significant cultural landscape feature and protects the resource by limiting or prohibiting uses, the criteria in their code must include a clear and objective review pathway. This is true for all Goal 5 significant resource sites to which the standard Goal 5 process, including OAR 660-023-0050, is applied

Culturally Significant Landscape Features

Who prepares an ESEE analysis when one is required?

When an Oregon-based government applies to have a cultural landscape feature recognized as a locally significant Goal 5 resource site, the ESEE may be prepared by applicant or by the local government, depending on local practice and agreement. If a local government initiates an inventory and related Goal 5 program development, the local government is responsible for the ESEE.

Could a city or county be required to inventory the whole jurisdiction?

No. A jurisdiction may choose to conduct a jurisdiction-wide inventory, but the rule does not require it.

Is owner consent required to process an application to have a landscape feature recognized significant?

No. Cities and counties must accept and process applications from Oregon-based governments. The local government must notify property owners whose land contains all or a portion of the subject landscape feature or impact area, but owner consent is not a prerequisite to processing the application.

Does the Measure 56 notice requirement apply if protections reduce allowed uses?

Yes. If protections adopted for a SCLF limit or reduce the uses allowed in the underlying zone, Measure 56 may apply. Local governments should consult legal counsel when protections change allowed uses.

Do protections adopted for a SCLF apply to development on or adjacent to the SCLF?

Yes. Protections adopted when a site is recognized as a SCLF apply to development within the SCLF and its impact area. Those protections may be implemented through a map-linked review criterion, an overlay zone, or other development code provisions.

Should we adopt a development code review criterion to apply SCLF protections during permit review?

Yes. Adopting a clear, map-linked development code provision review criterion is a best practice. It gives staff and decision-makers a straightforward legal basis to apply protections to the SCLF. Code amendments implementing the protection decision must include findings that document how tribal



input and the ESEE analysis were considered and should address confidentiality. There are two common, effective approaches:

- A review criterion that requires compliance with the protection measures adopted when a site is recognized as a SCLF. This is flexible and ties protections directly to the plan amendment record.
- An overlay zone that codifies protections for parcels inside the SCLF and its impact area. This is more prescriptive and makes protections visible on zoning maps and parcel records.

The code provision should (1) reference the SCLF map/impact area, (2) require compliance with adopted protection measures, (3) address how sensitive information will be handled, and (4) state which activities require review under the criterion.

When do SCLF protections take effect and how are they enforced?

Protections must be adopted when a SCLF is recognized through a comprehensive plan amendment and become part of the acknowledged plan/program. Once adopted, those protections are implemented through the development code and enforced through enforcement remedies available to local governments.

Optional and Alternative Local Cultural Area Programs

How can a formal agreement between a local jurisdiction and a tribal government change the local permit process?

A written agreement (often an MOU) under Section (9) can replace the notice procedures in sections (5) and (8). Such an agreement could say that notice need only be sent regarding proposed development in specified areas within the local jurisdiction or say that communication will occur through a different strategy than notices for each individual permit application.

The local jurisdiction has the option of seeking additional information from an applicant when needed to execute an agreement with a tribe. This may influence the application completeness review.

Can a local government make an agreement with a tribe that shortens or changes the completeness review?

Yes. A jurisdiction may require additional applicant information to allow staff to implement an agreement (for example, mapping or disturbance details). That additional information can be folded into the local completeness checklist so staff can determine whether an application is complete and to initiate the agreed communication process.

Does the rule speak to city or county engagement with tribes that are not federally recognized in Oregon?

No. The requirements in the rule for communication and coordination between local governments and tribes pertain only to federally recognized tribes in Oregon.



Handling confidential and sensitive information

How should staff summarize tribal input while preserving the confidentiality of sensitive information?

While state law exempts archaeological site information from disclosure, it does not prohibit a local government from sharing information in a manner that protects the confidentiality of site locations.

Section (3)(d)(B) of the rule provides some options for sharing information in a way that minimizes the risk of disclosing the location of sensitive areas. In addition, a tribe may provide direction for how information is shared in the context of a local action.

Other

If a property owner has an archaeological site on their property, does that mean they can't develop the property?

No. Property owners may still pursue development, but any activity that excavates, injures, destroys, alters, or removes an archaeological site or object must be authorized by archaeological permit issued by SHPO under ORS 358.920 and ORS 390.235. [Click here](#) for a helpful guide about archaeological sites on private land.

Section (5) of the rule mentions state statutes and permit requirements that pertain to archaeological sites. Where can I find more information on archaeological laws that apply to private property or city/county owned land?

Oregon State Parks' Heritage team administers Oregon's Archaeological permit program and provides information on permits and related state laws. These web pages provide additional information:

[*Oregon State Historic Preservation Office Project Review Process*](#)

[*Oregon Archaeology Bulletin #1- Private lands*](#)

[*Oregon Archaeology Bulletin #3 – Non-federal public lands in Oregon*](#)

Who sends notices for Metro UGB expansions?

Metro is responsible for sending the tribal notice for UGB expansion processes; Metro will forward tribal responses to the affected local governments. Local staff should coordinate with Metro when UGB work is underway.

How does the rule help to protect archaeology that is not associated with Oregon tribes?

The rule requires that applicants receive information about state laws and permit requirements that apply to archaeological sites, including inadvertent discovery of archaeological sites. That information applies to all archaeological resources of all origins and must be provided to all people filing a development permit application.

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