

**Snohomish County
Planning and Development
Services**



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Snohomish County Announces Initial Response to Hirst Decision

Water access in unincorporated county is potentially impacted

EVERETT, Snohomish County, January 16, 2017—Today, the Snohomish County Department of Planning and Development Services (PDS) announced the initial steps it will be taking in response to the Washington State Supreme Court’s decision [Whatcom County vs. Hirst et al.](#) (Hirst Decision). The Court’s decision, handed down on October 6, 2016, changed how access to water is determined for those wanting to drill a well. Before the decision, water use and rights were determined by other agencies, not municipal or county governments. The Hirst Decision effectively altered development and land use in all 39 counties in the State of Washington.

On learning of the Hirst decision and its significant impact on land use permitting in unincorporated areas of Snohomish County, PDS took a number of immediate steps:

1. PDS and its attorneys recognized that all 39 counties in the state were most likely impacted by the Hirst Decision, including Snohomish County.
2. PDS discussed with attorneys, stakeholders, state officials, and other counties the meaning of and possible responses to the Decision.
3. PDS went through a deliberative process to determine the most appropriate response for Snohomish County.
4. PDS determined that an initial response would entail three parts
 - a. A signed notice to those seeking development permits would be required. This notice advises those seeking wells that access or right to water cannot be guaranteed, even if a building permit is issued.

- b. An advisory bulletin has been published.
 - c. A website has been established for the timely communication of any additional information to the public.
5. Initiated scoping for new regulations governing exempt wells.

PDS will continue working with state and local leaders to find a statewide solution to the challenges presented in the Hirst Decision. Specifically, PDS will be urging the legislature to adopt a uniform, statewide resolution to the issues raised in the Decision.

“The Hirst Decision was both unexpected and a radical change to how we have done business over the last few decades,” said Barb Mock, Director of Snohomish County Planning and Development Services. “As part of the fastest growing region of the state, Snohomish County must do all it can to protect our water and other natural resources, while also looking out for the interests of our residents. After a careful and deliberate process, we believe our initial steps are appropriate to the circumstances as we and everyone else across Washington State determine solutions.”

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