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These rules are specific to the North Umpqua 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) 736-040-0046

North Umpqua River Scenic Waterway

(1) Recreation River Areas:

(a) That segment of the North Umpqua River that includes shoreline and related adjacent land on both banks of the River from its intersection with a line forming the East half of the East half of Section 18, Township 26 South, Range 3 East, Willamette Meridian, Douglas County (a line forming E 1/2, E 1/2, Section 18, T26S, R3E, W.M., Douglas County; approximately just below the Soda Springs Powerhouse) downstream to the North Umpqua River Highway 138 bridge in Section 22, Township 26 South, Range 2 East, Willamette Meridian (Section 22, T26S, R2E, W.M., Douglas County);

(b) The Department will administer the Recreation River Area described in subsection (1)(a) consistent with standards set by OAR 736-040-0035 and 736-040-0040(1)(c)(B). In addition to the above standards, the Department may permit new mining operations, road construction, and similar improvements only when substantially screened from view from the river by topography or native vegetation. If inadequate topographic or vegetative screening exists on a site, activities mentioned above may be permitted if vegetation is established which will provide substantial screening of the affected area. The condition of "substantial screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure, or allow only a highly filtered view of the landscape affected by the improvement. New structures and associated improvements shall be permitted when partially screened from view from the river by topography or vegetation. If inadequate topographic or vegetative screening exists on a site, the structure or improvement may be permitted if vegetation is established to provide partial screening of the proposed structure or improvement within a reasonable period of time (for example 4–5 years). The condition of "partial screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to partially obscure (at least one-half) the viewed improvement or structure, or allow a moderately filtered view (at least 50 percent filtering) of the proposed structure or improvement. Improvements needed for public recreation use or resource protection may be visible from the river, but must be designed to blend with the natural character of the landscape;

(c) That segment of the North Umpqua River that includes the shoreline and adjacent lands north of the river channel from the North Umpqua River Highway 138 bridge (Marsters Bridge) located in Section 22, Township 26, Range 2E, W.M. and the point at which Rock Creek converges with the North Umpqua River excluding any area classified "River Community Area";

(d) The Department will administer the Recreation River Area described in subsection (1)(c) consistent with standards set by OAR 736-040-0035, 736-040-0040(1)(c)(B) and the Douglas County Land Use and Development Ordinance. In addition to the above standards, the Department may permit new mining operations, road construction, commercial tree harvesting, and similar improvements only when substantially screened from view from the river by topography or native vegetation. If inadequate topographic or vegetative screening exists on a site, activities mentioned above may be permitted if vegetation is established which will provide substantial screening of the affected area. The condition of "substantial screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure, or allow only a highly filtered view of, the landscape affected by the improvement:

(A) New structures and associated improvements shall be permitted when partially screened from view from the river by topography or vegetation. If inadequate topographic or vegetative screening exists on a site, the structure or improvement may be permitted if vegetation is established to provide partial screening of the proposed structure or improvement within a reasonable period of time (for example 4–5 years). The condition of "partial screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to partially obscure (at least one-half) the viewed improvement or structure, or allow a moderately filtered view (at least 50 percent filtering) of the proposed structure or improvement;

(B) Improvements needed for public recreation use or resource protection may be visible from the river, but must be designed to blend with the natural character of the landscape;

(C) Wherever the standards of OAR 736-040-0035 and the above rule are more restrictive than the Douglas County Land Use and Development Ordinance, the above Oregon Administrative Rules shall apply.

(2) Scenic River Area:

(a) That segment of the North Umpqua Scenic Waterway that includes the shoreline and adjacent lands south of the river channel from the North Umpqua River Highway 138 bridge (Marsters Bridge) located in Section 22, Township 26, Range 2E, W.M., and the point at which Rock Creek converges with the North Umpqua River excluding any area classified "River Community Area";

(b) The Department will administer the Scenic River Area described in subsection (2)(a) consistent with standards set by OAR 736-040-0035, 736-040-0040(1)(b)(B) and the Douglas County Land Use and Development Ordinance;

(c) In addition to the above standards, the Department may permit new mining operations, road construction, commercial tree harvesting and similar improvements only when substantially screened from view from the river by topography or vegetation. If inadequate topographic or native vegetative screening exists on or near the site, activities mentioned above may be permitted if vegetation is established which will provide substantial screening of the affected area within a reasonable period of time (for example 4–5 years). The condition of "substantial

screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure, or allow only a highly filtered view of the improvement;

(d) New structures and associated improvements shall be permitted when substantially screened from view from the river by topography or vegetation. If inadequate, topographic or vegetative screening exist on a site, the structure or improvement may be permitted if vegetation is established to provide substantial screening of the affected area in a reasonable time (for example 4–5 years). The condition of "substantial screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure, or allow only a highly filtered view of the proposed structure or improvement;

(e) Improvements needed for public recreation use or resource protection may be visible from the river, but must be designed to blend with the natural character of the landscape;

(f) Wherever the standards of OAR 736-040-0035 and the above rule are more restrictive than the Douglas County Land Use and Development Ordinance, the above Oregon Administrative Rules shall apply.

(3) River Community Areas:

(a) Five areas are designated as River Community Areas:

(A) Rock Creek -- All the shoreline and related land east of Rock Creek along the right bank (as seen when facing downstream) within the SW 1/4 of Section 1, T26S, R3W, W.M., which includes tax lots 600, 700, 800, and 900;

(B) Frontier Village -- The North Umpqua Village Subdivision (Vol. 7, page 60, approved in March 1948); the plat of North Umpqua Village first addition as recorded in Volume 10, page 52; Tract 37 of Section 16, Township 26S, Range 2W, W.M., Douglas County, Oregon as filed June 25, 1954. In addition to these plats, tax lots 300 and 400 of the SW 1/4 of T26, R2W, Sec 16 (Sec 16C); tax lots 500, 600, 700, 701, and 800, in SE 1/4 of T26S, R2W, Section 17;

(C) Susan Creek Village -- The shoreline and related adjacent lands lying along the right bank of the North Umpqua River (as seen facing downstream) and described as follows: The Northwest one-quarter of Section 23, Township 26 South, Range 2 West, Willamette Meridian, Douglas County (NW 1/2, Section 23, T26S, R2W, W.M.);

(D) Steamboat -- All shoreline and related adjacent lands lying within the west half of Section 32, Township 25-1/2 South, Range 1 East, Willamette Meridian (W 1/2, Section 32, T25-1/2S, R1E, W.M.); the northwest one-quarter of Section 5, Township 26 South, Range 1 East, Willamette Meridian (NW 1/4, NW 1/4, Section 4, T26S, R1E, W.M.); the East half of Section 31, Township 25-1/2 South, Range 1 East, Willamette Meridian (E 1/2, Section 31, T25-1/2 S, R1E, W.M.); and the north half of the northeast one-quarter of Section 6, Township 26 South, Range 1 East, Willamette Meridian (N1/2, NE1/4, Section 6, T26S, R1E, W.M.) Douglas County;

(E) Dry Creek -- All shoreline and related adjacent lands lying along the right bank (as seen when facing downstream) within the east half of the northwest quarter and the west half of the northeast quarter of Section 20, Township 26 South, Range Two East, Willamette Meridian (E1/2, NW 1/4, and W1/2, NE 1/4, Section 20, T26S, R2E, W.M.), Douglas County.

(b) Within these River Community areas described in OAR 736-040-0041(3)(a)(A)–(E) the Department may not permit new commercial facilities such as resorts, motels, and private recreational vehicle parks unless their plans are consistent with requirements of the Douglas County Land Use and Development Ordinance; and they are not visible from any vantage point on the banks of, or from within, the river;

(c) Any other land uses that may be permitted in the river community areas by the county, such as single family dwellings, will be allowed if their plans are consistent with Douglas County Land Use and Development Ordinance requirements and Scenic Waterway standards OAR 736-040-0035;

(d) Wherever the standards of OAR 736-040-0035 and the above rule are more restrictive than the Douglas County Land Use and Development Ordinance, the above Oregon Administrative Rules shall apply.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.845(2)

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