



Cultural Areas Rule - Local Government Quick Guide

(OAR 660-023-0210 Draft Rule- Statewide Planning Goal 5)

What it is

- A new and amended rule proposed by the Department of Land Conservation and Development (DLCD) to add cultural areas to the Goal 5 rules.
- Covers archaeological sites and culturally significant landscape features; strengthens heritage protection, Tribal coordination, and integration into land use processes.
- Proposed effective date January 1, 2027.

Why it matters

- **Preserves cultural resources:** Once a site or landscape is disturbed, its cultural and historical value—and the story they tell— can be lost forever.
- **Provides clear procedures:** Guides local government notice, record-keeping, and project recommendations.
- **Centers Tribal voices:** Ensures Tribes are active partners in shaping how their heritage is identified, protected, and respected.

Local Government Responsibilities: Permits

- Include an archaeology advisory and information about state permit requirements on all local application forms for ground-disturbing work. DLCD will provide templates for your use.
- Notify Tribes of certain land use applications within seven days of receipt of application and at time of public notice. See also Tribal Notification Process: In Detail on next page.
- Incorporate Tribal responses into the application record unless protected by law.
- Recommend mitigation based on feedback; require Oregon Archaeological Permit if inside recorded archaeological site boundaries.

Local Government Responsibilities: Comprehensive Plans & UGB Amendments

- Accept & process applications from a Tribe or other Oregon government to list significant cultural landscape features in a local comprehensive plan; if the local government decides to include the feature in the inventory, then complete Goal 5 process & adopt Economic, Social, Environmental and Energy (ESEE)-based protections.
- Notify Tribes in advance of a proposed UGB amendment; complete Goal 5 process & adopt ESEE-based protections if potentially significant cultural landscape features exist.

Existing and Optional Local Programs

- Voluntary adoption of a local program to replace certain required notice, supported by a memorandum of understanding with one or more tribes.
- Voluntary adoption of a local program that requires precautionary measures when development is proposed in an area with a high likelihood of archeological sites.
- The rule does not override local protections for cultural areas in an acknowledged plan.



Tribal Notification Process: In Detail

At its core, the notice requirement is about **early, respectful communication** with Tribes so they have a real chance to share knowledge, raise concerns, and help protect culturally significant places **before** decisions are made.

Types of Land Use Actions Requiring Notice to Tribes

- **Ground-Disturbing Applications:** Notify Tribes within seven days of receipt of certain permit or limited land use applications involving ground disturbance.
- **Rural Land Use Decisions:** Notify Tribes of a quasi-judicial application on rural land.
- **Inventory Applications:** Notify Tribes within seven days of receipt of an application from an Oregon-based government to determine a cultural landscape feature's significance.
- **UGB Amendments:** Cities must notify Tribes at least 35 days before the first evidentiary hearing; Metro must notify Tribes at least 45 days before the first evidentiary hearing.
- **Initiating a Local Program:** Notify Tribes when initiating process to adopt an optional local program.

Who Gets the Notice

- Federally recognized Tribes in Oregon who wish to receive notices. The list of Tribes for each local jurisdiction will be provided by Legislative Commission on Indian Services (LCIS).

What's in the Notice

- Enough detail for the Tribe to understand the location and potential impacts:
 - Application type and description
 - Maps, legal descriptions, or other spatial info
 - Relevant dates or deadlines

Tribal Feedback

- Responds to a notice becomes part of the official record; sensitive and confidential information on archaeological sites is shared as needed with decision makers and property owners.
- Local governments can request modifications of an application to:
 - Protect sites (e.g., adjust site design, change construction methods)
 - Require cultural monitors during ground disturbance
 - Add setbacks, buffers, or conservation easements
- If a Tribe indicates that a land use action on rural lands could potentially impact a culturally important landscape feature, the local government shall offer to arrange a meeting with the Tribe(s) and the applicant to discuss voluntary modifications or mitigation.

Support for Implementation

- DLCD will work with the Oregon State Historic Preservation Office and LCIS to create guidance intended to help local governments prepare for when the rule becomes effective next year.

Additional Information

- Goal 5 Cultural areas [rulemaking page](#) or [Secretary of State notice online here](#).

For more information, please contact Amanda Punton, Natural Resources Specialist at 971-718-3245 or via email at Amanda.punton@dlcd.oregon.gov.