
HOUSE BILL 1233

State of Washington

66th Legislature

2019 Regular Session

By Representatives Griffey, MacEwen, Eslick, and Irwin

1 AN ACT Relating to the use of science pursuant to the growth
2 management act; 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.** Science is innovative, constantly
5 evolving, and provides for flexibility and improvement in public
6 policy. Often in creating growth management act comprehensive plans
7 and development regulations, elected officials are presented
8 scientific information from multiple, conflicting sources with
9 differing levels of credibility. Officials must make policy choices
10 about its use for their communities. Small counties, cities, and
11 towns often do not have the resources to obtain current, community-
12 specific science evaluations. The legislature recognizes that a more
13 flexible statutory standard on use of science is more realistic for
14 local authorities. Therefore, the legislature declares that local
15 authorities must consider science while creating critical area
16 ordinances, yet reaffirms that ultimately elected officials have the
17 authority to make decisions that differ from what the science and
18 expert opinions in the public record may advocate. The growth
19 management hearings board may not overturn choices made by local
20 elected officials to deviate from documents presented as best
21 available science, state agency recommendations based on science, or

1 other materials claiming to present science or scientifically modeled
2 information.

3 **Sec. 2.** RCW 36.70A.172 and 2010 c 211 s 3 are each amended to
4 read as follows:

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

12 (2) If it determines that advice from scientific or other experts
13 is necessary or will be of substantial assistance in reaching its
14 decision, the growth management hearings board may retain scientific
15 or other expert advice to assist in reviewing a petition under RCW
16 36.70A.290 that involves critical areas. Expert opinion on a topic
17 indicating local authorities did not adopt policies consistent with
18 scientific information in the record or presented later before the
19 board are not grounds for finding noncompliance with the provisions
20 of this chapter.

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