

Staff Contact: Letha Crawford
1645 N.E. Forbes Road, Suite112
Bend, OR 97701

(541) 388-6073 Phone
(541) 388-6391 Fax
letha.crawford@state.or.us

These rules are specific to the Middle Deschutes River Scenic Waterway. Other administrative rules apply to all state scenic waterways. For the complete set of regulations, please go to: <http://egov.oregon.gov/OPRD/RULES/waterways.shtml>

Oregon Administrative Rule (OAR) 736-040-0072

Middle Deschutes River Scenic Waterway

(1) North Bend River Community Area:

(a) From Sawyer Park at approximately river mile 164 to the northern Urban Growth Boundary of the City of Bend at approximately river mile 161, the river is classified North Bend River Community Area;

(b) Within this area, all new structures, improvements and development shall be in compliance with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(f), and be consistent with applicable City of Bend and Deschutes County land use and development regulations. Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(2) Crooked River Ranch River Community Area 1:

(a) From approximately river mile 129.9 to 131.5, the residential building lots #1 -- 50 within Phase 5 of the Crooked River Ranch subdivision as specified on the Plat Map recorded November 1973, in book 2, Pages 253-258, in the Deschutes County Clerk's Office, the river is classified Crooked River Ranch Community Area 1;

(b) Within this area, all new structures, improvements and development shall be in compliance with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(f), and be consistent with applicable Deschutes County land use and development regulations. There will be no further partitioning of designated Community Areas for residential development. Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(3) Crooked River Ranch River Community Area 2:

(a) From approximately river mile 124.3 to 125.25, the residential building lots #1 -- 107 within Phase 12 of the Crooked River Ranch subdivision as specified on the Plat Map recorded June 1978, in book 12, Page 582, in the Jefferson County Clerk's Office; the river is classified Crooked River Ranch River Community Area 2;

(b) Within this area, all new structures, improvements and development shall be in compliance with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(f), and be consistent with applicable Jefferson County land use and development regulations. There

will be no further petitioning of designated Community Areas for residential development. Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(4) Recreational River Area:

(a) From the northern Urban Growth Boundary of the City of Bend at approximately river mile 161 downstream to Tumalo State Park at approximately river mile 158, the river is classified Recreational River Area;

(b) Within this area, all new structures, improvements and development shall comply with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(c)(B), and be consistent with applicable Deschutes County land use and development regulations:

(A) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river. A set back of 20 feet or more is required from the edge of the rim rock (where this feature exists). The Department shall determine the exact distance for the above setbacks on a case-by-case basis, dependent on existing terrain, existing vegetation, height of proposed structure, and applicable county setback requirements;

(B) New structures shall be finished in colors and tones that blend with the surrounding landscape. For the purpose of this rule, landscape includes indigenous vegetation, soils and rock material. Natural evergreen vegetation will be maintained between the structures and the river. The establishment of additional vegetative screening (preferably native vegetation) may be required to further mitigate the visual impact of the structure as seen from the river;

(C) Roads, mines and similar forms of development shall be set back from the river consistent with County zoning and land development requirements and be screened from view from the river by topography or by existing or established evergreen vegetation;

(D) Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(5) Scenic River Area:

(a) From Deschutes Market Road at approximately river mile 157 downstream to the south boundary of the Wilderness Study Area at approximately river mile 131, excluding the Cline Falls Dam and powerhouse section between the State Highway 126 Bridge and river mile 144 and the Crooked River Ranch River Community Area, the river is classified Scenic River Area;

(b) Within this area all new structures, improvements and development will comply with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(b)(B) and be consistent with applicable Deschutes County land use and development regulations:

(A) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river. A set back of 20 feet or more is required from the edge of the rim rock (where this feature exists). The Department will determine the exact distance for the above

setbacks on a case-by-case basis dependent on existing terrain, existing vegetation, height of proposed structure, and applicable county setback requirements;

(B) New structures shall be finished in colors and tones that blend with the surrounding landscape. For the purposes of this rule, landscape includes indigenous vegetation, soils, and rock material. Natural evergreen vegetation shall be maintained between the improvements and the river. The establishment of additional vegetative screening (preferably native vegetation) may be required to further mitigate the visual impact of the structure as seen from the river;

(C) Roads, mines and similar forms of development shall be screened from view from the river by topography. Within this area no new roads or mines shall be allowed below the canyon rim;

(D) Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(6) Natural River Area:

(a) From the south boundary of the Wilderness Study Area at approximately river mile 131 to the Lake Billy Chinook stream gauge at approximately river mile 120, excluding the Crooked River Ranch River Community Areas as described in the River Community section, the river is classified Natural River Area;

(b) Within this area all new structures, improvements and developments shall comply with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(a)(C), and be consistent with applicable local land use and development regulations:

(A) No new structures and improvements shall be allowed within this area unless fully screened from view from the river by topography except those minimal facilities needed for resource protection or public outdoor recreation;

(B) Roads, mines and similar forms of development shall be permitted only when fully screened from view from the river by topography. Any existing roads shall not be extended, realigned or improved substantially unless fully screened by topography. All excess road construction materials (side cast) shall be removed to locations screened from view from the river and where they cannot be transported by gravity to the river;

(C) New structures, improvements and development needed for resource protection or public outdoor recreation use shall be primitive in character and designed to blend with the natural character of the landscape. These structures shall be finished in colors and tones that blend with the surrounding landscape. For purposes of this rule, landscape includes indigenous vegetation, soils and rock materials.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.845(2)

Hist.: PR 6-1993, f. & cert. ef. 3-15-93