

### 1.1115 Definitions

As used in this Chapter:

- (1) "Access" means the way or means by which pedestrians or vehicles enter and leave property.
- (2) "Accessory structure or accessory use" means a structure or use incidental and subordinate to the main use of a property and located on the same lot as the main use.
  - (a) "Accessory dwelling unit (ADU)" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. A maximum of one accessory dwelling unit is allowed per legal single-family dwelling.
  - (3)(a) "Accessory home occupation" means an occupation or business conducted within a residence and meeting the following criteria:
    - (A) No persons other than residents of the dwelling are employed;
    - (B) No more than 5 persons are employed;
    - (C) The occupation or business is conducted entirely within the residence or residential accessory structure;
    - (D) No more than 600 square feet of floor area is devoted to the business or occupation;
    - (E) There is no outward appearance of the occupation or business other than an accessory sign permitted by LCC 1.1405(3)(e)(A);
    - (F) Client or customer visits are limited to no more than 5 per day;
    - (G) Only incidental on-site retail sales are conducted;
    - (H) There is no outside storage of equipment, goods or commodities associated with the occupation or business; and
    - (I) Shipping or delivery of products or supplies is limited to small parcel services provided by United States Postal Service, United Parcel Service, FedEx, or other similar services customarily providing delivery to residential addresses.
  - (b) Accessory home occupations are accessory to any permitted residential use and are not subject to conditional use review.
- (4) "Alley" means a minor way for secondary access to properties which abut other streets.
- (5) "Agricultural land" means land of predominantly Class I, II, III and IV soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices. Also, lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands.
- (6) "Appeal" means, with respect to the Flood Hazard Management Section (FHM Section), a request for review of the interpretation of any provision of this FHM Section, or a request for a variance.
- (7) "Area[s] of shallow flooding" means a designated Zone AO, AH, AR/AO[,] **or** AR/AH [*or VO*] on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (8) "Area[s] of special flood hazard" means land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood

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Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99 AR, V, [V,O,] V1-30, VE. “Special Flood Hazard Area” is synonymous in meaning and definition with the phrase “area of special flood hazard.”[.]

(9) "Automobile wrecking yard" means any property used for the dismantling or wrecking of used motor vehicles, machinery, or trailers, or the storage or sale of dismantled, obsolete, or wrecked motor vehicles, machinery, or trailers, or their parts.

(10) "Base flood" means a flood having a one percent chance of being equaled or exceeded in any given year.

(11) “Base Flood Elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.

(12) “Basement” means any area of the building having its floor subgrade (below ground level) on all sides

(13) "Bed and breakfast inn" means a structure designed for and occupied as a single-family residence in which no more than two sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of six travelers or transients at any one time for a charge or fee paid, or to be paid, for the rental or use of these facilities.

(14) "Block" means an area of land within a subdivision which may be bounded on all sides by streets, railroad rights-of-way, unsubdivided land, water courses, or any combination thereof.

**(15) “Beneficial Gain” means an area within the riparian buffer zone (RBZ), within the same reach as the project, and that is equivalent to 5 percent of the area impacted within the RBZ that is not a functionally dependent use, would be planted with native riparian herbaceous, shrub, and tree vegetation.**

*[(15)]***(16)** "Boathouse" means a facility attached to a floating device for the purpose of sheltering a boat or boats and generally enclosed on the sides and top.

*[(16)]***(17)** "Board" means the Lincoln County Board of Commissioners.

*[(17)]***(18)** "Breakaway walls" means a wall that is not part of the structural support of the building and is intended though its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

*[(18)]***(19)** "Build" means to create by assembling basic elements, such as foundations, floors, walls, roofs, plumbing and wiring systems, by following step-by-step construction procedures.

*[(19)]***(20)** "Building" means a structure built or assembled for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

*[(20)]***(21)** “Coastal high hazard area” means an area of special flood hazard extending from the offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

*[(21)]***(22)** "Clinic" means a building utilized by persons licensed by the State of Oregon to treat or analyze medical or surgical needs of humans or animals.

*[(22)]***(23)** "Commission" means the Lincoln County Planning Commission.

*[(23)]***(24)** "Common property" means a lot or lots, together with the improvements thereon, the use and enjoyment of which are shared by owners and occupants of individual building sites in a Planned Unit Subdivision or standard subdivision.

*[(24)]***(25)** "Community center" means a facility owned and operated by a governmental agency or a non-profit community organization, provided that the primary purpose of the facility is

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for recreation, social welfare, community improvement, or public assembly, and further provided that no permanent commercial eating or drinking facilities shall be operated on the premises.

~~[(25)]~~**(26)** "Comprehensive Plan" means the adopted comprehensive plan for Lincoln County as defined in ORS 197.015(4).

~~[(26)]~~**(27)** "Comprehensive Plan Inventory" means written and mapped information which comprises the factual base for the Lincoln County Comprehensive Plan and which is adopted by resolution of the Board.

~~[(27)]~~**(28)** "County" means the County of Lincoln, State of Oregon.

~~[(28)]~~**(29)** "Cross section" means a profile of the ground surface perpendicular to the center line of a stream or tidal estuary.

~~[(29)]~~**(30)** "Development" means, as it relates to the Flood Hazard Management Section, any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

~~[(30)]~~**(31)** "Director" means the Lincoln County Planning Director or the director's duly authorized representatives.

~~[(31)]~~**(32)** "Dock" means a floating moorage facility constructed perpendicular or parallel to the shoreline, or a fixed facility designed or designated for the loading or unloading of trucks or railroad cars.

~~[(32)]~~**(33)** "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, sanitation and only one cooking area.

(a) A "single family dwelling" means a structure of which all habitable portions thereof are connected structurally and comprise one dwelling unit, including but not limited to factory built dwellings, mobile homes and site built dwellings.

(b) A "two family dwelling" means a structure of which all habitable portions thereof are connected structurally and comprise two dwelling units including but not limited to factory built dwellings, mobile homes and site built dwellings.

(c) A "multi-family dwelling" means a structure of which all habitable portions thereof are connected structurally and comprise three or more dwelling units, including, but not limited to, factory built dwellings, mobile homes and site built dwellings.

~~[(33)]~~**(34)** "Easement" means a right of usage of real property granted for a specific purpose by an owner to specific persons, firms, corporations, or the public.

~~[(34)]~~**(35)** "Factory built dwelling" means a dwelling unit built substantially or entirely at a place other than the residential site, meeting County and State building code requirements, and including, but not limited to, prefabricated or modular homes, but excluding mobile homes.

~~[(35)]~~**(36)** "Family" means an individual or two or more persons related by blood or marriage or a group of not more than five persons, excluding servants, who need not be related by blood or marriage, living together in a dwelling unit.

~~[(36)]~~**(37)** "Farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise.

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"Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultural Christmas trees as defined in ORS chapter 215.

~~[(37)]~~**(38)** "Fence" (sight obscuring) consists of either a continuous fence, wall, evergreen planting, or combination thereof, constructed or planted so as to effectively screen a particular use from view.

~~[(38)]~~**(39)** "Fill" as used in LCC 1.2005 through ~~[1.2320]~~**1.2330** means placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered "development."

~~[(39)]~~**(40)** "Fish accessible space" means the volumetric space available to fish to access.

~~[(40)]~~**(41)** "Fish egress-able space" means the volumetric space available to fish to exit or leave from.

~~[(41)]~~**(42)** "Flag lot" means a lot, the major portion of which has access to a public road by means narrow strip of land called the "staff."

~~[(42)]~~**(43)** "Flood or Flooding" means

(a) a general and temporary condition of partial or complete inundation of normally dry areas from:

(A) The overflow of inland or tidal waters.

(B) The unusual and rapid accumulation of runoff of surface waters from any source.

(C) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(B) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining cause by the waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(A) of this definition.

~~[(43)]~~**(44)** "Flood evaluation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

~~[(44)]~~**(45)** "Flood Insurance Rate Map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

~~[(45)]~~**(46)** "Flood Insurance Study (FIS)" See "Flood elevation study."[.]

~~[(46)]~~**(47)** "Flood proofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**(48) "Flood Storage" means the three-dimensional space (i.e., volume) between the existing ground and the base flood elevation in which floodwaters flow during the 1-percent annual chance flood (See "Base Flood Elevation" and "Area of Special Flood Hazard" definitions).**

**(49) "Flood Storage Capacity" means the flood storage volume that is unoccupied by any development including, but not limited to fill, structures, concrete structures (vaults or**

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**tanks), pilings, levees and dikes, or any other development that reduces flood storage and fish refugia. See “Flood Storage” definition.**

*[(47)]***(50)** "Floodway" means channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as “Regulatory Floodway.”[.]

*[(48)]***(51)** "Floor area" means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including:

- (a) Attic space providing headroom of less than seven feet.
- (b) Basement, if the floor above is less than six feet above grade.
- (c) Uncovered steps or fire escapes.
- (d) Private garages, carports, or porches.
- (e) Accessory water towers or cooling towers.
- (f) Accessory off-street parking or loading spaces.

*[(49)]***(52)** “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term only includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

*[(50)]***(53)** “Green infrastructure” means the use of natural or human-made hydrologic features to manage water and provide environmental and community benefits. Green infrastructure uses management approaches and technologies that use, enhance, and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse. At a large scale, it is an interconnected network of green space that conserves natural systems and provides assorted benefits to human populations. At a local scale, it manages stormwater by infiltrating it into the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. Green infrastructure practices can be used to achieve no net loss of pervious surface by creating infiltration of stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface

*[(51)]***(54)** "Ground level grade" means the average elevation of the finished ground elevation at the centers of all walls of a building.

*[(52)]***(55)** "Habitable floor" means any floor usable for working, sleeping, eating, cooking, recreation, or other living purpose.

*[(53)]***(56)** “Habitat restoration activities” means activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary structures such as a storage shed for maintenance equipment, must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMR, and have obtained any other required permits (e.g., CWA Section 404 permit).

*[(54)]***(57)** “Hazard Trees” means standing dead, dying, or diseased trees, or trees with structural defects that makes such trees likely to fail in whole or in part, and that present a potential hazard to structures, utilities, or people.

*[(55)]***(58)** "Health Department" means the County Health Officer and the County Health Officer's duly designated representatives.

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*[(56)]***(59)** "Height of building" means the vertical distance from grade to the highest point of a roof.

*[(57)]***(60)** "Highest adjacent grade" means the highest natural elevation of the ground surface prior to the construction next to the proposed walls of a structure.

*[(58)]***(61)** "Historic Structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(A) By an approved state program as determined by the Secretary of the Interior or

(B) Directly by the Secretary of the Interior in states without approved programs.

*[(59)]***(62)** "Home occupation" means an occupation or profession carried on within a dwelling, or a residential accessory structure, by a resident of the dwelling, where such occupation or profession is secondary to the main use of the property as a residence and which is not an accessory home occupation.

*[(60)]***(63)** "Home owner's association" means an incorporated, non-profit corporation to operate under recorded land agreement through which:

(a) Each lot owner in a Planned Unit Subdivision or other described land area is automatically a member; and

(b) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

*[(61)]***(64)** "Hospital" means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis.

*[(62)]***(65)** "Hydraulically equivalent elevation" means a location (e.g., a site where no net loss standards are implemented) that is approximately equivalent to another (e.g., the impacted site) relative to the same 100-year water surface elevation contour or base flood elevation. This may be estimated based on a point that is along the same approximate line perpendicular to the direction of flow.

*[(63)]***(66)** "Hydrologically connected" means the interconnection of groundwater and surface water such that they constitute one water supply and use of either results in an impact to both.

*[(64)]***(67)** "Impervious surface" means a surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff.

*[(65)]***(68)** "Junk yard" means any property utilized for breaking up, dismantling, sorting, storing, distributing, buying, or selling of any scrap, waste material, junk, or used equipment or machinery of any nature.

*[(66)]***(69)** "Kennel" means a lot or building which provides for the keeping of four or more dogs, cats, or animals, at least four months of age, where such animals are kept commercially for board, propagation, training, or sale.

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~~[(67)]~~**(70)** "Livestock" means domestic animals and fowl of types customarily raised or kept on farms for profit or other purposes. This definition does not include household pets such as dogs and cats.

~~[(68)]~~**(71)** "Lodge" means a structure or group of related structures wherein transient eating or sleeping accommodations are provided in connection with outdoor recreation activities.

~~[(69)]~~**(72)** "Lot," as used in LCC 1.1101 through 1.1999, but excepting LCC 1.1371 to 1.1375, means an area of land with fixed boundaries, used or intended to be used by a single use and its accessory uses and not divided by any public road or alley. "Lot," as used in LCC 1.3210 through 1.3270, means a unit of land created by a division of land.

(a) A "corner lot" is a lot abutting on two or more streets, other than an alley, at their intersections.

(b) An "interior lot" is a lot other than a corner lot.

(c) A "lot area" is the total horizontal area within the lot lines of a lot exclusive of public roads.

(d) A "lot depth" is the average horizontal distance between the front lot line and the rear lot line.

(e) A "lot width" is the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

~~[(70)]~~**(73)** "Lot line" is the property line bounding a lot.

(a) A "front lot line" is the property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley; or, in a case where the lot does not front directly upon a public street, that lot line toward which most houses in the immediate area face.

(b) A "rear lot line" is a property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten feet in length, within the lot, parallel to and at a maximum distance from the front lot line.

(c) A "side lot line" is any property line not a front or rear lot line.

~~[(71)]~~**(74)** "Low impact development" means an approach to land development or redevelopment that works with nature to manage stormwater as close to its source as possible. It employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Low Impact Development refers to designing and implementing practices that can be employed at the site level to control stormwater and help replicate the predevelopment hydrology of the site. Low impact development helps achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. LID is a subset of green infrastructure.

~~[(72)]~~**(75)** "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building accessor storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the Flood Hazard Management Section (FHM Section)

~~[(73)]~~**(76)** "Manufactured dwelling" with respect to the Flood Hazard Management Section (FHM Section) means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle"

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and is synonymous with “manufactured home.”[.] “Manufactured dwelling” with respect to other aspects of this FHM Section has the meaning given that term in ORS 446.003.

[(74)](77) “Manufactured dwelling park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

[(75)](78) "Marina" means a commercial boat launch, moorage or similar facility which may include dry or wet boat storage, boat houses and related commercial activities.

[(76)](79) "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which the Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

[(77)](80) “Mean Higher-High Water (MHHW)” means the average of the higher-high water height of each tidal day observed over the National Tidal Datum Epoch.

[(78)](81) "Mobile home" **has the same meaning as manufactured dwelling, and as used in this Chapter** means a dwelling unit or units, designed for long-term occupancy; designed to be transported after fabrication on its own wheels; providing plumbing or electrical connections for attachment to outside systems[; *and having a mobile home license or "X" number*].

(a) A "single wide mobile home" is a mobile home which is constructed and transported to its site as a single frame unit. A single wide may have extension or tilt out areas, but remains as a single frame unit after set-up.

(b) A "multi-wide mobile home" is a mobile home which is constructed and transported to its site as two or more frame units which are structurally connected on-site to form one or more dwelling units.

[(79)](82) "Mobile home park" means a lot providing water, sewage disposal and electrical hook-ups for two (2) or more mobile homes occupied for living or sleeping purposes, regardless of whether a charge is made for such accommodations.

[(80)](83) "New construction," **as used in LCC 1.2005 through 1.2330, means**[, *with respect to the Flood Hazard Management Section means, for floodplain management purposes,*] structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by Lincoln County and includes any subsequent improvements to such structures.

[(81)](84) “No net loss” as used in LCC 1.2005 through [1.2320]1.2330 means a standard that requires that adverse impacts must be avoided or offset through adherence to certain requirements so that there is no net change in the function from the existing condition when a development application is submitted. The floodplain functions of floodplain storage, water quality, and vegetation must be maintained.

[(82)](85) "Nonconforming use" means the use of a structure or land, or structure and land in combination, which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance, no longer conforms to the use requirements for the use zone in which it is located.

[(83)](86) “Offsite” as used in LCC 1.2005 through [1.2320]1.2330 means mitigation that occurs outside of the project area.

[(84)](87) “Onsite” as used in LCC 1.2005 through [1.2320]1.2330 means mitigation that occurs within the project area.

[(85)](88) “Ordinary high water mark” means the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the

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presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

~~[(86)]~~**(89)** "Outdoor recreation activity" includes fishing, camping, swimming, clam digging, hunting, boating, hiking, bicycling, horseback riding and similar outdoor activities engaged in for leisure and recreation.

~~[(87)]~~**(90)** "Outdoor recreation development" includes those public or private structural or other improvements customarily found in connection with outdoor recreation activities. Such improvements may include picnic parks or organizational camps as defined in ORS chapter 446, and similar types of facilities. Such development may also include recreation parks as defined in ORS Chapter 446, provided that only minimal levels of improvements are provided. Outdoor recreation development does not include high intensity recreational development such as marinas or recreational vehicle parks providing full hook-ups or commercial services. Outdoor recreation development does not include commercial amusement uses such as miniature golf courses, go-cart tracks and similar uses.

~~[(88)]~~**(91)** "Parcel" means a unit of land that is created by partitioning land.

~~[(89)]~~**(92)** "Parking space" means an off-street enclosed or unenclosed surfaced area of not less than 20 feet by eight feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, connected with a street or alley which affords ingress and egress for automobiles.

~~[(90)]~~**(93)** "Partition" means either an act of partitioning land or an area or tract of land partitioned as defined in this chapter.

~~[(91)]~~**(94)** "Partition land" means to divide an area or land into two or three parcels within a calendar year. "Partition land" does not include:

(a) A division or divisions of land resulting from lien foreclosures, divisions of land resulting from foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots;

(b) An adjustment of a property line by the relocation of a common boundary where an additional parcel is not created and where the existing unit of land reduced in size is not reduced below the minimum lot size established by the applicable use zone;

(c) The division of land resulting from the recording of a subdivision or condominium plat; or

(d) A sale or grant to a public agency or public body for state highway, county road, city street or other right-of-way purposes, if the road or right-of-way complies with the comprehensive plan and ORS 215.283(2)(p) through (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

~~[(92)]~~**(95)** "Performance agreement" means a bond executed by a surety company licensed in the State of Oregon, or other security acceptable to the Board, to insure the completion of the conditions of approval of any land use action.

~~[(93)]~~**(96)** "Person" means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.

~~[(94)]~~**(97)** "Pier" means a fixed moorage facility constructed outward from the shoreline.

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*[(95)]***(98)** "Planned Unit Subdivision" means a land in which the individual building sites may be reduced in size but are compensated by area used in common for recreational or other open space purposes. Planned Unit Subdivisions involving dwelling or commercial units may incorporate detached, semi-detached, attached, single-story, or multi-storied units or any combination of the aforementioned. Such projects may also involve religious, cultural, recreational and commercial uses and purposes.

*[(96)]***(99)** "Planning Division" means the Lincoln County Planning Director and the director's duly designated representatives.

*[(97)]***(100)** "Plat" and "replat" mean a final diagram, drawing, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

*[(98)]***(101)** "Professional office" means an office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers or surveyors, or persons engaged in similar occupations.

*[(99)]***(102)** "Qualified professional" as used in LCC 1.2005 through *[1.2320]***1.2330** means an appropriate subject matter expert qualified by education, training, and experience to provide analysis, expert opinion, and conclusions regarding compliance with the requirements of LCC 1.2280 through *[1.2320]***1.2330**. **Qualified professionals may include surveyors, biologists, hydrologists, engineers, arborists, or other specialties depending on the expertise needed.**

*[(100)]***(103)** "Reach" means a section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope. It can also be the length of a stream or river (with varying conditions) between major tributaries or two stream gages, or a length of river for which the characteristics are well described by readings at a single stream gage.

*[(101)]***(104)** "Recreational vehicle" and "R.V." mean a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed *[or]* **to be self-propelled** or permanently towable by a light duty truck; *[and]*
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use*[,]*; **and,**
- (e) Registered and licensed with the Oregon Department of Motor Vehicles and meeting the applicable definition in ORS 174.101, 803.036 or OAR 735-022-0140(7), or similar vehicles with valid licensure and registration in another state.**

*[(102)]***(105)** "Recreational vehicle park" means a park intended, designed or utilized for temporary occupancy by recreational vehicles or other similar portable devices, and accompanied by other accessory uses as needed.

*[(103)]***(106)** "Reserve strip" means a strip of land usually one foot in width, across the end of a street or alley which shall be under the ownership of the County to ensure street extensions where needed.

*[(104)]***(107)** "Right-of-way" means a strip of land within which is located a passageway, as conveyed for a specific purpose.

*[(105)]***(108)** "Riparian" means of, adjacent to, or living on, the bank of a river, lake, pond, or other water body.

*[(106)]***(109)** "Riparian *[b]*Buffer *[z]*Zone (RBZ)" as used in LCC 1.2005 through *[1.2320]***1.2330** means an area, the outer boundary of which is measured from the ordinary high water mark of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean

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higher-high water line of a marine shoreline or tidally influenced river reach, to 170 feet horizontally on each side of the stream or 170 feet inland from the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the special flood hazard area, the no net loss standards shall only apply to the area within the special flood hazard area.

~~[(107)]~~**(110)** “Riparian buffer zone fringe” as used in LCC 1.2005 through ~~[1.2320]~~**1.2330** means the portion of the special flood hazard area that is outside of the RBZ and floodway.

~~[(108)]~~**(111)** "Road" and "street" mean a public or private way created to provide vehicular access to one or more lots, parcels, areas, or tracts of land, excluding a private way that is created to provide access to such land in conjunction with its use for forestry, mining, or agricultural purposes.

(a) A "public road" is a road dedicated for public use.

(b) A "private road" is a road created by easement.

(c) An "arterial highway" and "major highway" are streets designed to carry traffic from one community to another, to carry traffic to and from major traffic generators and to carry through traffic.

(d) A "collector street" and "secondary street" are streets designed to carry traffic between minor streets and the arterial system, to function as primary traffic carriers within a neighborhood, to carry traffic to local traffic generators, and in commercial and industrial areas, provide access to commercial and industrial properties.

(e) A "minor street" is a street designed to provide access to abutting residential property with only incidental service to through traffic.

(f) A "cul-de-sac" and "dead end street" are minor streets with only one outlet which provides a vehicular turn-around.

~~[(109)]~~**(112)** "Sign" has the meaning provided in LCC 1.1405.

~~[(110)]~~**(113)** “Silviculture” means the art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands.

~~[(111)]~~**(114)** "Skirt" means a durable all-weather material having a finished exterior surface surrounding a mobile home and effectively screening the under-carriage from view.

~~[(112)]~~**(115)** "Solid waste" has the meaning given that term in LCC 2.1005(14).

~~[(113)]~~**(116)** "Solid waste disposal site" has the meaning given that term in LCC 2.1005(5).

~~[(114)]~~**(117)** “Special Flood Hazard Area” See “Area of special flood hazard” for this definition.

~~[(115)]~~**(118)** “Start of Construction”, with respect to the Flood Hazard Management Section, includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first

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alteration of any wall, ceiling, floor, or other structural part of a dwelling, whether or not that alteration affects the external dimensions of a building.

*[(116)]***(119)** "Street" has the same meaning as "road."

*[(117)]***(120)** "Structural alteration" means any change to the supporting members of a building including foundations, bearing walls, or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

*[(118)]***(121)** "Structure" means something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure. A "structure," for floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling. "Structure," for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as mobile home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

*[(119)]***(122)** "Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year when such an area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of a year.

*[(120)]***(123)** "Subdivision" means an area or tract of land divided into four or more lots within a calendar year.

*[(121)]***(124)** "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*[(122)]***(125)** "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official which are the minimum necessary to assure safe living condition; **or**

**(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."**

*[(123)]***(126)** "Tentative plan" means a diagram including any writings showing the general design of a proposed partition, together with other information the proposed partition may require.

*[(124)]***(127)** "Transfer station" means a fixed or mobile facility, normally used as an adjunct of a solid waste collection and disposal system or resource recovery system, between a collection route and disposal site, including, but not limited to a large hopper, railroad gondola or barge.

*[(125)]***(128)** "Undeveloped Space" as used in LCC 1.2005 through *[1.2320]***1.2330** means the volume of flood capacity and fish-accessible/egress-able habitat from the existing ground up to the base flood elevation that is undeveloped. Any form of development including, but not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat must achieve no net loss.

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~~[(126)]~~**(129)** "Use" means the purpose for which a structure is designed, arranged or intended or for which land is maintained or occupied.

~~[(127)]~~**(130)** "Variance", with respect to the Flood Hazard Management Section, means a grant of relief by Lincoln County from the terms of a flood plain management regulation.

~~[(128)]~~**(131)** "Violation", with respect to the Flood Hazard Management Section (FHM Section), means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the FHM Section is presumed to be in violation until such time as that documentation is provided.

~~[(129)]~~**(132)** "Wharf" means a fixed moorage parallel to the shoreline continuously thereto.

~~[(130)]~~**(133)** "Yard" means an open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this ordinance.

(a) A "front yard" is a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard.

(b) A "rear yard" is a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line, or the mean higher high water line or ordinary high water line when applicable, to the nearest part of a building.

(c) A "side yard" is a yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of a building.

(d) A "street side yard" is a yard on a corner lot that is adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building. [1985 o.231 §1; 1997 o.369 §1; 2006 o.438 §1; 2019 o.507 §1; 2019 o.510 §1; 2024 o.537 §1]

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