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August 1, 2025

Kristin Greene, AICP, Deputy Director  
Oregon Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

Re: Request for Additional Time and Clarification on Proposed Goal 5 Cultural Areas Rulemaking

Deputy Director Greene,

Thank you for the opportunity to serve as a member of the Rulemaking Advisory Committee (RAC) and to provide feedback on the proposed Goal 5 Cultural Areas rule revisions. Coos County supports the protection and recognition of cultural resources and values the input of Oregon's federally recognized tribes in this process. However, we believe the current timeline for finalizing these rules is too compressed given the scope, complexity, and potential consequences of the proposed language.

The proposed rule changes represent a substantial expansion of the current Goal 5 framework. Specifically, they introduce new responsibilities for local governments regarding the inventory, notification, consultation, and potential restriction of development tied to landscape features of cultural significance. These new requirements conflict with existing local land use procedures, extend review timelines, and may have unknown and unintended impacts on permitting processes.

As currently written, the rule also overlaps with areas already regulated by the State Historic Preservation Office (SHPO), yet it is unclear how local processes will coordinate with SHPO's statutory duties and how the already limited staffing capacity at SHPO will absorb additional coordination responsibilities. This raises concerns regarding regulatory consistency, administrative burden, and potential liability if local jurisdictions are unable to meet state expectations.

Further, the application process outlined in the draft rule does not clearly define how local governments are to process amendments or make findings when indigenous knowledge or cultural claims are introduced late in the permitting process. This introduces unpredictability into local decision-making and complicates the legal framework under which we are expected to operate. Without clear statutory authority or funding mechanisms, local governments are being asked to assume significant new procedural obligations with potentially broad impacts on property rights, development timelines, and community expectations.

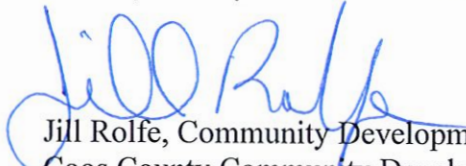
For these reasons, Coos County respectfully requests the following:

1. **An extended rulemaking timeline** that allows for more thorough evaluation of the potential administrative, legal, and fiscal impacts at the local level.
2. **Additional clarification and guidance** on how this rule will interface with existing SHPO regulations and Oregon land use law, particularly regarding:

- The roles of tribes, property owners, and other culturally affiliated groups in initiating or opposing amendments.
  - The expectations of local governments in reviewing and responding to such applications.
  - The implications of cultural landscape designations on buildable lands inventories and urban growth boundary expansions.
3. **More robust coordination with local governments and stakeholders** prior to rule adoption. Given the scope of changes, this rule should not be considered a technical refinement but rather a significant policy shift that warrants deeper consultation.

We appreciate DLCD's willingness to extend the public comment period through October 31 and look forward to continued dialogue in the October RAC meeting. However, final adoption should not proceed until the impacts are fully understood, mitigation strategies are in place, and meaningful input has been incorporated from all affected jurisdictions.

Thank you for your consideration.



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