

---

SENATE BILL 5658

---

State of Washington                      58th Legislature                      2003 Regular Session

By Senators Mulliken, Haugen, T. Sheldon, Morton and Rasmussen

Read first time 02/05/2003.      Referred to Committee on Land Use & Planning.

1            AN ACT Relating to the application of best available science under  
2 the growth management act; and amending RCW 36.70A.172.

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

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

6            (1) In designating and protecting critical areas under this  
7 chapter, counties and cities shall (~~include~~) consider the best  
8 available science in developing policies and development regulations to  
9 protect the functions and values of critical areas. In addition,  
10 counties and cities shall give special consideration to conservation or  
11 protection measures necessary to preserve or enhance anadromous  
12 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) Where a proposed critical area ordinance is based upon science  
19 that has yet to be replicated in a physical context similar to the one

1 at issue, but is theoretically sound and otherwise meets the test for  
2 best available science, the science shall be deemed to constitute best  
3 available science.

4 (4) The requirement to consider the best available science under  
5 subsection (1) of this section does not obligate a county or city to  
6 use science from a different physical context if the county or city  
7 determines that such science is not applicable to a specific local  
8 situation or physical context, even if it is the only available  
9 science.

10 (5) The requirement to consider the best available science is a  
11 procedural, not substantive, requirement.

--- END ---