Battle Ground Municipal Code Chapter 18.260.210 Amended by Ordinance No. 12-06


1. Reserved.

2. “Adjacent” means an area within one hundred feet of a critical area.

3. “Altered” when referring to wetlands, means a wetland which has been graded, drained devegetated, or replanted with non-wetland plants.

4. “Anadromous” means fish that migrate up rivers and streams from the ocean to breed in fresh water.

5. Reserved.

6. “Appeal” means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

7. “Aquifer” means a groundwater-bearing geologic formation or formations that contain enough saturated permeable material to yield significant quantities of water to wells or springs.

7. “Area of shallow flooding” means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

8. “Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designations on the Flood Insurance Rate Maps include the letter A.

9. “Base flood” means the flood having a one percent chance of being equalled or exceeded in any given year.

10. “Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

11. “Best management practices” or “BMPs” means those physical, structural, and managerial practices and prohibitions of practices that, when used singly or in combination, prevent pollution to groundwater and surface water, and the protection of wetlands and fish and wildlife habitat.

12. “Buffer” means an area surrounding and protecting a critical area from adverse impacts to the functions of that critical area.

13. “Class V injection well” or “Class V storm water injection well” means a drywell used for collection of storm water. A Class I injection well is a well used to inject industrial, commercial, or municipal waste fluids. A Class II injection well is a well used in natural gas and oil exploration or production. A Class III injection well is a well used for extraction of minerals. A Class IV injection well is a well used for injection of dangerous waste or radioactive waste fluids. Class V injection wells are commonly known as drywells.

14. “Clearing” means the act of removing or destroying trees, brush, ground cover or other vegetation, snags or downed logs, or talus features by manual, mechanical, chemical or any other means.

15. “Clearing permit” means a permit required for nonexempt clearing of vegetation when no other land use permit specifically authorizes the proposed clearing activity.

16. “Conservation covenant” means a signed and recorded agreement between a property owner and Battle Ground running with the land and stipulating that certain areas of the property be maintained in a natural state without disturbance to vegetation or other features unless otherwise approved by the county.

17. “Critical aquifer recharge areas” or “CARAs” means:

a. Category I is the highest priority critical aquifer recharge area. Category I is the one year time of travel for public municipal water wells.

b. Category II is the primary critical aquifer recharge area. Category II is the five-to-ten year time of travel for public municipal water wells.

18. “Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and
emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

17. “Dangerous waste” means solid waste designated in Chapters 173-303-070 through 173-303-130 WAC as dangerous or extremely hazardous waste. The words “dangerous waste” will refer to the full universe of wastes regulated by Chapter 173-303 WAC (including dangerous and extremely hazardous waste).

18. “Demolition waste” means largely inert waste resulting from the demolition or razing of buildings, roads, and other manmade structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood, masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper. Plaster (sheet rock or plaster board) or any other material, other than wood, that is likely to produce gases or a leachate during the decomposition process, and asbestos wastes are not considered to be demolition waste to this regulation.

19. “Department” means the Battle Ground planning department.

20. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, clearing, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

21. “Director” means the director of the city of Battle Ground planning department or that person’s designee.

22. “Emergent wetland” means a wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.

23. “Enhancement” means actions performed to improve the condition of an existing degraded wetland or buffer so that the functions provided are of a higher quality.

24. “Exotic” means any species of plants or animals that are not native to the watershed.


26. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:
   a. The overflow of inland or tidal waters; and/or
   b. The unusual and rapid accumulation of runoff of surface waters from any source.

27. “Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

28. “Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

29. “Floodway” means the 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 one foot.

30. “Forested wetland” means a wetland with at least thirty percent of the surface area covered by a canopy of woody obligate, facultative or facultative plants greater than twenty feet in height.

31. “Functions” means the beneficial roles served by wetlands and fish and wildlife habitat areas including the control of flood waters, maintenance of summer stream flows, filtration of pollutants, recharge of groundwater, and provision of significant habitat areas for fish and wildlife.

32. “Geologic hazard areas” means areas having steep slopes; potential, active or previous landslides; or extreme seismic hazard that are defined and regulated by this section.

33. “Geologist” means a person who, by reason of his or her knowledge of geology, mathematics, the environment, and the supporting physical and life sciences, acquired by education and practical experience, has met the qualifications established under this chapter, and has been issued a certificate of licensing as a geologist by Washington State.
34. 36. “Geotechnical engineer” means a professional engineer licensed in the state of Washington with expertise in geotechnical engineering.
35. 37. “Groundwater” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.
36. 38. “Habitat areas” shall include the priority habitats and species (PHS) sites, and locally important habitat (LIH) sites as defined by this section and referenced on Battle Ground maps.
37. 39. “Hazardous materials” or “hazardous substances” means such material as flammable solids; corrosive liquids; radioactive material; oxidizing material; highly toxic material; poisonous gases; reactive material; unstable material; hyperbolic material; porphyritic material as defined in Article 2 of the Uniform Fire Code; and substances, or mixture of substances, that are an irritant or strong sensitizer or which generate pressure through exposure to heat, decomposition, or other means. “Hazardous substances” shall also mean hazardous waste as designated in Chapter 173-303 WAC as dangerous or extremely hazardous waste. “Hazardous substances” also means any hazardous waste or extremely hazardous waste as defined in RCW 70.105.010(5) and (6), or any dangerous or extremely dangerous waste as designated by rule under Chapter 70.105 RCW; any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule under Chapter 70.105 RCW; and any substance that, on the effective date of this section, is a hazardous substance under Section 101(14) of the Federal Cleanup Law, 42 USC, Section 9601(14); petroleum products; and any substance or category of substances including solid waste decomposition products, determined by the WDOE’s director to present a threat to human health or the environment if released into the environment. The term “hazardous substances” does not include any of the following when contained in an underground storage tank from which there is not a release of: crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local laws.
38. 40. Reserved.
39. 41. “High-impact use” means an activity that is regulated due to the probability and/or magnitude of its effects on the environment. For purposes of this chapter, these uses possess certain characteristics posing a substantial potential threat or risk to the quality of groundwater and surface waters within Category I CARAs. High-impact uses shall include, but are not limited to, the following:
   a. Landfills;
   b. Class V injection wells;
   c. Agricultural drainage wells;
   d. Untreated sewage waste disposal wells;
   e. Cesspools;
   f. Industrial process water and disposal wells;
   g. Radioactive waste disposal;
   h. Radioactive disposal sites; and
   i. Activities in BGMC 18.290.090 that are not connected to public sewer.
40. 42. “High intensity land use” means roadways, commercial, industrial, and multifamily (more than four units per parcel) land uses.
41. 43. “Hydric soil” means a soil that formed under saturated, flooded or ponded conditions long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Wetlands Delineation Manual.
44. Reserved.
42. 45. “Hydrophytic vegetation” means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Wetlands Delineation Manual.
43. 46. “Intermittent stream” means surface streams with no measurable flow during thirty consecutive days in a normal water year.
44. 47. “Isolated wetlands” means those wetlands which:
a. Are outside of and not contiguous to any one-hundred-year floodplain of a lake, river (other than the Columbia River), or stream; and
b. Have no contiguous hydric soil or hydrophytic vegetation or regularly occurring (at least once every five years) surface water connection between the wetland and any lake, river, or stream.

45, 48. "Landfill" means a disposal facility or part of a facility at which solid and demolition waste is permanently placed in or on the land that is not a land-spreading disposal facility. In addition, “landfill” means all continuous land and structures and other improvements on the land used for the disposal of solid waste, pursuant to Chapter 173-351 WAC.

46, 49. “Landslide” means down-slope movement of a mass of soil or rock, including, but not limited to, rock falls, slumps, mud flows, debris flows, torrents, and earth flows.

47, 50. “Landslide hazard areas” means areas that, due to a combination of slope inclination, soil type and presence of water, are susceptible to landsliding in accordance with the following criteria:

a. Areas of previous slope failures including areas of unstable old or recent landslides;
b. Areas with all three of the following characteristics:
   i. Slopes steeper than fifteen percent;
   ii. Hillsides intersecting geologic contacts with permeable sediment overlying a low permeability sediment or bedrock; and
   iii. Any springs or groundwater seepage;
c. Slopes that are parallel to planes of weakness, such as bedding planes, joint systems and fault planes in subsurface materials;
d. Areas mapped by:
   i. Washington Department of Natural Resources Open File Report: Slope Stability of Clark County, as having potential instability, historical or active landslides, or as older landslide debris, and
   ii. The Washington Department of Natural Resources Open File Report: Geologic Map of the Vancouver Quadrangle, Washington and Oregon, as landslides;
e. Slopes greater than eighty percent, subject to rock fall during earthquake shaking;
f. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and stream undercutting the toe of a slope;
g. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows, debris torrents or catastrophic flooding;
h. Areas adjacent to open-pit mine sites subject to steep slope hazard or landslide hazard.

48, 51. “Landslide protection areas” means those areas which are to be left permanently undisturbed in a substantially natural state and in which no clearing, grading, filling, building construction or placement or road construction of any kind is allowed except for activities exempted in BGMC 18.300.020.

49, 52. “Large quantity generators” means those businesses that generate more than two thousand two hundred pounds of dangerous waste per month. They accumulate more than two thousand two hundred pounds of dangerous waste at any time. They generate and accumulate more than two and two-tenths pounds of acutely hazardous waste or toxic extremely hazardous waste.

50, 52. “Locally important habitat” means those areas so designated by Battle Ground by virtue of containing unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators.

51, 54. “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 access or 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 this chapter.

52, 55. “Low intensity land use” means land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to: passive recreation, open space, or forest management lands.
53. 56. “Manufactured home” 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 connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

54. 57. “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

55. 58. “Medium quantity generators” means those businesses that generate more than two hundred twenty pounds, but less than two thousand two hundred pounds of dangerous waste per month. They are limited to the accumulation of less than two thousand two hundred pounds of dangerous waste at any time. They are limited to the generation of, and accumulation of, less than two and two-tenths pounds of acutely hazardous waste or toxic extremely hazardous waste.

56. 59. “Minimally necessary” shall mean the amount or extent needed to carry out a particular task, and no more.

57. 60. “Minimizing impacts to wetlands or buffers” means:
   a. Using appropriate and best management practices to stop sedimentation, runoff and other impacts to the wetland;
   b. Taking affirmative steps to avoid or reduce impacts;
   c. Sensitive site design and siting of facilities and construction staging areas away from regulated wetlands and their buffers;
   d. Providing protective measures such as physical barriers or scheduling the activity to avoid interference with wildlife and fisheries rearing, resting, nesting or spawning activities;
   e. Not jeopardizing the continued existence of endangered, threatened, rare, sensitive, or monitor species as listed by the federal government or the state of Washington; and
   f. Limiting the activity to certain times of the year.

58. 61. “Mitigation” means to make an impact less severe by either modifying the activity or replacing what is lost.

59. 62. “Moderate intensity land use” means land uses which are associated with moderate levels of human disturbance or substantial habitat impacts, including, but not limited to: low density residential (no more than one home per five acres), active recreation, and moderate agricultural land uses.

60. 63. “Native,” when referring to plants or plant communities, means those species or communities that are indigenous to the watershed, including extirpated species.

61. 64. “New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter.

62. 65. “No net loss of functions activity” shall result in no net loss of functions provided by the critical areas. The beneficial functions provided by critical areas include, but are not limited to: water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage; conveyance and attenuation of flood waters; ground water recharge and discharge; erosion control; and wave attenuation. These beneficial functions are not listed in order of priority. This chapter is also intended to protect residents from hazards and minimize risk of injury or property damage.

63. 66. “Normal water year” means a twelve-month period (October 1st through September 30th) with average precipitation based upon data from the past fifty years.

64. 67. “Nuisance vegetation” means noxious weeds such as Tansy Ragwort, purple loosestrife, Eurasian milfoil, nonnative blackberries, or other plants listed as noxious by Clark County Code 7.14.070; or any plant which when established is highly destructive, competitive or difficult to control by manual, mechanical or chemical practices.

65. 68. “Obligate,” “facultative wet,” and “facultative” refer to groupings of plants according to their frequency of occurrence in wetlands. Obligate wetland plants almost always (ninety-nine percent probability) occur in wetlands under natural conditions. Facultative wet plants usually (sixty-seven percent to ninety-nine percent probability) occur in wetlands. Facultative plants are equally likely (thirty-
four percent to sixty-six percent probability) to occur in wetlands or nonwetlands. Such groupings are more fully defined in the Wetlands Delineation Manual.

“Open water,” when not specifically defined by the rating criteria, means a proportion of open water to vegetative cover equal to twenty-five percent to seventy-five percent of the total wetland area during a majority of a normal water year.

“Ordinary high water mark” shall mean that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and unusual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existing on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the city or state agency; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean high water.

“Priority habitat and species (PHS)” shall mean the official definitions and all area classifications by that name used by the Washington Department of Fish and Wildlife (DFW). Known local categories of priority habitat as defined by DFW include riparian habitat, oak woodlands, old growth/mature forest, urban natural open space, snags and talus rock. Priority species sites include all areas within a three-hundred-foot buffer and state listed endangered, threatened, sensitive or candidate habitat. Battle Ground shall defer to the DFW in regards to classification, mapping and interpretation of PHS.

“Qualified groundwater professional” means a hydrogeologist, geologist, engineer, or other scientist licensed in the state of Washington who meets all the following criteria:

a. Has received a baccalaureate or post-graduate degree in the natural sciences or engineering; and
b. Has sufficient training and experience in groundwater hydrology and related fields as may be demonstrated by state registration, profession certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater vulnerability.

“Recreational Vehicle” means a vehicle:

a. Built on a single chassis;
b. 400 square feet or less when measured at the largest horizontal projection;
c. Designed to be self-propelled or permanently tovable 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.

“Restoration” means the activities undertaken to reestablish the natural structure or function of habitat area or portion thereof, such as replanting of adequate and appropriate vegetation, soil amendment, or reconstruction of stream banks.

“Riparian corridor” means a defined area located along riparian areas.

“Riparian zone” or “corridor” means areas encompassing riparian priority habitat, a subset of priority habitat and as defined by the Washington Department of Fish and Wildlife (DFW), extending outward from the ordinary high water mark of waters to the one-hundred-year floodplain or the following distances if greater: Definitions of the Type 1 through 5 waters are found in WAC 222-16-030:

a. DNR Type 1 and 2 waters, two hundred fifty feet;
b. DNR Type 3 waters, two hundred feet;
c. DNR Type 4 and 5 waters, one hundred fifty feet.

Erosion gullies or rills, and streams which are man-made, less than six inches wide or not having a defined bed and/or bank are not included.

“Scrub-shrub wetland” means a wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height as the uppermost strata.

“Seismic hazard areas” means areas subject to severe risk of damage as a result of earthquake-induced soil liquefaction, ground-shaking amplification, slope failure, settlement, or surface faulting. Relative seismic hazard is mapped on Plates 1 and 2 of the report Relative Earthquake Hazard Map of the Vancouver, Washington, Urban Area, published by the Washington Department of Natural Resources.
76. Reserved.
77. “Slope” means an inclined ground surface, the inclination of which is expressed as a percent ratio of vertical distance to horizontal distance (v/h).
78. “Snags” means dead, dying or defective trees serving as an important structural element of wildlife habitat.
79. “Solid waste” means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction waste, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid materials that are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes, but is not limited to, sludge from wastewater treatment plants and seepage, septic tanks, wood waste, dangerous waste, and problem wastes.
80. “Start of construction” means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of 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 foundation, 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 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
81. “Steep slope hazard area” means an area where there is not a mapped or designated landslide hazard, but there are steep slopes equal to or greater than forty percent slope. Steep slopes that are less than ten feet in vertical height and not part of a larger steep slope system, and steep slopes created through previous legal grading activity, are not regulated steep slope hazard areas. The presence of steep slope suggests that slope stability problems are possible.
82. Reserved.
83. “Stream bank stabilization” means those approved bioengineered projects. The projects can include both passive and active types of methods for stabilizing the stream bank.
84. “Streams” means those areas where surface waters produce a defined channel or bed excluding streams and lakes regulated under the state Shorelines Management Act.
85. Reserved.
86. “Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.
87. “Subject property” means the entire lot or parcel, or contiguous combination thereof, on which a development activity is proposed.
88. “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.
89. “Substantial improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:
   a. Before the improvement or repair is started; or
   b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or any other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:
a. Any project for improvement of a structure to correct precited existing violations of state or local health, sanitary or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

88. “Surface mining operations” means mining of rock, stone, gravel, sand, earth and minerals.
89. “Triggering application” means an application for one of the permits or approvals listed in BGMC 18.260.060.
90. “Underground storage tank” or “UST” means:
   a. An underground storage tank and connected underground piping as defined in the rules adopted under Chapter 90.76 RCW; or means any one or combination of tanks (including underground pipes connected thereto) that are used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is ten percent or more beneath the surface of the ground. This term does not include any of the exempt UST systems specified in WAC 173-360-110(2), or any piping connected thereto.
   b. Exemptions. The following UST systems, including any piping connected thereto, are exempt from the requirements of this chapter:
      i. Any UST system holding hazardous wastes subject to Subtitle C of the Federal Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances;
      ii. Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 307(b) or 402 of the Clean Water Act;
      iii. Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;
      iv. Any UST system whose capacity is one hundred ten gallons or less;
      v. Any UST system that contains a de minimis concentration of regulated substances;
      vi. Any emergency spill or overflow containment UST system that is expeditiously emptied after use;
      vii. Farm or residential UST systems of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e., not for resale);
      viii. UST systems used for storing heating oil for consumptive use on the premises where stored; except that such systems which store in excess of one thousand one hundred gallons are subject to the release reporting requirements of WAC 173-360-372;
      ix. Septic tanks;
   x. Any pipeline facility (including gathering lines) regulated under:
      a. The Natural Gas Pipeline Safety Act of 1968 (49 USC App. 1671, et seq.); or
      c. Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in the definition of “underground storage tank” listed above.
   xi. Surface impoundments, pits, ponds, or lagoons;
   xii. Storm water or wastewater collection systems;
   xiii. Flow-through process tanks;
   xiv. Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; or
   xv. Storage tanks situated in an underground area (such as a basement, cellar, vault, mine working drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

93. Reserved.
“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. Any variance applied for in this chapter must meet the requirements and go through the variance process as described in Chapter 17.149 BGMC.

“Vegetation” means any and all plant life.

“Water-dependent” means a use or a portion of a use that requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations.

“Watershed” means an area draining to a single surface water system as shown on the city of Battle Ground wetland watershed map adopted by reference.

“Wetlands” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

“Wetland classes and subclasses” means descriptive classes of the wetlands taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al., 1978).

“Wetlands Delineation Manual” means the manual adopted by the Washington State Department of Ecology pursuant to RCW 90.58.380. (Ord. 06-16 § 5, 2006; Ord. 04-025 § 3 (part), 2004).