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These rules are specific to the Metolius 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) 736-040-0056

Metolius River Scenic Waterway

(1) Recreational River Areas:

(a) Two river segments are designated as Recreational River Areas:

(A) The segment of the scenic waterway beginning at Metolius Springs at approximately river mile 41.2 extending downstream to the confluence of North Fork of Lake Creek, also known locally as Spring Creek, at approximately river mile 39.4 is classified as a Recreational River Area;

(B) The segment of the scenic waterway beginning at the Camp Sherman Bridge at approximately river mile 39.1 extending downstream to the confluence of Candle Creek at approximately river mile 29 is classified as a Recreational River Area.

(b) Within the Recreational River Area described in subsection (1)(a), all new structures, improvements and development will comply with the Land Management Rules as described in OAR 736-040-0035, with the intent of the classification description in OAR 736-040-0040(1)(c)(B), and be consistent with applicable Jefferson County land use and development regulations;

(c) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river and set back a minimum of 35 feet 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, and height of proposed structures. These setbacks shall not apply to additions to or replacement of residences existing on the effective date of these rules provided that such additions or replacement are not proposed to be built closer to the river than the closest point of the original structure;

(d) Notwithstanding the provisions of any other subsection of this section, a 50-foot riparian area will be retained in its natural condition (no cutting, mowing or removal of natural vegetation), measured from the ordinary high water line in a horizontal direction away from the river;

(e) No building shall exceed 25 feet in height measured from the natural grade on the river side of the building to the tallest point of the structure;

(f) 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. All natural evergreen vegetation will be maintained between the structures and improvements and the river. The establishment of additional vegetative screening (native vegetation) may be required to further mitigate the visual impact of the structures and improvements as seen from the river;

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

(h) New bridges will not be permitted. Maintenance, repair and replacement of existing bridges shall be consistent with OAR 736-040-0035(6) and (7), Jefferson County land use and development regulations and Oregon Department of State Lands regulations;

(i) New utility facilities shall share land and air space with existing utilities, road rights-of-way and/or river crossings. Upgrades to existing utility facilities will be permitted. New river crossings for new utility facilities will not be permitted;

(j) Timber harvest activities, including thinning, shall be screened by topography or vegetation when seen from the river, developed recreation sites with the scenic waterway, and trails adjacent to the river. Riparian areas shall be protected. Stumps shall be kept low, slash removed promptly and remaining trees and brush protected from damage during harvest. Reforestation shall occur within one year of completion of harvest. The provisions of the Oregon Department of Forestry forest practices rules shall be strictly followed;

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

(2) River Community Area:

(a) One river segment is designated as a River Community Area;

(b) The segment of scenic waterway beginning at the confluence of North Fork of Lake Creek, also known locally as Spring Creek, at approximately river mile 39.4 extending downstream to the Camp Sherman Bridge at approximately river mile 39.1 is classified as a River Community Area;

(c) Within these areas, all new structures, improvements and development must be in compliance with the Land Management Rules as described in OAR 736-040-0035, with the intent of the classification description in OAR 736-040-0040(1)(f), and be consistent with applicable Jefferson County land use and development regulations;

(d) No structure shall exceed 25 feet in height measured from the natural grade on the river side of the building to the tallest point of the structure;

(e) Notwithstanding the provisions of any other subsection of this section, a 50-foot riparian area will be retained in its natural condition (no cutting, mowing or removal of natural vegetation), measured from the ordinary high water line in a horizontal direction away from the river;

(f) New utility facilities shall share land and air space with existing utilities, road rights-of-way and/or river crossings. Upgrades to existing utility facilities will be permitted. New river crossings for new utility facilities will not be permitted;

(g) Timber harvest activities, including thinning, shall be screened by topography or vegetation when seen from the river, developed recreation sites within scenic waterways, and trails adjacent to the river. Riparian vegetation shall be protected. Stumps shall be kept low, slash cleaned up promptly and remaining trees and brush protected from damage during harvest. Reforestation shall occur within one year of completion of harvest. The provisions of the Oregon Department of Forestry forest practices rules shall be strictly followed;

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

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.826(1) & ORS 390.845(2)

Hist.: PR 9-1996, f. & cert. ef. 10-9-96