

736-040-0110

Molalla River Scenic Waterway

(1) Scenic River Area:

(a) That segment of the Molalla River from the Confluence with the Table Rock Fork to Pine Creek is classified as a Scenic River Area.

(b) This Scenic River Area shall be administered consistent with the standards set by OAR 736-040-0035 and 736-040-0040(1)(b)(B). In addition to these standards, all new development shall be consistent with applicable Federal, State, County and local land use and development regulations.

(c) New structures and improvements 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.

(d) Natural evergreen vegetation shall be maintained between the structures and improvements and the river. If proposed structures, improvements, or landscape alterations are not adequately screened by topography or existing vegetation on a site, the Department may permit the project if vegetation is established which will substantially screen the project in a reasonable time (for example, 4–5 years). The condition of "substantial vegetative screening" shall consist of an ample density and mixture of native vegetation to totally obscure or allow only a highly filtered view of the proposed structures or improvements. Developments necessary for public outdoor recreation, as provided by public agencies, and resource protection or enhancement may be visible from the river but must blend into the natural scene.

(2) Recreational River Area:

(a) That segment of the Molalla River from the Pine Creek Confluence to Trout Creek is classified as a Recreational River Area.

(b) This Recreational River Area shall be administered consistent with the standards set by OAR 736-040-0035 and 736-040-0040(1)(c)(B). In addition to these standards, all new development shall be consistent with applicable Federal, State, County and local land use and development regulations.

(c) Natural evergreen vegetation shall be maintained between structures and improvements and the river unless removal does not impact the view as seen from the river.

(d) Improvements provided by public agencies that are needed for public recreation use or resource protection may be visible from the river but shall be designed to blend with the natural character of the landscape as much as possible.

(e) 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.

(f) New structures and associated improvements (except as provided under OAR 736-040-0030(5)) shall be partially screened with existing vegetation and/or topography. If inadequate topography or

vegetative screening exists on a site, the structure or improvement may be permitted if vegetation (preferably native) is established to provide partial screening of the proposed structure or improvement within a reasonable time (4-5 years). The condition of "partial screening" shall consist of an ample density and mixture of native vegetation to partially obscure (at least 50 percent) the viewed improvement or structure, or allow a partially filtered view (at least 50 percent filtering) of the proposed structure or improvement.

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

(3) River Community Area:

(a) That segment of the Molalla River from the Confluence with Trout Creek to the Glen Avon Bridge is classified as a River Community Area.

(b) No land north of the Glen Avon Bridge, and north of Dickey Prairie Rd west of the bridge, affects the view from the waters within the proposed scenic waterway, therefore those areas are deemed to be "non-related adjacent land", and are not included in the designation and will not be subject to scenic waterway review.

(c) 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 Clackamas County land use and development regulations.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.805 - ORS 390.925