



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
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October 3, 2022

Mr. Tua Vang
Senior Project Planner
Yakima County
129 North 2nd Street
Yakima, Washington 98901

Sent Via Electronic Mail

Re: Naches UGA Amendment - Case LRN2021-00001

Dear Mr. Vang:

Thank you for the opportunity to comment on the proposed amendment to the Town of Naches' Urban Growth Area (UGA). We appreciate your coordination with our agency as you work to achieve the community's vision consistent with the goals and requirements of the Growth Management Act (GMA). Please consider the following as you present this proposal to your appointed and elected officials.

During Yakima County's 2021 Comprehensive Plan Amendment process, we submitted a comment letter on a UGA expansion proposed by the Town of Naches, stating that UGA's must be sized to accommodate 20 years of population growth. At the time, the staff analysis showed that Naches had more than 20 years of land capacity. We suggested that the County work with the City to identify land outside the current UGA that could essentially be exchanged, or "swapped", with land inside the UGA if that land was not likely to develop.

Since that letter was submitted, the Washington State Legislature amended RCW 36.70A.130, setting new requirements governing UGA land swaps.¹ The requirements include the following:

1. The revised urban growth area may not result in an increase in the total surface areas of the urban growth area or areas;
2. The areas added to the urban growth area are not or have not been designated as agricultural, forest, or mineral resource lands of long-term commercial significance;
3. Less than 15 percent of the areas added to the urban growth area are critical areas;
4. The areas added to the urban growth areas are suitable for urban growth;
5. The transportation element and capital facility plan element have identified the transportation facilities, and public facilities and services needed to serve the urban growth area and the funding to provide the transportation facilities and public facilities and services;

¹ [ESSB 5593](#)

6. The urban growth area is not larger than needed to accommodate the growth planned for the succeeding 20-year planning period and a reasonable land market supply factor;
7. The areas removed from the urban growth area do not include urban growth or urban densities;
8. The revised urban growth area is contiguous, does not include holes or gaps, and will not increase pressures to urbanize rural or natural resource lands.

We recommend that the County analyze the proposed land swap to ensure it meets the new criteria listed above. We understand that the proposed UGA parcels are designated agricultural resource lands. Under the new legislation (No. 2 above), these properties cannot be included in a UGA swap.

The Growth Management Act (GMA) requires counties to designate and conserve resource lands of long-term commercial significance. Many Yakima County cities and towns are surrounded by designated agricultural resource lands. Counties are discouraged from “reviewing resource lands designations solely on a parcel-by-parcel process”. This was a central issue in *Futurewise vs. Benton County, et al.*, where the Growth Management Hearings Board ruled against Benton County in their attempt to expand their Urban Growth Area (UGA), de-designating 1,263 acres of commercial agricultural land in the process. The Hearings Board found that:

“Benton County’s de-designating of agricultural lands for this small section of land, in isolation from a much larger County or area-wide study to be inappropriate and, by de-designating land that qualify as agricultural lands of long term commercial significance, the County violated WAC 365-190-050 and corresponding GMA sections RCW 36.70A.030, RCW 36.70A.050, and RCW 36.70A.170.”²

Once the County establishes a willingness to “de-designate” productive resource lands, it will be increasingly difficult to resist future applications. Over time, cumulative loss of resource lands could impact agricultural production and Yakima County’s economy.

We recommend that the County conduct a thorough assessment of commercial resource lands designations on a countywide basis, rather than a parcel-by-parcel basis during the annual amendment processes or, preferably, during the next GMA Periodic Update.

Thank you again for the opportunity to comment. If you have any questions or need technical assistance, please feel free to contact me at scott.kuhta@commerce.wa.gov or (509) 795-6884.

Sincerely,



Scott Kuhta, AICP
Senior Planner
Growth Management Services

cc: David Andersen, AICP, Managing Director, Growth Management Services
Ben Serr, AICP, Eastern Regional Manager, Growth Management Services
Valerie Smith, AICP, Deputy Managing Director, Growth Management Services
Jeff Ranger, Town Administrator, Naches

² *Futurewise v. Benton County, et al.*, FDO Case No. 14-1-003