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SENATE BILL 6035

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State of Washington

59th Legislature

2005 Regular Session

By Senator Mulliken

Read first time 02/23/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to clarifying how local governments may demonstrate  
2 that best available science has been included in growth management  
3 decisions; and amending RCW 36.70A.172.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 36.70A.172 and 1995 c 347 s 105 are each amended to  
6 read as follows:

7 (1) In designating and protecting critical areas under this  
8 chapter, counties and cities shall include the best available science  
9 in developing policies and development regulations to protect the  
10 functions and values of critical areas. In addition, counties and  
11 cities shall give special consideration to conservation or protection  
12 measures necessary to preserve or enhance anadromous fisheries.

13 (2) If it determines that advice from scientific or other experts  
14 is necessary or will be of substantial assistance in reaching its  
15 decision, a growth management hearings board may retain scientific or  
16 other expert advice to assist in reviewing a petition under RCW  
17 36.70A.290 that involves critical areas.

18 (3) To demonstrate that the best available science has been

1 included in the development of critical areas policies and regulations,  
2 counties and cities must address each of the following on the record:

3 (a) The specific policies and development regulations adopted to  
4 protect the functions and values of the critical areas at issue;

5 (b) The relevant sources of best available scientific information  
6 in the decision making; and

7 (c) Any nonscientific information, including legal, social,  
8 cultural, economic, and political information, used as a basis for  
9 critical area policies and regulations that depart from recommendations  
10 derived from the best available science.

11 (4) A county or city departing from science-based recommendations  
12 must:

13 (a) Identify the information in the record that supports its  
14 decision to depart from science-based recommendations;

15 (b) Explain its rationale for departing from science-based  
16 recommendations; and

17 (c) Identify potential risks to the functions and values of the  
18 critical area or areas at issue and any additional measures chosen to  
19 limit such risks.

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