State Statutes that Involve Mapping Features **1/12/01**

The responsibility and methods for developing maps have been established by state statutes. This document is a "work in progress" that identifies statutes that reference, identify responsibility, or detail construction methods for geographic features commonly used in Oregon. This is not all encompassing document and the document will be expanded as time permits. The document is organized by first listing the feature, then the statutes associated with them. Please contact Dean Anderson (Polk County) for making corrections, updates and additions.

ELECTION DISTRICTS

198.815 Election on formation; notice; ballot title when dissolution ordered; election of first board.

(3) The order calling the election shall require the county official in charge of elections to include with the ballot for the election a map or other description of the boundaries of the proposed district using streets and other generally recognized features and a statement of the permanent rate, if any, proposed for the district in the petition for formation under ORS 198.750 (1)(g). Such statement shall comply with the requirements of ORS 250.035. The map or other description and statement required by this subsection shall be supplied by the county board.

GEOLOGY

All maps produced by a geologist must be stamped. They are licensed by a licensing board of geologists.

FOREST LANDS

526.328 Hearing; final classification; reclassification.

(2) All action by the committee in classifying or reclassifying forestland shall be by formal written order which must include a statement of findings of fact on the basis of which the order is made, and must include a map showing the classifications or reclassifications made. The original of the order shall be filed immediately with the county clerk of the county, who shall maintain it available for public inspection. A copy of the order certified by the secretary of the committee shall be sent to the State Board of Forestry. [1965 c.253 s.38]

526.455 Definitions for ORS 526.450 to 526.475.

NONINDUSTRIAL PRIVATE LANDOWNER ASSISTANCE

(5) "Forest management plan" means an operation plan to reach landowner objectives and assures public benefits as they relate to producing timber and other values. It shall include a cover map, basic forest stand description data, treatment opportunities, landowner objectives and a schedule for implementing the forest management plan.

526.770 Notice of forest products harvest; contents; forest products purchasers

(2) The notification shall specify where and when the harvest or removal of forest products will take place, the nature of the harvest or removal of forest products and where and to whom the forest products will be sold or delivered and shall include maps or other information as required by the State Forester.

SURVEY

672.005 Additional definitions.

As used in ORS 672.002 to 672.325, unless the context requires otherwise:
(1)(a) "Practice of engineering" or "practice of professional engineering" means:
(A) Any professional service or creative work requiring engineering education, training and experience; and
(B) The application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, investigation, testimony, evaluation, planning, design and services during construction, manufacture or fabrication for the purpose of ensuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects.
(b) "Practice of engineering" or "practice of professional engineering" may include:
(A) Surveying to determine area or topography;
(B) Surveying to establish lines, grades or elevations, or to determine or estimate quantities of materials required, removed or in place; or
(C) Surveying required for design and construction layout of engineering and architectural infrastructure.
(2) "Practice of land surveying" means that branch of the practice of engineering in which:
(a) Surveys are made to determine area or topography, to establish or reestablish land boundaries, corners or monuments or to subdivide or plat land;
(b) Surveys are made to establish lines, grades or elevations, or to determine or estimate quantities of materials required, removed or in place;
(c) Surveys are made for horizontal or vertical mapping control or geodetic control; or
(d) Consultation, investigation, evaluation or planning relating to land surveying matters is required. [1971 c.751 s.2; 1973 c.531 s.1; 1977 c.620 s.1; 1981 c.143 s.2; 1991 c.339 s.5; 1997 c.210 s.2]

672.045 Prohibited activities relating to practices of engineering and land surveying.

A person shall not:
(1) Engage in the practice of engineering or land surveying without having a valid certificate or permit to so practice issued in accordance with ORS 672.002 to 672.325.

672.060 Exceptions to application of ORS 672.002 to 672.325.

ORS 672.002 to 672.325 do not apply to:
(1) Any registered architect practicing architecture.
(2) Any registered sanitarian or registered sanitarian trainee working under the supervision of a registered sanitarian practicing environmental sanitation, or any registered waste water sanitarian or registered waste water sanitarian trainee working under the supervision of a registered waste water sanitarian practicing waste water sanitation.
(3) Any person working as an employee or a subordinate of a registered professional engineer if:
(a) The work of the person does not include final engineering designs or decisions;
(b) The work of the person is done under the supervision and control of and is verified by a registered professional engineer; and
(c) The person does not purport to be an engineer or registered professional engineer by any verbal claim, sign, advertisement, letterhead, card or title.

(4) Any person practicing land surveying under the supervision of a registered professional land surveyor or registered professional engineer. The exemption in this subsection does not allow an engineer to supervise any land surveying activity the engineer could not personally perform under ORS 672.025.
(5) An individual, firm, partnership or corporation practicing engineering or land surveying:
(a) On property owned or leased by the individual, firm, partnership or corporation, or on property in which the individual, firm, partnership or corporation has an interest, estate or possessory right; and
(b) Which affects exclusively the property or interests of the individual, firm, partnership or corporation, unless the safety or health of the public, including employees and visitors, is involved.
(6) The performance of engineering work by any person, firm or corporation, or by full-time employees of any of them, provided:
(a) The work is in connection with or incidental to the operations of such persons, firms or corporations; and
(b) The engineering work is not offered directly to the public.
(7) A person executing engineering work designed by a professional engineer or supervising the construction of such work as a foreman or superintendent.
(8) A landowner performing land surveying within the boundaries of the landowner's land or the landowner's regular employee performing land surveying services as part of the employee's official duties within the boundaries of the land of the employer.
(9) An individual, firm, partnership or corporation offering to practice engineering or land surveying if:
(a) The individual, firm, partnership or corporation holds a certificate of registration to engage in the practice of professional engineering or land surveying issued by the proper authority of any other state, a territory or possession of the United States, or a foreign country; and
(b) The offer includes a written statement that the offeror is not registered to practice engineering or land surveying in the State of Oregon, but will comply with ORS 672.002 to 672.325 by having a person holding a valid certificate of registration in this state in responsible charge of the work prior to performing any engineering or land surveying work within this state.
(10) A person making plans or specifications for, or supervising the erection, enlargement or alteration of, a building, or any appurtenance thereto, if the building is to be used for a single family residential dwelling or farm building or is a structure used in connection with or auxiliary to a single family residential dwelling or farm building, including but not limited to a three-car garage, barn, shed or shelter used for the housing of domestic animals or livestock. Nothing in ORS 672.002 to 672.325 shall prevent any person from making plans or specifications for, or supervising the erection, enlargement or alteration of, any building, or any appurtenance thereto, where the building has a ground area of 4,000 square feet or less and is not more than 20 feet in height from the top surface of lowest flooring to the highest interior overhead finish of the structure. [Amended by 1971 c.751 s.4; 1981 c.143 s.4; 1981 c.159 s.2; 1983 c.614 s.2; 1995 c.572 s.22; 1997 c.210 s.5; 1999 c.830 s.1] 820-010-0010

Definitions
The following definitions and guides have been adopted by the Board to assist registrants and the general public in their interpretation of specific portions of ORS 672.002 to 672.325.
(6) "Practice of land surveying" refers to ORS 672.005(3) and 672.007. It is interpreted by the Board as the application of all technologies for quantitative measurement of the earth surface, sub-surface, and sub-oceanic features for the purpose of, but not limited to, location and relocation of boundaries, construction of maps, and the determination of positions, elevations, areas, and volumes. The practice requires fundamental knowledge of mathematics and science as applied to instrumentation, observations, and measurements and the rigid adjustments of data to useful and practical mapping and survey systems. The practice also requires authoritative knowledge of common law in boundary locations particularly with regard to unwritten title transfer and admissible evidence, as well as the current statutory laws in the State of Oregon with respect to land subdivision and the legal responsibilities of a land surveyor.
Boundary, Land - A line of demarcation between adjoining parcels of land. The parcels of land may be of the same or of different ownership, but distinguished at some time in the history of their descent by separate legal descriptions. A land boundary may be marked on the ground by material monuments placed primarily for the purpose; by fences, hedges, ditches, roads, and other service structures along the line - or defined by astronomically described points and lines; by coordinates on a survey system whose position on the ground is witnessed by material monuments which are established without reference to

the boundary line; by reference to adjoining present or previous owners; and by various other methods. (ACSM definition)
92.010 Definitions for ORS 92.010 to 92.190. As used in ORS 92.010 to 92.190, unless the context requires otherwise:
(10) "Property line" means the division line between two units of land.
(11) "Property line adjustment" means the relocation of a common property line between two abutting properties.

SOILS

DLCD Rural Database

215.209 Department of Land Conservation and Development database; rural land maps; contents.

The Department of Land Conservation and Development shall develop, in conjunction with local governments and other state agencies, a computerized database that is capable of producing county-wide maps that show the diversity of Oregon's rural lands. The database shall include, at a minimum, information on soil classifications, forest capabilities, irrigated lands, croplands, actual farm use, and plan and zone designations. To create the database, the department shall use the most current soils information from the United States Natural Resources Conservation Service, or its successor agency, and may use any other related information that is readily available. [1999 c.1014 s.3]
Note: 215.209 was added to and made a part of ORS chapter 215 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

Soils for landuse planning

197.455 Siting of destination resorts; sites from which destination resort excluded.

(1) A destination resort shall be sited on lands mapped as eligible for destination resort siting by the affected county. A map adopted by a county shall not allow destination resorts approved pursuant to ORS 197.435 to 197.467 to be sited in any of the following areas:
(a) Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more unless residential uses are limited to those necessary for the staff and management of the resort.
(b)(A) On a site with 50 or more contiguous acres of unique or prime farmland identified and mapped by the United States Natural Resources Conservation Service, or its successor agency.

An interesting map standard reference

197.455 Siting of destination resorts; sites from which destination resort excluded.

(e) In an especially sensitive big game habitat area as determined by the State Department of Fish and Wildlife in July 1984 or as designated in an acknowledged comprehensive plan.
(2) In carrying out subsection (1) of this section, a county shall adopt, as part of its comprehensive plan, a map consisting of eligible lands within the county. The map shall be based on reasonably available information, and shall not be subject to revision or refinement after adoption, except in connection with periodic review. A map adopted pursuant to this section shall be the sole basis for determining whether tracts of land are eligible for destination resort siting pursuant to ORS 197.435 to 197.467. [1987 c.886 s.6; 1993 c.590 s.3; 1997 c.249 s.57]

TAXLOTS/TAXDISTRICTS – ORMAP

Taxlot Mapping Program

306.125 Property tax appraisal program; maps, plats, standardized record systems for assessors and tax collectors.

(1) The Department of Revenue is authorized to institute programs for the appraisal of property in counties of the state and to make appraisals for the use of county assessors and boards of property tax appeals in assessing property and reviewing assessment rolls, and may install, and assist in the preparation and maintenance of maps, plats or standardized record systems as prescribed by the department, in the offices of assessors and tax collectors.

306.132 Oregon Land Information System Fund.

(1) The Oregon Land Information System Fund is created, separate and distinct from the General Fund.
(2) Moneys in the Oregon Land Information System Fund are continuously appropriated to the Department of Revenue for the purpose of funding a base map system to be used in administering the ad valorem property tax system. [1999 c.701 s.7]
Note: 306.132 and 306.135 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 306 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Tax District Mapping

308.225 Boundary change or proposed boundary change; procedure.

(1) In preparing the assessment roll in any year, a county assessor shall disregard changes or proposed changes described in subsections (3) and (4) of this section in the boundary lines of any taxing district levying ad valorem property taxes if the description and map showing changes or proposed changes are not filed in final approved form, in accordance with and at the time required by subsection (2) of this section.
(2)(a) If a boundary change is made or proposed, the person, governing body, officer, administrative agency or court making the determination that the boundary change is final shall file with the county assessor and the Department of Revenue the legal description of the boundary change or proposed change and an accurate map showing the change or proposed change in final approved form, prior to the next March 31.
(b)(A) Except as is otherwise provided in subparagraph (B) of this paragraph the legal description of the boundary change shall consist of a series of courses in which the first course shall start at a point of beginning and the final course shall end at that point of beginning. Each course shall be identified by bearings and distances and, when available, refer to deed lines, deed corners and other monuments, or, in lieu of bearings and distances, be identified by reference to:
(i) Township, range, section or section subdivision lines of the U. S. Rectangular survey system.
(ii) Survey center line or right of way lines of public roads, streets or highways.
(iii) Ordinary high water or ordinary low water of tidal lands.
(iv) Right of way lines of railroads.
(v) Any line identified on the plat of any recorded subdivision defined in ORS 92.010.
(vi) Donation land claims.
(vii) Line of ordinary high water and line of ordinary low water of rivers and streams, as defined in ORS 274.005, or the thread of rivers and streams.

(B) In lieu of the requirements of subparagraph (A) of this paragraph, boundary change areas conforming to areas of the U. S. Rectangular survey may be described by township, section, quarter-section or quarter-quarter section, or if the areas conform to subdivision lots and blocks, may be described by lot and block description.
(c) A map shall be provided to the filing body by the county assessor or the department within 14 days after the filing body notifies the assessor and department that a boundary change is being proposed. The boundary line shall then be accurately entered thereon by the person, body, officer or agency making the filing.
(d) The description and map shall be filed in final approved form not later than March 31 of the assessment year to which the change applies. Proposed boundary changes shall be certified to the county assessor and the department in the same manner as boundary changes. If the taxing district is located in more than one county, the description and map shall be filed with the assessor in each county and with the department within the time provided in this subsection.

308.245 Maps; taxpayers' index.

(1) The assessor of each county shall maintain a set of maps upon which are outlined the boundaries of each land parcel subject to separate assessment within the county, with the parcel's tax lot or account number shown on the parcel. In addition, the assessor may show on the maps the code area boundaries and the assigned code area numbers.
(2) The assessor shall also make a diagram or drawing of all property within the county of the assessor submitted to the provisions of ORS 100.005 to 100.910, and shall note thereon the assigned account or tax lot number.
(3) The assessor shall maintain an index of the names of every taxpayer against whom any tax is charged in the county, in alphabetical order with reference to the first three letters of the surname of taxpayers who have surnames, and of the first names of any others. The index shall be indexed to the assessment rolls and the place therein where the assessment of such taxpayer is found.
(4) The maps and the index provided for in this section shall be public records. [Amended by 1963 c.541 s.44; 1965 c.344 s.7]

WATER RIGHTS

Statutes: 541.329 - Mapping of a water district

(c) A general description of the district boundaries.
(d) A general description of the users' land and the water right per each parcel affected by the petition and the map. If the water right is on a tract of land of five acres or less, a notation of the acres of water right on the assessor's tax map shall be sufficient for identification of the place of use and the extent of use.

Statute: 541.333 - Changing of a water right

(c) A description of the premises upon which the water is used;
(d) A description of the premises upon which it is proposed to use the water
(h) In the event the application is made pursuant to ORS 541.327 (2), evidence that the water has been used within the past five years in the quarter quarter of a section; and
(i) The approval of the district in which the water right is located.
(3) The description of the premises or mapping required under ORS 541.329 (2) shall not require a map prepared by a certified water right examiner, but shall be in a form satisfactory to the Water Resources Commission. If the water right is on a tract of land of five acres or less, the assessor's tax map with a notation of the acres of water right shall be sufficient for identification of the tract and place of use.

WETLANDS

215.418 Approval of development on wetlands; notice.

(5) The county may issue local approval for parcels identified as or including wetlands on the State-wide Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing the division with a copy of the notification of comprehensive plan map or zoning map amendments for specific properties.

ZONING AND COMPREHENSIVE PLANS

Statute 197.010 Policy (Comprehensive Plan)

(1) In order to assure the highest possible level of liveability in Oregon, it is necessary to provide for properly prepared and coordinated comprehensive plans for cities and counties, regional areas and the state as a whole. These comprehensive plans:
(a) Must be adopted by the appropriate governing body at the local and state levels;
(b) Are expressions of public policy in the form of policy statements, generalized maps and standards and guidelines;
(c) Shall be the basis for more specific rules and land use regulations which implement the policies expressed through the comprehensive plans;

197.015 Definitions for ORS chapters 195, 196 and 197 (Comprehensive Plan)

(5) “Comprehensive plan” means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. “Comprehensive” means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. “General nature” means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is “coordinated” when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. “Land” includes water, both surface and subsurface, and the air.

197.360 “Expedited land division” defined; applicability.

(1) An expedited land division:
(a) Is an action of a local government that:
(A) Includes land that is zoned for residential uses and is within an urban growth boundary.
(B) Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.
(C) Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:
(i) Open spaces, scenic and historic areas and natural resources;
(ii) The Willamette River Greenway;
(iii) Estuarine resources;
(iv) Coastal shorelands; and
(v) Beaches and dunes.

215.110 Zoning Map Standard

Recommendation of ordinances to implement plan; content; enactment; referral; retroactivity prohibited.

(1) A planning commission may recommend to the governing body ordinances intended to implement part or all of the comprehensive plan. The ordinances may provide, among other things, for:
(a) Zoning;
(b) Official maps showing the location and dimensions of, and the degree of permitted access to, existing and proposed thoroughfares, easements and property needed for public purposes;
(c) Preservation of the integrity of the maps by controls over construction, by making official maps parts of county deed records, and by other action not violative of private property rights;
(d) Conservation of the natural resources of the county;
(e) Controlling subdivision and partitioning of land;
(f) Renaming public thoroughfares;
(g) Protecting and assuring access to incident solar energy;
(h) Protecting and assuring access to wind for potential electrical generation or mechanical application; and
(i) Numbering property.
(2) The governing body may enact, amend or repeal ordinances to assist in carrying out a comprehensive plan. If an ordinance is recommended by a planning commission, the governing body may make any amendments to the recommendation required in the public interest. If an ordinance is initiated by the governing body, it shall, prior to enactment, request a report and recommendation regarding the ordinance from the planning commission, if one exists, and allow a reasonable time for submission of the report and