

## CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS

### 18.04.030 Definitions

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030.

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~~"Bank full stage" means the elevation at which water overflows the natural banks of a stream, river or lake and begins to inundate the upland. In the absence of physical evidence, the two-year reoccurrence interval flood elevation may be used to approximate bank full stage.~~

~~"Bed or banks of stream or river" has the meaning given at OAR 141-085-0510. means the physical container of the waters of a stream or river lying below bank full stage and the land 10 feet on either side of the container.~~

"Cluster development" means a development permitting the clustering of single-unit or multi-unit family residences dwellings units on part of the property, with individual lots or parcels of not less than two acres in size and not exceeding three acres in size, and dedicated open space for a minimum of 65 percent of the parcel, lot, or tract. No commercial or industrial uses not allowed by the applicable zoning ordinance are permitted.

~~"Conflicting use" means a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource (except as provided in OAR 660-023-0180(1)(b)). "Conflicting use" means a land use which could negatively impact or be negatively impacted by a Goal 5 resource.~~

"Dust-sensitive use" means use of a site, lot, or parcel, or tract as a dwelling unit, school, church religious institutions or assemblies, hospital, or similar use. Industrial or agricultural use of a site, lot, or parcel, or tract is not "dust-sensitive" unless it meets the above criteria in more than an incidental and subordinate manner. Accessory structures, such as, but not limited to garages and workshops, do not constitute dust-sensitive uses.

~~"Dust-sensitive building" means a building that contains a dust-sensitive use.~~

"ESEE" stands for "economic, social, environmental, and energy." ~~ESEE means the economic, social, environmental and energy "consequences," as defined in OAR 660-16-005, that might result from prohibiting, restricting, or fully allowing a "conflicting" use. In Title 18, ESEE refers to a decision document that identifies "ESEE consequences" and the "program to achieve the goal", as these terms are defined in OAR 660-023-0010. A conflicting use is one which could negatively impact or be negatively impacted by the Goal 5 resource.~~

"Fill", as used in the context of lakes, rivers, streams, floodplains, wetlands, or riparian areas, means:

- A. The deposit by artificial means of material within any lake, river, stream, floodplain, wetland, or riparian area.
- B. Fill includes any excavation or grading within any lake, river, stream, floodplain, wetland, or riparian area.

- C. Fill does not include ~~shall not include~~ practices that constitute accepted farming practices as defined in ORS chapter 215.

"Goal 5 resource" means open spaces, scenic and historic areas and natural resources as specified in Goal 5 of Oregon's Statewide Planning Goals and its implementing Administrative Rules, OAR chapter 660, ~~D~~divisions 15, 16 and 23.

"Grade" means the elevation of the ground surface. Grade is further defined as:

- A. "Grade, average", for the purposes of calculating structural height, means the average of two points which shall be the highest finished grade abutting the structure and the lowest finished grade abutting the structure.
- B. "Grade, existing" means the existing elevation of the ground surface prior to grading, compaction, placement of fill, and/or the excavation or removal of earth from the lot or parcel.
- C. "Grade, finished" means the final elevation of the ground surface following all grading, compaction, placement of fill, and/or the excavation or removal of earth from the lot or parcel.
- ~~D. For purposes of height determination in the Landscape Management Combining Zone, "grade" shall be the average of natural ground elevations prior to development, for the wall closest to and facing the road, river, or stream.~~
- ~~E-D.~~ For the purposes of streets or slopes, "grade" shall mean the degree of inclination.

"Noise-sensitive use" means use of a site, lot, ~~or~~ parcel, ~~or tract normally used for sleeping~~ approved for overnight human occupancy, or normally used as schools, ~~churches religious institutions or assemblies~~, hospitals, or public libraries. Industrial or agricultural uses of a site, lot, parcel, or tract are not "noise-sensitive" unless the use meets the above criteria in more than an incidental and subordinate manner. Accessory ~~uses-structures~~, such as but not limited to garages or workshops, ~~do not constitute noise-sensitive uses.~~

"Noise-sensitive building" means a building that contains a noise-sensitive use.

"Ordinary High Water Line (OHWL)" has the meaning given at OAR 141-085-0510.

"Ordinary High Water Mark (OHWM)" ~~has the same meaning as "Ordinary High Water Line."~~ ~~means the highest level on the bank or shore of a lake, river, or stream to which the water ordinarily rises annually in season.~~

"Rimrock" means any ledge, outcropping, ~~or~~ top or overlying stratum of rock, which meets the following:

- A. ~~f~~Forms a face Has a slope in excess of 45 degrees, as measured across any 10-foot horizontal distance. Where two or more horizontal measurements yield different results, the most restrictive measurement shall apply; and
- B. ~~which c~~Creates or is within the canyon of the following rivers and streams: (1) Deschutes River, (2) Crooked River, (3) Fall River (4) Little Deschutes River (5) Spring River (6) Paulina Creek (7) Whychus Creek and (8) Tumalo Creek.
- C. For the purpose of DCC Title 18, the edge of the rimrock is the uppermost rock ledge or outcrop of rimrock.

"River" has the same meaning as "stream."

“Stream” means a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*  
*Amended by Ord. [82-013](#) §1 on 5/25/1982*  
*Amended by Ord. [83-037](#) §2 on 6/1/1983*  
*Amended by Ord. [83-033](#) §1 on 6/15/1983*  
*Amended by Ord. [84-023](#) §1 on 8/1/1984*  
*Amended by Ord. [85-002](#) §2 on 2/13/1985*  
*Amended by Ord. [86-032](#) §1 on 4/2/1986*  
*Amended by Ord. [86-018](#) §1 on 6/30/1986*  
*Amended by Ord. [86-054](#) §1 on 6/30/1986*  
*Amended by Ord. [86-056](#) §2 on 6/30/1986*  
*Amended by Ord. [87-015](#) §1 on 6/10/1987*  
*Amended by Ord. [88-009](#) §1 on 3/30/1988*  
*Amended by Ord. [88-030](#) §3 on 8/17/1988*  
*Amended by Ord. [89-004](#) §1 on 3/24/1989*  
*Amended by Ord. [89-009](#) §2 on 11/29/1989*  
*Amended by Ord. [90-014](#) §2 on 7/12/1990*  
*Amended by Ord. [91-002](#) §11 on 2/6/1991*  
*Amended by Ord. [91-005](#) §1 on 3/4/1991*  
*Amended by Ord. [92-025](#) §1 on 4/15/1991*  
*Amended by Ord. [91-020](#) §1 on 5/29/1991*  
*Amended by Ord. [91-038](#) §§3 and 4 on 9/30/1991*  
*Amended by Ord. [92-004](#) §§1 and 2 on 2/7/1992*  
*Amended by Ord. [92-034](#) §1 on 4/8/1992*  
*Amended by Ord. [92-065](#) §§1 and 2 on 11/25/1992*  
*Amended by Ord. [92-066](#) §1 on 11/25/1992*  
*Amended by Ord. [93-002](#) §§1, 2 and 3 on 2/3/1993*  
*Amended by Ord. [93-005](#) §§1 and 2 on 4/21/1993*  
*Amended by Ord. [93-038](#) §1 on 7/28/1993*  
*Amended by Ord. [93-043](#) §§1, 1A and 1B on 8/25/1993*  
*Amended by Ord. [94-001](#) §§1, 2, and 3 on 3/16/1994*  
*Amended by Ord. [94-008](#) §§1, 2, 3, 4, 5, 6, 7 and 8 on 6/8/1994*  
*Amended by Ord. [94-041](#) §§2 and 3 on 9/14/1994*  
*Amended by Ord. [94-038](#) §3 on 10/5/1994*  
*Amended by Ord. [94-053](#) §1 on 12/7/1994*  
*Amended by Ord. [95-007](#) §1 on 3/1/1995*  
*Amended by Ord. [95-001](#) §1 on 3/29/1995*  
*Amended by Ord. [95-075](#) §1 on 11/29/1995*  
*Amended by Ord. [95-077](#) §2 on 12/20/1995*  
*Amended by Ord. [96-003](#) §2 on 3/27/1996*  
*Amended by Ord. [96-082](#) §1 on 11/13/1996*

Amended by Ord. [97-017](#) §1 on 3/12/1997  
Amended by Ord. [97-003](#) §1 on 6/4/1997  
Amended by Ord. [97-078](#) §5 on 12/31/1997  
Amended by Ord. [2001-037](#) §1 on 9/26/2001  
Amended by Ord. [2001-044](#) §2 on 10/10/2001  
Amended by Ord. [2001-033](#) §2 on 10/10/2001  
Amended by Ord. [2001-048](#) §1 on 12/10/2001  
Amended by Ord. [2003-028](#) §1 on 9/24/2003  
Amended by Ord. [2004-001](#) §1 on 7/14/2004  
Amended by Ord. [2004-024](#) §1 on 12/20/2004  
Amended by Ord. [2005-041](#) §1 on 8/24/2005  
Amended by Ord. [2006-008](#) §1 on 8/29/2006  
Amended by Ord. [2007-019](#) §1 on 9/28/2007  
Amended by Ord. [2007-020](#) §1 on 2/6/2008  
Amended by Ord. [2007-005](#) §1 on 2/28/2008  
Amended by Ord. [2008-015](#) §1 on 6/30/2008  
Amended by Ord. [2008-007](#) §1 on 8/18/2008  
Amended by Ord. [2010-018](#) §3 on 6/28/2010  
Amended by Ord. [2010-022](#) §1 on 7/19/2010  
Amended by Ord. [2011-009](#) §1 on 10/17/2011  
Amended by Ord. [2012-004](#) §1 on 4/16/2012  
Amended by Ord. [2012-007](#) §1 on 5/2/2012  
Amended by Ord. [2013-008](#) §1 on 7/5/2013  
Amended by Ord. [2014-009](#) §1 on 8/6/2014  
Amended by Ord. [2015-004](#) §1 on 4/22/2015  
Amended by Ord. [2016-015](#) §1 on 7/1/2016  
Amended by Ord. [2016-026](#) §1 on 11/9/2016  
Amended by Ord. [2016-006](#) §1 on 2/27/2017  
Amended by Ord. [2017-015](#) §1 on 11/1/2017  
Repealed by Ord. [2018-005](#) §8 on 10/10/2018  
Amended by Ord. [2018-006](#) §4 on 11/20/2018  
Amended by Ord. [2019-010](#) §1 on 5/8/2019  
Amended by Ord. [2019-016](#) §1 on 2/24/2020  
Amended by Ord. [2020-001](#) §1 on 4/21/2020  
Amended by Ord. [2020-010](#) §1 on 7/3/2020  
Amended by Ord. [2020-007](#) §7 on 10/27/2020  
Amended by Ord. [2021-013](#) §3 on 4/5/2022  
Amended by Ord. [2022-014](#) §1 on 4/4/2023  
Amended by Ord. [2023-001](#) §2 on 5/30/2023  
Amended by Ord. [2024-008](#) §2 on 10/9/2024  
Amended by Ord. [2025-002](#) §1 on 2/26/2025  
[Amended by Ord. 2025-009 §1 on 6/18/2025](#)