

**From:** [Rebecca Messinger](#)  
**To:** [Oliver Orjiako](#); [Cnty 2025 Comp Plan](#); [Jose Alvarez](#)  
**Subject:** FW: Considerations Before Adopting a TDR Program  
**Date:** Monday, March 16, 2026 8:42:22 AM  
**Attachments:** [Clark County TDR Program Analysis.pdf](#)  
[image001.png](#)

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Hello,

Please see the below email and attachment from Heidi Pozzo, regarding a TDR program.

Thank you!



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**From:** Heidi Pozzo <hcpheidi@yahoo.com>  
**Sent:** Sunday, March 15, 2026 3:03 PM  
**To:** Sue Marshall <Sue.Marshall@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Matt Little <Matt.Little@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Wil Fuentes <Wil.Fuentes@clark.wa.gov>  
**Cc:** Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>  
**Subject:** Considerations Before Adopting a TDR Program

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Dear Clark County Council,

Thank you for the considerable time and effort you have devoted to the 2025 Comprehensive Plan update. Balancing growth, housing needs, agricultural preservation, and the interests of multiple cities is no small task, and I appreciate the

thoughtfulness you have brought to these decisions — even as the timeline has stretched beyond what anyone hoped.

I understand that the City of Ridgefield and Toyer Strategic Advisors will be presenting a Transfer of Development Rights (TDR) proposal at the work session later this week. The goal of finding a market-based tool that balances conservation with landowner equity is a worthy one, and I recognize the constructive intent behind the proposal.

However, after reviewing the presentation materials and researching the track record of TDR programs both nationally and in Washington state, I believe it would be premature to embed TDR policy language in the Comprehensive Plan before the program's viability has been assessed for Clark County's specific conditions. The experience of Pierce, Whatcom, and Kitsap counties — all of which adopted TDR programs that stalled or required significant overhaul — suggests that committing to a framework before completing market analysis, cost quantification, and program design carries real risk.

I have attached a detailed analysis for your consideration ahead of the work session. It examines market viability, administrative costs, housing affordability impacts, and the sequencing concerns raised by the proposed phased approach. I hope you find it useful as you evaluate the proposal.

Thank you for your continued service on behalf of our community.

Best,

Heidi

## CONSIDERATIONS FOR COUNCIL

# Analysis of the Proposed Ridgefield / Toyer TDR Program

## 2025 Clark County Comprehensive Plan

Re: March 18, 2026 Work Session – TDR Interlocal Presentation

### Executive Summary

City Manager Steve Stuart and consultant David Toyer (Toyer Strategic Advisors) have proposed establishing a Transfer of Development Rights (TDR) program through an interlocal agreement as part of the 2025 Comprehensive Plan update. The proposal reflects a genuine effort to reconcile competing interests—preserving agricultural land while providing economic value to landowners and accommodating growth. That goal is worth pursuing, and the Council should acknowledge the constructive intent behind the proposal.

However, before embedding TDR policy in the Comprehensive Plan, the Council should be aware of significant questions about market viability, program costs, housing affordability impacts, and the risks of committing to a policy framework before the underlying program has been designed or tested. The national and Washington state track record for TDR programs is sobering—most fail to generate meaningful market activity—and the specific conditions in Clark County, including density increases already underway, present additional challenges.

This analysis recommends the Council consider the following before adopting TDR policy language:

- **Commission an independent market feasibility study** to assess whether developer demand for additional density exists beyond what middle housing mandates, HB 1110, and existing zoning changes already provide.
- **Complete the agricultural land study first.** Sending areas and the value of development rights cannot be determined until this study is finalized.
- **Quantify all program costs** including design, administration, TDR bank capitalization, receiving area amenities, and potential market subsidies.
- **Model the impact on housing costs.** In a market where construction permits have dropped significantly and affordability is a crisis, the county should understand how TDR purchase requirements would affect housing prices.
- **Conduct a transparent land valuation analysis** comparing per-acre values under agricultural vs. urban zoning, actual agricultural productivity, and the subsidy gap that would need to be bridged.

- **Allow meaningful public engagement** before embedding policy, including residents of potential receiving areas.
- **Avoid using an undesigned TDR program as mitigation** for UGA expansion in this plan cycle. A program that does not yet exist cannot serve as enforceable mitigation for environmental impacts.

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## 1. The TDR Proposal

The proposal presented at the March 18, 2026 work session envisions TDR as a mitigation measure for probable significant impacts identified in the DEIS alternatives. It positions requested UGA expansions as a “unique, initial marketplace to capture interest in purchase of TDR credits.” The three-phase approach would embed policy in the comp plan first (Phase I, concurrent with the 2025 Comprehensive Plan), then design the program (Phase II, post-adoption), and implement it through code amendments (Phase III, also post-adoption).

The phased approach is understandable given the timeline pressures of the comp plan update. However, it means the Council would be committing to a TDR framework before the program’s market geography, exchange rates, transaction model, and implementing ordinances have been developed. The analysis below examines whether that commitment is premature.

*Source: TDR Interlocal Presentation, March 18, 2026 Work Session, clark.wa.gov.*

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## 2. Is There Really a Market for This Program?

### 2.1 The National Track Record Is Poor

TDR programs are appealing in concept but have a challenging track record nationally. One widely cited study found that nearly 95% of TDR programs established by local governments across the country have been unsuccessful. While TDR proponents point to roughly 239 programs identified nationally, this must be weighed against the fact that there are over 39,000 cities and counties in the United States—meaning the overwhelming majority of communities have not adopted TDR, and many that have adopted it have seen their programs underperform.

*Sources: LandCAN, “13 Components of a Successful Transferable Development Right Program”; World Bank, “Transfer of Development Rights: Technical Note” (citing Nelson et al., *The TDR Handbook*, 2012).*

Resources for the Future (RFF) has noted that TDR programs only work well if TDR markets work well—and unless there is a healthy supply of, and demand for, development rights, the program will fail and no land will be preserved. Even the most successful program in the country, Montgomery County, Maryland, has experienced periods where farmers holding development rights found them worth far less than when the program started due to lack of receiving-area demand.

Sources: RFF, “Transfer of Development Rights in U.S. Communities,” Walls & McConnell; Mildred Warner, Cornell University, TDR policy analysis.

## 2.2 Washington State’s Own TDR Programs Have Largely Stalled or Failed

The national failure rate is not an abstraction—it is playing out in Washington state right now. Several counties that adopted TDR programs have seen them stall, fail to generate transactions, or require complete overhauls. These are jurisdictions with similar regulatory frameworks and market conditions to Clark County, and their experiences should be taken seriously.

### **Pierce County: Program Dead Since 2017, Now Being Overhauled**

Pierce County’s TDR program, adopted in 2013, saw so little activity that by 2017 it had effectively gone dormant. In December 2025, the County Council introduced Ordinance O2025-576s to modernize the program, acknowledging that it needed a complete overhaul—removing the existing TDR chapter entirely and replacing it with a new framework. The county’s own description states the program “has seen little activity since 2017.” The modernization attempts to incorporate the state’s LCLIP framework and regional transfer provisions, essentially admitting the original market-based design did not work.

Source: *Pierce County News Flash, December 2025; Proposed Ordinance O2025-576s.*

### **Whatcom County: Shifted from TDR to Direct Purchase After Market Failure**

Whatcom County’s TDR program, first adopted in 1999 and amended multiple times through 2005, generated minimal market activity. The county convened a multi-stakeholder TDR/PDR Work Group in 2017–2018 that met 15 times and issued a final report in October 2018. The work group’s key finding was that the private TDR market was not functioning. In response, the county shifted its emphasis toward a direct Purchase of Development Rights (PDR) approach—later renamed the Conservation Easement Program—funded through the county’s Conservation Futures tax and federal and state grants. This is a fundamentally different model: instead of relying on private market transactions between farmers and developers, the county uses public funds to buy development rights directly.

Sources: *Whatcom County TDR/PDR Work Group Final Report, October 2018; Whatcom County Conservation Easement Program page; Smart Preservation, “Whatcom County, WA.”*

### **Kitsap County: Acknowledged TDR Not Providing Economic Viability**

Kitsap County’s TDR program has seen very limited activity. In 2025, the county adopted Ordinance 643-2025 as part of its “Year of the Rural” initiative, a broad reassessment of agricultural and rural land use regulations. The county’s own assessment noted that after a 1992 determination that there was insufficient commercial farming to justify a commercial agricultural zone, the number of farms over 50 acres declined 54% between 1997 and 2017 while small farms of 1–9 acres increased 53%. The county is now exploring agricultural overlay zones, direct farmland preservation, and updated economic viability assessments—implicitly acknowledging that the TDR mechanism alone has not provided meaningful economic support for agricultural landowners.

Sources: Kitsap County Ordinance 643-2025; Year of the Rural Code Review and Assessment Report, 2025; “The Future of Farming in Kitsap County,” Kitsap Farmland Preservation Working Group, 2023.

## The Pattern Is Clear

Across these Washington jurisdictions, the same pattern emerges: TDR programs are adopted with optimistic assumptions about market demand, see little or no private market activity, and eventually require either public subsidy (King County’s bank model), a complete shift to publicly funded purchase programs (Whatcom), full overhaul (Pierce), or supplementary policy interventions (Kitsap). Clark County would be entering this landscape with even less preparation than these counties had, proposing to embed policy before even completing the market analysis that might reveal whether a viable market exists.

## 2.3 Clark County’s Density Increases May Eliminate the Market

A fundamental prerequisite for a functioning TDR program is that developers in receiving areas want additional density beyond what zoning currently allows. Clark County is already planning for significant density increases through multiple mechanisms that may satisfy development demand without any TDR program:

- **Middle housing code changes:** The county has adopted a Housing Options Study and Action Plan that reduces minimum lot sizes by 10–20%, allows duplexes, triplexes, and quadplexes in previously single-family zones, and implements state legislation (HB 1110) requiring middle housing in urban areas.
- **Vancouver’s density plans:** Vancouver is planning for 4-plexes or 6-plexes near transit and converting commercial zones to residential along the Highway 99 corridor—all within existing boundaries, without UGA expansion.
- **State mandates:** Recent GMA amendments require planning for housing at various income levels, with density requirements that cities must meet regardless of TDR availability.

If developers can already achieve the density they want through these existing and planned mechanisms, why would they pay extra to purchase TDR credits? The presentation itself acknowledges that Clark County originally examined a TDR program in the early 2000s, but the market—both buyers and sellers—“questioned program concept.” The density landscape has become even more accommodating since then. This is the “price paradox” identified in TDR research: developers only buy TDR credits if it is the only way to get additional density, but if the comp plan already allows high density, the scarcity required to make credits valuable disappears.

## 2.4 The Housing Market Does Not Support Additional Cost Burdens

Clark County’s housing market is already under stress. Median home prices are approximately \$550,000, the city of Vancouver’s residential construction permits dropped from about 2,500 units in 2021 to only 1,245 in 2024, and the county continues to struggle with a housing affordability crisis where rents have increased 70% over a ten-year period while incomes rose less than 20%. Homelessness increased in the 2025 Point-in-Time count, with 1,530 people

identified. Adding a TDR purchase requirement on top of existing development costs is likely to further constrain an already-challenged market.

Sources: Redfin Clark County market data (January 2026); *The Columbian*, January 2025; OPB, July 2025.

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## 3. What Would This Program Cost?

### 3.1 Program Design and Startup

The presentation proposes hiring Toyer Strategic Advisors to assist with Phase I. Phase II would require a comprehensive stakeholder process to establish market geography, evaluate market mechanisms, set exchange rates, identify incentives, define the transaction model, and draft implementing ordinances. Based on comparable programs:

- King County invested \$1.5 million in seed money in 1999 just to acquire initial TDR credits for a TDR Bank, plus an additional \$500,000 for amenities in participating cities.
- King County later committed up to \$15.7 million in property tax revenue for infrastructure in Seattle's receiving areas as part of one interlocal agreement alone.
- The interlocal structure proposed here would require establishing a joint board of participating jurisdictions, with ongoing administrative and legal costs.

Source: *Smart Preservation*, "King County, Washington" (2021); WA Dept. of Commerce TDR Resource Guide.

### 3.2 Ongoing Administration

TDR program administration is not trivial. A Washington State resource guide on TDR programs notes that administrative costs can be high and may be prohibitive for smaller communities. These programs require government oversight of an unusual market for an unusual good. King County's program, considered among the most successful nationally, requires a dedicated TDR program administrator spending about 25% of their time on bank operations, with administrative and programmatic expenses representing approximately 10% of the bank's costs. For a new, interlocal program spanning multiple small jurisdictions, the per-capita cost burden would be significantly higher.

Source: WA Dept. of Commerce / Cascade Land Conservancy, "A Resource Guide to Designing TDR Programs in Washington State."

### 3.3 Hidden Costs: Market Subsidies

When TDR markets fail to function on their own—which happens frequently—government must step in with price floors, subsidies, or mandatory purchase requirements. King County's TDR Bank has purchased TDR credits from high-priority sending sites for as much as \$171,333 each, while the average price paid by developers was only \$25,000. The county absorbs the difference using Conservation Future Tax revenue. Clark County would need to identify a

comparable funding mechanism or accept that taxpayers will subsidize the gap between what farmland owners expect and what developers will pay.

*Source: Smart Preservation, “King County, Washington” (2021).*

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## 4. Impact on Development Costs and Housing Affordability

The Inter-American Development Bank identifies high transaction costs as a significant limitation of TDR programs, including property appraisal, legal fees, and administrative expenses. These costs get passed through to homebuyers. In a market where middle housing is supposed to be the primary affordability tool—targeting households earning 100–120% of Area Median Income with monthly costs of approximately \$2,250–2,700—adding TDR purchase costs could push even these modest options out of reach.

*Sources: Inter-American Development Bank, “What are the benefits of Transfer of Development Rights?” June 2023; Clark County Middle Housing Code Changes FAQ.*

The Colorado Planning for Hazards guide notes that TDR programs must be carefully calibrated so that the added density provides sufficient profit margin above the cost of purchasing development rights. If a TDR costs \$10,000 but the added density only increases property value by \$13,000, the \$3,000 margin may not be enough to incentivize participation. In Clark County’s current market—with declining construction permits and high interest rates—these margins could be even thinner.

*Source: Colorado Planning for Hazards, “Transfer of Development Rights.”*

There is also an equity concern: TDR programs primarily benefit property owners in sending areas who can sell their development rights, while the costs are borne by developers and ultimately by homebuyers in receiving areas. In a county already facing an affordability crisis, this amounts to a wealth transfer from future residents (who need housing) to current landowners (who want to monetize their land’s development potential while keeping it).

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## 5. Sequencing Concerns: Policy Before Program

### 5.1 Phase I Embeds Policy Before the Program Exists

The most significant structural concern with this proposal is the phasing strategy. Phase I would embed TDR goals, objectives, and policies into the Comprehensive Plan text and establish an interlocal agreement—all concurrent with the current comp plan schedule—while the actual program design, market analysis, exchange rate setting, and implementing ordinances are deferred to Phase II and III, which would occur after plan adoption.

The risk is that policy commitments made now become difficult to reverse or adjust once they are in an adopted plan. Once TDR policy language is in the comp plan:

- It becomes the legal framework that guides subsequent decisions, even though the program it references does not yet exist.
- UGA expansions can be justified as “receiving areas” for a TDR program that has not been designed, market-tested, or adopted.
- De-designation of agricultural land can be framed as having TDR “mitigation” even though no TDR transactions have occurred or may ever occur.
- Reversing course becomes politically and legally difficult once the policy framework is established in an adopted plan.

## 5.2 The Sending Areas Are Not Yet Defined

The presentation explicitly states that “sending areas can be defined in future phase to create detailed program.” This means the comp plan would commit to a TDR framework without identifying which agricultural lands would actually be preserved. The program cannot function without defined sending areas, yet the proposal asks for policy commitment before this fundamental question is answered.

## 5.3 The Need for Independent Analysis

The presentation is co-authored by the City of Ridgefield’s City Manager and Toyer Strategic Advisors, Inc., which is described as “a resource city stakeholders can make available to assist County’s in preparing Phase I components.” While Toyer Strategic brings relevant expertise, the consultant would also be positioned to continue engagement through Phase II program design work. To ensure the Council has a complete picture, it would be prudent to supplement this proposal with an independent market feasibility analysis conducted by a party without a stake in the program’s adoption.

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# 6. Additional Considerations

## 6.1 Legal Risk

Clark County has a history of Growth Management Hearings Board challenges related to UGA expansions and agricultural land de-designation. The county’s 2016 plan was challenged on exactly these issues regarding Ridgefield and La Center expansions. Relying on a TDR program that has not yet been designed as a “mitigation measure” for environmental impacts in the DEIS could create legal exposure if the mitigation is characterized as speculative or unenforceable.

*Source: Clark County Comprehensive Plan Appeal history; GMHB decisions regarding Ridgefield and La Center UGA expansions.*

## 6.2 Receiving Area Politics

Research from the Lincoln Institute of Land Policy and other sources consistently identifies receiving-area designation as the most difficult part of TDR program design. Residents of areas designated to receive additional density frequently oppose the program. In some cases, communities have intentionally spread out receiving areas to dilute density impacts, undermining the program's conservation goals. The presentation does not address how receiving-area residents will be engaged or how opposition will be managed.

*Source: Lincoln Institute of Land Policy, "Transfer of Development Rights for Balanced Development."*

### 6.3 Permanence of Conservation Easements

TDR programs typically protect land permanently through conservation easements. While this sounds positive, it means the program locks in today's land use decisions forever. If Clark County's agricultural economy continues to evolve—or if future growth patterns require flexibility—easement-encumbered land cannot be reconsidered. This may be appropriate for genuinely productive agricultural land, but the agricultural land study has not yet determined which lands meet that threshold.

### 6.4 Interlocal Complexity

An interlocal TDR program spanning multiple jurisdictions adds layers of complexity. Each participating city would need to adopt compatible ordinances, agree on exchange rates, share administrative costs, and coordinate receiving-area designations. Washington's experience with interlocal TDR has been mixed—the Local Communities in Lieu of Permits (LCLIP) program that allows tax increment financing in TDR receiving areas is limited to King, Pierce, and Snohomish counties and has seen limited adoption.

*Source: WA Dept. of Commerce, TDR program page; RCW 39.108.*

### 6.5 Land Valuation Trade-Offs and the Zoning Gap

A central but unexamined question in this proposal is the economics of land valuation under different zoning designations. Agricultural land in Clark County designated AG-20 (20-acre minimum lot size) has a fundamentally different market value than the same land rezoned for urban residential or mixed-use development. The TDR program presumes that sending-area landowners will accept payment for development rights at a price that reflects the difference between agricultural zoning value and urban zoning value—but this gap can be enormous, and the program's viability depends on getting the economics right.

Clark County's own agricultural land study indicates that only a very small fraction of designated agricultural land is actively farmed for food production. Much of the land carrying the agricultural designation functions more as rural residential acreage than as productive farmland. This reality complicates the TDR calculus in two ways: landowners of underutilized agricultural land may have inflated expectations about what their development rights are worth (based on nearby urban land prices), while the conservation value of preserving that land through permanent easements may be limited if it is not genuinely in agricultural production.

The spread between agricultural and urban land values also creates a problem on the receiving end. If the true value of converting an acre from AG-20 to urban development is, say, \$200,000 or more, then TDR credits priced to reflect that value become a substantial cost burden on development—one that gets passed through to homebuyers. If credits are priced below that value to make them affordable to developers, then sending-area landowners have little incentive to participate when they could hold out for eventual rezoning or UGA expansion. King County’s experience illustrates this tension: the county purchased some TDR credits for over \$171,000 each but could only sell them to developers at around \$25,000. Without a comparable subsidy mechanism, Clark County’s program would either price out developers or fail to attract sellers.

Any credible TDR proposal for Clark County needs to grapple with these valuation realities head-on, including a transparent analysis of per-acre values under current agricultural zoning versus proposed urban designations, the actual agricultural productivity of the lands in question, and who ultimately bears the cost of bridging the gap.

## 7. Comparison: What Successful Programs Look Like vs. This Proposal

Success Factor	King County (Model)	Clark County Proposal
Market demand analysis completed before adoption	Yes – extensive	No – deferred to Phase II
Sending areas defined	Yes – clearly mapped	No – deferred to future phase
Receiving areas with demonstrated demand	Yes – transit-oriented locations	Not identified
Exchange rates set based on market analysis	Yes	No – deferred to Phase II
TDR Bank with seed funding	Yes – \$1.5M initial	Not proposed
Receiving area amenity funding	Yes – \$500K+ initial	Not proposed
Administrative staffing plan	Yes – dedicated staff	Not addressed
Independent feasibility study	Yes	No – consultant is proponent
Existing density significantly below demand	Yes	Unclear – density already increasing

## Conclusion and Recommendations

The transfer of development rights concept is not inherently flawed, and the effort by Ridgefield and Toyer Strategic Advisors to find a market-based approach to balancing growth and conservation deserves recognition. However, the proposed phasing—embedding policy commitments before the program is designed, tested, or funded—carries real risk. The track record for TDR programs nationally and in Washington state suggests that most do not achieve their intended outcomes, and Clark County’s current conditions—significant density increases already planned, a stressed housing market, and declining construction activity—make a functioning TDR market particularly uncertain.

The recommendations outlined in the Executive Summary center on a straightforward principle: complete the necessary market analysis, cost quantification, land valuation work, and public engagement before policy language is adopted into the Comprehensive Plan—not after. This sequencing would allow the Council to make an informed decision about whether a TDR program is viable for Clark County, rather than committing to a framework and hoping the details work out.

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## Sources

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