

**From:** [Jose Alvarez](#)  
**To:** [Jeffrey Delapena](#)  
**Subject:** FW: TDR WACs  
**Date:** Tuesday, January 27, 2026 3:06:15 PM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image001.png](#)  
[image002.png](#)

---

Jeff,

Please include this in the comp plan record. Thanks



**Jose Alvarez** he/him/his  
Program Manager II  
COMMUNITY PLANNING

564.397.4898



---

**From:** Ron Barca (Planning Commission Member) <[Ron.Barca@clark.wa.gov](mailto:Ron.Barca@clark.wa.gov)>  
**Sent:** Tuesday, January 27, 2026 3:04 PM  
**To:** Jose Alvarez <[Jose.Alvarez@clark.wa.gov](mailto:Jose.Alvarez@clark.wa.gov)>  
**Subject:** Fw: TDR WACs

Jose, since Steve Stuart sent this to me, I wanted it included in the record. I know you are included in the string, but you know. Better safe than sorry.

Sent from Samsung Galaxy smartphone.

Get [Outlook for Android](#)

---

**From:** Steve Stuart <[Steve.Stuart@ridgefieldwa.us](mailto:Steve.Stuart@ridgefieldwa.us)>  
**Sent:** Tuesday, January 27, 2026 1:55:16 PM  
**To:** Ron Barca (Planning Commission Member) <[Ron.Barca@clark.wa.gov](mailto:Ron.Barca@clark.wa.gov)>  
**Subject:** TDR WACs

You don't often get email from [steve.stuart@ridgefieldwa.us](mailto:steve.stuart@ridgefieldwa.us). [Learn why this is important](#)

Good afternoon Commissioner Barca,

I wanted to follow up on questions you raised recently regarding Washington Administrative Code provisions applicable to the discussion of a Transfer of Development Rights program. While not an exhaustive listing of all WACs on the subject, please see the email string below for a rundown of some of the most important provisions.

Please let me know if you have any additional questions that I can help with. Thank you for your time and consideration.

Best,  
Steve



*Steve Stuart*

City Manager | City Hall

(360) 857-5020

[www.ridgefieldwa.us](http://www.ridgefieldwa.us)

230 Pioneer Street | PO BOX 608 | Ridgefield, WA 98642

**NOTICE OF PUBLIC DISCLOSURE:** This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this email, in whole or in part may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

---

**From:** Steve Stuart

**Sent:** Monday, January 26, 2026 5:18 PM

**To:** 'Oliver Orjiako' <[Oliver.Orjiako@clark.wa.gov](mailto:Oliver.Orjiako@clark.wa.gov)>

**Cc:** Jose Alvarez <[Jose.Alvarez@clark.wa.gov](mailto:Jose.Alvarez@clark.wa.gov)>

**Subject:** RE: Next steps

Good afternoon Oliver and Jose,

I hope you had a great weekend. I got to see the Seahawks winning the NFC Championship so mine was definitely outstanding.

I did want to follow up with you on the WAC and RCW citations you sent over. Again, thank you for that! It definitely helped me better understand and address some opportunities and concerns that I've heard. After going down the rabbit hole of researching them, here are a few observations that I hope are helpful.

1. I now understand why you said that a TDR program must be in place prior to de-

designating ag land. I hadn't heard of that requirement before so it helped to read the citations you sent over (and follow up with some additional research). It appears that there is a misunderstanding of when a TDR program is required. There is no requirement anywhere in the law for a TDR program to be in place prior to de-designation of ag land as part of the Comp Plan Update. I've looked and asked.

I think the confusion is that the WAC you sent over (WAC 365-190-050(1)) references TDR in the context of **designating** ag land – not **de-designating**. ***“Counties and cities must have a program for the transfer or purchase of development rights prior to designating agricultural resource lands in urban growth areas.”*** So if the analysis shows ag land is **within** the UGA, then – before designating as ag resource lands – the county and city must have a TDR program so that those development rights that were planned for the UGA (for jobs and population growth) can be transferred to other areas before doing so because the designation will limit how the property can be developed.

Since cities are tasked with developing their UGAs at urban densities with capacity for jobs and housing allocations, it makes good sense that the WACs would assure that the development potential for any areas in a UGA that get zoned for Ag would be replaced elsewhere. There's even a Supreme Court case on this point. In Redmond v GMHB, the Supreme Court invalidated a CITY **designation** of ag land **within the city limits** because there was not a TDR program.

2. The reference to TDR in WAC 365-190-040 is great information and could be helpful for us in the context of TDR as an innovative land management technique to minimize land use incompatibilities and conserve and protect ag land by allowing the transfer of the development rights FROM **designated** land to some other areas to keep the designated land in ag use and provide funding to invest in their business. It is clearly not requiring TDR as a condition of de-designation but it does say that if other uses are going to be allowed on **designated** ag land that there should be some tools to ensure that these other allowed uses on the **designated** ag land are not incompatible with the use as resource land.
3. Love the insights and provisions of WAC 365-198 and RCW 39.108.005. Though they're only applicable to Puget Sound counties, it does provide some great foundation for the value of TDR and ideas for how to use an Interlocal Agreement for TDR. I actually reviewed all of the King County / city TDR Interlocal Agreements when creating the draft Interlocal that I sent over to you all. Again, not all of the specific provisions are on-point

but the overall goals and tools were really helpful.

Again, thank you for sending over the citations for me to research. I really did find value in the inquiry, and I hope it can be valuable to you and us in this process. And please let me know if you have any questions or other information that I should review.

I look forward to talking with you again soon and seeing you on Thursday.

Best,  
Steve



**Steve Stuart**

City Manager | City Hall

(360) 857-5020

[www.ridgefieldwa.us](http://www.ridgefieldwa.us)

230 Pioneer Street | PO BOX 608 | Ridgefield, WA 98642

**NOTICE OF PUBLIC DISCLOSURE:** This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this email, in whole or in part may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

---

**From:** Oliver Orjiako <[Oliver.Orjiako@clark.wa.gov](mailto:Oliver.Orjiako@clark.wa.gov)>

**Sent:** Friday, January 23, 2026 2:08 PM

**To:** Steve Stuart <[Steve.Stuart@ridgefieldwa.us](mailto:Steve.Stuart@ridgefieldwa.us)>

**Cc:** Jose Alvarez <[Jose.Alvarez@clark.wa.gov](mailto:Jose.Alvarez@clark.wa.gov)>

**Subject:** RE: Next steps

Good afternoon, Steve,

I hope all is well with you and family. It was nice speaking with you too.

The following are WAC sections for to check out. The first is WAC 365-190-050 (1). See WAC 365.190.040 (1). You can also review the entire WAC 365-198. There are certain provisions in WAC 355-198 that are not applicable to Clark County. See also RCW 36. 70A.177(1)-(2). Nothing in RCW 36.70A.177 says anything about TDR.

I hope these citations are helpful. Both Jose and I are available to continue to work together with you on how to move forward. Please, let me know if you have any questions. Thank you and have a good weekend.

Best,



**OLIVER ORJIAKO**

Director  
COMMUNITY PLANNING

564.397.2280



---

**From:** Steve Stuart <[Steve.Stuart@ridgefieldwa.us](mailto:Steve.Stuart@ridgefieldwa.us)>

**Sent:** Thursday, January 22, 2026 2:51 PM

**To:** Oliver Orjiako <[Oliver.Orjiako@clark.wa.gov](mailto:Oliver.Orjiako@clark.wa.gov)>

**Subject:** RE: Next steps

Good afternoon Oliver,

Thank you and Jose both for your time yesterday talking through potential TDR proposals and solutions. I'm back at my office and finally translating my notes from our meeting to help with work moving forward. One note I took was a reference you made to a WAC that requires a TDR program be in place prior to any ag de-designation. You mentioned that you could forward it to me – would you please do that? I want to make sure the WACs I'm including and referencing are complete.

Regarding next Thursday's PC presentation, please let me know if there is any further information or clarification I can provide. And again, thanks for taking the time to talk all of this through with me.

Best,  
Steve



***Steve Stuart***

City Manager | City Hall

(360) 857-5020

[www.ridgefieldwa.us](http://www.ridgefieldwa.us)

230 Pioneer Street | PO BOX 608 | Ridgefield, WA 98642

**NOTICE OF PUBLIC DISCLOSURE:** This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this email, in whole or in part may be subject to disclosure pursuant to RCW 42.56,

regardless of any claim of confidentiality or privilege asserted by an external party.

---

**From:** Oliver Orjiako <[Oliver.Orjiako@clark.wa.gov](mailto:Oliver.Orjiako@clark.wa.gov)>  
**Sent:** Tuesday, January 20, 2026 4:48 PM  
**To:** Steve Stuart <[Steve.Stuart@ridgefieldwa.us](mailto:Steve.Stuart@ridgefieldwa.us)>  
**Subject:** RE: Next steps

Hello Steve,

No worries. We can catch up tomorrow. Thanks for returning my call and email. I hope all is going well.



**OLIVER ORJIAKO**  
Director  
COMMUNITY PLANNING

564.397.2280



---

**From:** Steve Stuart <[Steve.Stuart@ridgefieldwa.us](mailto:Steve.Stuart@ridgefieldwa.us)>  
**Sent:** Tuesday, January 20, 2026 3:55 PM  
**To:** Oliver Orjiako <[Oliver.Orjiako@clark.wa.gov](mailto:Oliver.Orjiako@clark.wa.gov)>  
**Subject:** RE: Next steps

Good afternoon Oliver,

Thank you so much for the call and email. I just left a message on your office phone. Please feel free and call any time. I am in Olympia for the AWC legislative conference until Thursday but am definitely available to talk while I'm here. If I don't answer, please let me know a time that might work for you and I'll make it work for me.

Thank you again,  
Steve



**Steve Stuart**  
City Manager | City Hall

(360) 857-5020  
[www.ridgefieldwa.us](http://www.ridgefieldwa.us)

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this email, in whole or in part may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

---

**From:** Oliver Orjiako <[Oliver.Orjiako@clark.wa.gov](mailto:Oliver.Orjiako@clark.wa.gov)>  
**Sent:** Tuesday, January 20, 2026 1:26 PM  
**To:** Steve Stuart <[Steve.Stuart@ridgefieldwa.us](mailto:Steve.Stuart@ridgefieldwa.us)>  
**Subject:** RE: Next steps

Good afternoon, Steve,

I hope all is well with you and the family. I just called you and left a message. Thanks.



**OLIVER ORJIAKO**  
Director  
COMMUNITY PLANNING

564.397.2280



---

**From:** Steve Stuart <[Steve.Stuart@ridgefieldwa.us](mailto:Steve.Stuart@ridgefieldwa.us)>  
**Sent:** Thursday, January 15, 2026 9:42 PM  
**To:** Oliver Orjiako <[Oliver.Orjiako@clark.wa.gov](mailto:Oliver.Orjiako@clark.wa.gov)>  
**Subject:** Next steps

**EXTERNAL:** This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Watching you in the hearing now. Yes, I wish TDR was adopted years ago. You know that. We didn't have the votes. We have a chance now. Maybe our last chance. We can make this work. Now. There's support for it. Meet with me to talk about how we can create an innovative path for our county. If you want to talk, call me. We'll meet when and where you want. (360)719-0868.

I appreciate you,  
Steve

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)



***Steve Stuart***

City Manager | City Hall

(360) 857-5020

[www.ridgefieldwa.us](http://www.ridgefieldwa.us)

230 Pioneer Street | PO BOX 608 | Ridgefield, WA 98642

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this email, in whole or in part may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.