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These rules are specific to the Rogue 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) 736-040-0045

Rogue River Scenic Waterway

Within the Rogue River Scenic Waterway, already designated as a component of the National Wild and Scenic Rivers System by Public Law 90-542, the Commission will, insofar as its responsibility and authority under the Act permit, give consideration to the management objectives and directives stated in the Rogue River Plan prepared jointly by the United States Forest Service and the Bureau of Land Management.

(1) Natural River Area:

(a) That segment of the scenic waterway extending from Grave Creek downstream approximately 33 miles to Watson Creek is classified as a Natural River Area;

(b) In order to preserve the river and related adjacent lands in an essentially primitive condition, no new structures or other improvements, except those needed for public outdoor recreation or for resource protection, and no new lodges or commercial public service facilities which are visible from the river will be permitted. Additional boat docks, moorings or "salmon boards" will not be permitted.

(2) Scenic River Area:

(a) That segment of the scenic waterway extending from Blue Jay Creek in Section 11, Township 35 South, Range 12 West, of the Willamette Meridian, (T 3S, R 12, W.M.), Curry County, downstream approximately 7-1/2 miles to the unnamed creek in Section 36, Township 35 South, Range 13 West, of the Willamette Meridian, (T 35S, R 12W, W.M.), Curry County, is classified as a Scenic River Area;

(b) Commercial public service facilities which are visible from the river will not be permitted in this area;

(c) Permissible structures within this area are single-family dwellings which meet the requirements stated in these rules and regulations. Including those already existing, such structures which are visible from the river will be limited to a total of two on each side of the river within any one mile of river frontage as shown on the plan and profile maps of the Rogue River prepared by the U.S. Geological Survey from survey made in 1923.

(3) Recreational River Areas:

(a) Three segments of the scenic waterway are designated as Recreational River Areas. These are:

(A) Hellgate, extending from the mouth of the Applegate River downstream approximately 26 miles to Grave Creek Bridge, but excluding the Natural River View Area and the River Community Areas therein contained;

(B) Agness, extending from Watson Creek downstream approximately ten miles to Blue Jay Creek, but excluding the River Community Area therein contained;

(C) Skookumhouse, extending from the unnamed creek in Section 36, Township 35 South, Range 13 West, of the Willamette Meridian (T 35S, R 13W, W.M.), Curry County, downstream approximately seven miles to the Lobster Creek Bridge.

(b) Within these areas, permitted uses and structures may include agriculture, single-family dwellings, lodges, resorts and other necessary commercial public service facilities. Including those already existing, structures and improvements which are visible from the river will be limited to a total of four on each side of the river within any one mile of river frontage as shown on the plan and profile maps of the Rogue River prepared by the U.S. Geological Survey from survey made in 1923.

(4) Natural Scenic View Area:

(a) The shoreline and related adjacent land lying along the right bank of the river (as seen when facing downstream) between Hellgate Bridge as located in Section 4, Township 35 South, Range 7 West, of the Willamette Meridian (T 35S, R 7W, W.M.), Josephine County, and the Grave Creek Bridge as located in Section 1, Township 34 South, Range 8 West, of the Willamette Meridian (T 34S, R 8W, W.M.), Josephine County, is classified as a Natural Scenic View Area;

(b) Within this area no new structures or improvements which are visible from the river, except those needed for public outdoor recreation or for resource protection, will be permitted. Roads shall not be extended, or improved substantially.

(5) River Community Areas:

(a) Within the Hellgate Recreational River Area:

(A) Related adjacent lands lying within the boundaries of the following subdivision plats as recorded in the Clerk's office of Josephine County, Oregon;

(B) Galice -- Plat of Galice Subdivision, Volume 5, pages 4, 5. (Within the W 1/2 Section 36, T 34S, R 8W, W.M.);

(C) Rogue Riffles -- Plat of Rogue Riffles Subdivision, Volume 4, page 49. (Within the SW 1/4 of the NW 1/4, Section 25, T 35S, R 7W, W.M., and SE 1/4 of the NE 1/4, Section 26, T 35S, R 7W, W.M.);

(D) Burnette -- Plat of Burnette Estates Subdivision, Volume 7, page 8. (Within the NE 1/4 of the SW 1/4, Section 35, T 35S, R 7W, W.M.);

(E) Ferry Park -- plat of Ferry Park Estates, Volume 7, pages 19, 20. (Within the SE 1/4 of the NE 1/4 and NE 1/4 of the SE 1/4, Section 2, T 36S, R 7W, W.M.);

(F) Peaceful Valley -- Plat of Peaceful Valley Acres Subdivision, Volume 3, page 54. (Within the SE 1/4 of the NW 1/4, and SW 1/4 of the NE 1/4, Section 11, T 36S, R 7W, W.M.).

(b) Also:

(A) Cathcart -- Those related adjacent lands that are included in a plat of tracts surveyed for Tom Cathcart, which are situated in Sections 23 and 24, Township 35 South, Range 7 West, of the Willamette Meridian (T 35S, R 7W, W.M.), Josephine County, and are filed by Survey No. 111-68 and Survey No. 106-71 in the County Surveyor's Office in Josephine County;

(B) Greentree -- Those related adjacent lands included in a Notice of Intention filed with the Real Estate Division, Department of Commerce, on 29 September 1970 by Trenor and Helen Scott and identified by reference number PNI 2798, which are situated in Section 14, Township 35 South, Range 7 West, of the Willamette Meridian (T 35S, R 7W, W.M.), Josephine County;

(C) Within these areas, structures, improvements and uses that are consistent with Josephine County Zoning Ordinances and OAR 736-040-0030 and 736-040-0035 may be permitted.

(c) Within the Agness Recreational River Area:

(A) Agness -- A parcel of land that comprises the Southwest Quarter (SW 1/4); West Half of the Southeast Quarter (W 1/4 SE 1/4), Section 7; and the Northwest Quarter (NW 1/4); West Half of the Northeast Quarter (W 1/2 NE 1/4), Section 18; all in Township 35 South, Range 11 West, of the Willamette Meridian (T 35S, R 11W, W.M.), Curry County;

(B) Also a parcel of land that comprises the East Half of the Southeast Quarter (E 1/2 SE 1/4), Section 12; and the East Half of the Northeast Quarter (E 1/2 NE 1/4), Section 13; all in Township 35 South, Range 12 West, of the Willamette Meridian (T 35S, R 12W, W.M.), Curry County;

(C) The Commission recognizes that further development of the Agness area may be necessary in order to provide services for both local residents and the public;

(D) Within the Agness River Community Area, when consistent with Curry County zoning ordinances, permitted uses, structures and improvements may include agriculture, single and multiple family dwellings, churches, lodges, resorts, motels, transient public trailer parks and

other necessary commercial public service facilities. Permitted densities of improvements and structures which are visible from the river may be established by the Commission after consultation with the U.S. Forest Service, the Curry County Planning Commission, the Agness Community Council, and such other persons and agencies as the Commission may select.

Stat. Auth.: ORS 390.845

Stats. Implemented: ORS 390.845(2)

Hist.: HC 1285, f. 6-27-72