H-0229.1

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**HOUSE BILL 1233**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Griffey, MacEwen, Eslick, Irwin, and Dent

AN ACT Relating to the use of science pursuant to the growth management act; amending RCW 36.70A.172; and creating a new section.

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

NEW SECTION. **Sec.**  Science is innovative, constantly evolving, and provides for flexibility and improvement in public policy. Often in creating growth management act comprehensive plans and development regulations, elected officials are presented scientific information from multiple, conflicting sources with differing levels of credibility. Officials must make policy choices about its use for their communities. Small counties, cities, and towns often do not have the resources to obtain current, community-specific science evaluations. The legislature recognizes that a more flexible statutory standard on use of science is more realistic for local authorities. Therefore, the legislature declares that local authorities must consider science while creating critical area ordinances, yet reaffirms that ultimately elected officials have the authority to make decisions that differ from what the science and expert opinions in the public record may advocate. The growth management hearings board may not overturn choices made by local elected officials to deviate from documents presented as best available science, state agency recommendations based on science, or other materials claiming to present science or scientifically modeled information.

**Sec.**  RCW 36.70A.172 and 2010 c 211 s 3 are each amended to read as follows:

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

(2) If it determines that advice from scientific or other experts is necessary or will be of substantial assistance in reaching its decision, the growth management hearings board may retain scientific or other expert advice to assist in reviewing a petition under RCW 36.70A.290 that involves critical areas. Expert opinion on a topic indicating local authorities did not adopt policies consistent with scientific information in the record or presented later before the board are not grounds for finding noncompliance with the provisions of this chapter.

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