
HOUSE BILL 2046

State of Washington 60th Legislature 2007 Regular Session

By Representatives Schindler and Springer

Read first time 02/06/2007. Referred to Committee on Local Government.

1 AN ACT Relating to protection of environmentally critical areas;
2 amending RCW 36.70A.172; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature affirms that the designation
5 of critical areas pursuant to RCW 36.70A.170 and the adoption of
6 regulations to protect critical areas pursuant to RCW 36.70A.060 are
7 duties under the growth management act. The legislature recognizes
8 that the scientific method itself is policy neutral, and in this
9 context is intended to inform, not dictate, the specific outcome of the
10 local legislative process.

11 **Sec. 2.** RCW 36.70A.172 and 1995 c 347 s 105 are each amended to
12 read as follows:

13 (1) In designating and protecting critical areas under this
14 chapter, counties and cities shall (~~include the best available science~~
15 ~~in developing~~) use the scientific method as set forth in RCW
16 90.58.100(1) to develop policies and development regulations (~~to~~
17 ~~protect~~) that assure no net loss of the functions and values of
18 critical areas that existed at the time of their designation pursuant

1 to RCW 36.70A.170. In addition, counties and cities shall give special
2 consideration to conservation or protection measures necessary to
3 preserve or enhance anadromous fisheries.

4 (2) The requirement to include the scientific method under
5 subsection (1) of this section is satisfied if buffers in a critical
6 area ordinance are within the range of buffers previously adopted and
7 established by any local government based on best available science for
8 the same category or type of critical area.

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

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