



GRANT COUNTY
DEVELOPMENT SERVICES

PLANNING WITH WATER IN MIND: A COUNTY LAND USE PERSPECTIVE

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DISCLAIMER:

**HOW WATER IS ANALYZED IN THE LAND USE
CONTEXT DEPENDS ON EACH COUNTY'S CODE
AND PROCEDURES**



COMMON ISSUES

EXEMPT IS MISUNDERSTOOD

- Idea that water exemption means right to build

CUMULATIVE IMPACTS

- The challenge is rarely one house; it's how multiple lots, phasing, or rural growth patterns add up across a basin

POLICY CLARITY IS KEY

- Clear code language and proactive education reduce friction for residents and county staff



COUNTY LAND DIVISIONS

❖ SUBDIVISIONS

- Most new lots are created through the formal platting process
 - Subdivision (**5 or more lots*)
 - Short plat/short subdivision (**4 lots or fewer*)
 - State law requires jurisdictions to verify adequate water availability when approving
 - RCW 58.17.060 leaves the details of the short plat process up to local ordinance

❖ EXEMPT SEGREGATIONS

- RCW 58.17.040 allows the division of land, **exempt from platting**, to create new parcels
- Typically, large lots (20-40 acres) however State law allows them as small as 5 acres
- Lots created through an administrative (internal) deed process



SEGREGATIONS & WATER

❖ **RCW DOES NOT REQUIRE COUNTIES TO CONSIDER WATER**

- Counties have only recently begun considering water as it applies to project areas, including segregations and “parent” parcels

❖ **BENTON COUNTY EXAMPLE:**

- Exempt land divisions must still comply with the County’s rural domestic water policies, RCW 90.44.050, and Ecology’s guidance on exemptions for groundwater.
- Applies water use limitations to an entire project/development
- Applies the 5,000 gallons per day and ½ an acre collectively to all lots created within the project
 - All new land divisions limited to 14 lots based on DOH’s standard of 350 GPD/dwelling



ECOLOGY'S GUIDANCE

❖ COMMON OWNERSHIP

- Do the applications reflect a coordinated project?
- Are there any ties or relation to adjacent owners?

❖ COMMON EFFORT

- Is there shared infrastructure such as roads?
- Same project team (surveyor, engineer, realtor, etc.)?

❖ COMMON TIMING

- Were parcels acquired or are they being developed together?

❖ PROJECT AREA IS VERY SUBJECTIVE

INTERPRETING THE GUIDANCE IS DIFFICULT!

Loarst Grove Rd



1

2

9

10

11

3

12

4

13

5

X

6

7

X

X

8

C Williams Rd

STORAGE



BENTON RURAL WATER SUPPLY PROGRAM

❖ YAKIMA RIVER BASIN ADJUDICATION

- RWSP established February 2020
- 425 acre-feet of senior Yakima River surface water rights in Trust
- Mitigation for all new residential building permits, short plat and subdivision applications
 - Short plat/subdivision projects are still held to 14 lot rule

❖ TWO PHASE PROGRAM

- Mitigation: Purchase of a mitigation certificate (water right lease) from the County
 - Both dwellings and new lots
 - Packages range from 200-400 gallons/day
- Metering: Purchase and installation of a water meter on ground wells

❖ CURRENT SNAPSHOT

- Total mitigation certificates purchased: **360**
 - ~60% of mitigation certificates are for new homes
 - ~40% of mitigation certificates are for new lots
- About 55 years of water left



“Exempt wells dictate rural growth”

FINAL THOUGHTS

CASE LAW VOID & VAUGE GUIDANCE

- Local governments are often not water experts
- Places a large burden and risk on counties to make water determinations
- Need consistency statewide in how water is interpreted

INTREPRETATIONS DIFFER

- Water experience/knowledge is a big factor

BETTER SUPPORT

- Counties would greatly benefit from clearer guidance and better support



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QUESTIONS?

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