Third Harvest
Port Angeles, Clallam County, Washington
thirdharvest.farm

Clallam County Planning Commission
Steve Gale, Chair; Katina Hester, Vice-Chair; Ronald Long; Thomas Butler; Warren Billups; Jane Hielman; Janice Wilson; Kenneth Reandeau

November 19, 2026

Clallam County Planning Commission, for the record of the Chapter 27.12 update
223 East 4th Street, Port Angeles, WA 98362

Please distribute to every Commission member and place in the record.

RE: Who we are, and the five questions still before you on draft Chapter 27.12

Chair Gale and Members of the Planning Commission:

I am George Peterson, founder of Third Harvest, and I write on behalf of my family and our board. We own 208 Laird Road in Port Angeles and are the contract purchaser of 243043 Highway 101. The County is in error on this drainage. An example of this is our own use case in this reach. The County has it typed 3, which is incorrect, and has labeled it critical areas, which is also incorrect. Every landowner along this reach is classified as being in critical areas when they are not.

The streams on this reach are unnamed and run through old pasture land where water has been diverted for about a hundred years. They then join other tributaries: one drops into the western lake farther down, the other into Dry Creek. There is also known stormwater diversion entering the system from above.

November 18 was my first time before you, and I apologize that I had not come sooner. I intend to keep showing up, and to be a constructive neighbor in this County.

The record already before you

Our use case on this reach is already in front of you, and it bears on every landowner along the reach. On October 20, 2026, DNR Forest Practices for the Olympic Region wrote, in an email copied to the Board, Director Emery, and Ms. Clark, that for Forest Practices purposes "all streams, regardless of what the DNR Hydro layer indicates, must be verified using the DNR water typing rules. The Hydro layer was developed using a model back in ~2005 and there are known deficiencies in the location and stream typing information." The same email said the layer "appears to mis-map" the stream segment on our reach.

The County's own code already supplies a remedy, and the County is not telling this Commission how that code is written to correct these errors. CCC 27.12.050 makes the County's maps "advisory," requires them to show critical areas "as accurately as feasible," and provides that "Critical areas shall not include those lands where a qualified professional or qualified professional sources demonstrate to the satisfaction of the Administrator that maps or other information used to identify the location and extent of critical areas are in error." Nothing in that clause requires a permit.

CCC 27.12.045 adds that the County "shall" "Assist the public in the interpretation and applicability of this chapter" and "Confirm and make interpretations, where needed, of the regulatory boundary of regulated critical areas." If DNR will not rely on this mapping without field verification, the County should not make it the final word on anyone's land.

Our family has deep ties to the Lower Elwha Klallam Tribe. This is our home tribe. We want to get this right for everybody, and the way it is being done now is not working. I respect the state's aims for tribal nations, and for the salmon they have long worked to protect. I do not speak for any tribe. The County's interpretation of those aims in this draft is unbalanced, and it sets a precedent we will regret.

Who we are

Third Harvest is an agricultural company investing in the future of Port Angeles and Clallam County. We try to remain apolitical, but we step in where we must. Right now we are protecting our own assets. The full picture is at thirdharvest.farm/critical-areas.

What I am asking for

Draft Chapter 27.12 builds major new buffers on maps that are known to be wrong, without a working way to fix them. The mapping errors should be fixed before expanding buffers. Solve the mapping and administrative problems first.

The maps

Much of Clallam County has never had field studies. Many reaches, including this one, are typed from mapping layers that DNR itself calls a "starting point," and that WAC 365-190-130 says not to rely on solely. In 2005, the Forest Practices Board declined to adopt the model-generated maps.

The code already provides a remedy

On the County's official recording of November 18, Principal Planner Donella Clark said, of stream designation, "we adopt their maps," and that only after a permit does the County bring out a team to "determine whether we want to do a change." Without a permit, she said, there is "no impetus." Asked about writing a correction process into the ordinance, she worried

about doing so “since it’s other agencies who are in kind of more in control of that.” The impetus argument does not hold up against the County’s own code.

The County has not responded to fixing its errors on this reach. It is now hiding behind impetus, or the lack of it. For the record, what the planning department has already said and written appears as if the outcome has already been predetermined. The final written determination from Director Emery is still pending.

The County does have impetus to fix its own errors. The record already supplies it: the error clause in CCC 27.12.050; DNR’s statement that its layer “appears to mis-map” the stream segment on our reach, a consequence for every landowner along that reach; and a 2014 County finding that typed this same drainage Type 4/5, which reaches those landowners, not only our parcel.

I have tried to remedy this with the County on the record: my October 14 letter; the County’s October 15 reply that it has “no mechanism” and that I would “have to defer to the DNR”; the October 20 DNR email; the evidence packet for 243043 Highway 101 and a water-type map; my November 18 reply to Director Emery, with attachments; and my November 18 comment to this Commission.

Despite all of that, the County is ignoring it, not applying it, and deferring it. This is the third different department head to give the same runaround. The County is still refusing, even though the tribal reviewer on DNR’s December 2000 water-type inspection concurred with its assessment that this stream was physically incapable of fish passage and should be downgraded from Type 3 to Type 5, and all the evidence is there. It is irrefutable, except that the County does not want to change the mapping and let us proceed with developing our property the way we want.

The draft goes further. It hands stream typing to DNR’s Forest Practices water typing (draft 27.12.310), strikes the County’s option to “hire a qualified professional” (draft 27.12.050), and strikes the one current requirement for case-by-case Habitat Specialist confirmation of Type 5 streams (draft 27.12.900). What remains puts the burden and cost of every correction on the landowner. Under these drafts, the duty to correct the County’s own mistakes becomes very gray. The code should not protect policymakers from their own errors while leaving constituents no practical way to correct them.

Why the stakes are high

This Commission is preparing to recommend a substantial expansion of regulated private land that the staff summaries understate. In this reach alone, from Highway 101 down through Edgewood Drive to the Dry Creek falls, the County’s mapping puts 39 parcels under a Type 3, fish-bearing critical-areas label. The attached maps show this reach, the parcels and owners affected, and the downstream total blockages.

The Dry Creek outlet is well documented as a total natural barrier to salmon and steelhead coming up from the Strait: the WRIA 18 plan says Dry Creek has “an impassable 20-foot bedrock falls/cascade,” impassable for anadromous fish, and WDFW site 931064 is a 6-meter bedrock falls with “Blockage: Total.” As I understand it, the western lake outlet is likewise a total natural blockage to anadromous salmonids.

Beyond the evidence already submitted, farther downstream all the way to those barriers there is no way for salmon and steelhead to come up. That is well documented, it is one of the reasons for this fight, and it is one reason I caution this Commission.

In some cases the buffers increase by 50 percent, and this is not limited to major development. The October 13 draft sets Type F streams at 150 feet; under current CCC 27.12.315, Type 3 waters carry 100 feet for major new development and 60 feet for minor new development, so the increase runs from 50 percent to more than double. The cost of an F-type culvert repair goes from a couple thousand dollars to north of $150,000. The buffers also take usable land, and moving from five water types to three, without a working correction process, leaves landowners no practical way to fix an error.

What the law asks

RCW 36.70A.172 requires the County to include the best available science, and where that science falls short, WAC 365-195-920 calls for adaptive management that includes further research. The County’s main study of its waters, B.W. Drost’s 1986 USGS Phase 1 report, was very limited and is now forty years old. Buffers should stay under County control. This draft would defer stream-type determinations permanently to DNR, with no working remedy when the map is wrong.

Until the County shows it can responsibly administer the buffers it already has, I cannot support any material expansion of them. I doubt the County understands the future liabilities it is taking on in these systems, and that is why it is deferring to the state. The County is trying to pivot its way out of responsibility for fixing its own issues by forever deferring them to another state agency. The County appears culpable for known mapping errors on this reach, and under CCC 27.12.050 and 27.12.045 it must correct critical areas it knows are wrong.

The County’s Climate Vulnerability Assessment still treats RCP 8.5 as a “business-as-usual” trajectory, though the latest IPCC assessment (AR6) has assessed that high-end pathways such as RCP8.5 have become considerably less likely and “are not typical ‘business-as-usual’ projections and should therefore not be presented as such.”

Fairness and accountability

I support a land-back agenda, but the way it is being implemented here is wrong. I have watched the planning department set the science aside when it is inconvenient. The code, the law, and County policies must apply equally to all people, regardless of the color of their skin. Government decisions sorting people by race face strict scrutiny under the Equal Protection Clause,

Students for Fair Admissions v. Harvard, 600 U.S. 181 (2023); DEI language should not be written into this code or the critical areas strategy. I ask the Commission to review how staff coordinated with other agencies on this draft. There is a massive elephant in the room, and we want to be able to openly discuss what is taking place.

Futurewise, by its own account, wins 70 percent of the Growth Management Act appeals it brings, and appealing plans it considers insufficient is a stated part of its work. The County has reason to know that a more aggressive ordinance can be demanded that way. The Commission should understand that tactic: the expansion you sign off on today will likely grow, potentially doubling, tomorrow, unless you close the loophole today by securing the appropriate action plan. That is a risk. I ask the County to close that opening now, so that a future Futurewise lawsuit cannot be used to force expansion toward a more aggressive plan.

The firm the County contracted for the Critical Areas technical work is Facet NW, Inc., contract 334.24.011. That contract says the County will lead the preparation of any amendments to the CAO. I ask the County to disclose every consultant and contract that has touched this ordinance.

A year and a half

My family and I have spent a year and a half trying to understand how the County arrived at its stream classifications and mapping on this reach. We owe it to every property owner in the County to correct the mapping layers so they are universally accepted and adopted.

I believe the current approach is unlawful. Taking private land, temporarily or permanently, without cause violates the Fifth Amendment to the United States Constitution and article I, section 16 of the Washington Constitution. My view is that in this reach the County has no defensible evidence. I say that not as a threat but as a caution: I would not want the Commission's name attached to a draft that carries that risk.

The Washington Department of Fish and Wildlife wrote on October 19, 2026, "I look forward to reviewing your HPA application once it is submitted." That permit question arises only because of the County's disputed typing of this reach. It is separate from an existing matter about the ford and crossing at that location, which long predates critical areas coming into review on this reach. The County is not allowing development, or moving forward, without the risk of due-process injury or liability with other agencies, namely Fish and Wildlife. When we get it wrong, the impact is felt now, in the meantime, not only when changes like this draft take effect.

Are we above the code? Are we applying the best available science, or the best political science? Are we weaponizing our departments against people we may even politically disagree with?

The November 18 questions have gone unanswered, and from where we sit it has felt as though we are being punished for asking them.

I restate my five questions of November 18 and ask that each be answered in writing:

1. Who is writing this ordinance? Name every staff member, consultant, agency, and outside group that drafted or reviewed the language.
2. Knowing the DNR layer has documented errors, why is the County adopting it as the basis for buffers? Who at the County accepts responsibility for buffers placed on the wrong ground?
3. How many parcels gain new or larger Type F buffers under this draft without any field verification? Has staff consulted them?
4. When a landowner's field study shows the map is wrong, what in this draft requires the County to accept that study? Who has final authority, and who pays?
5. In going from five water types to three, what protections or distinctions are lost? Has staff analyzed the cost to landowners and the loss of usable or taxable land?

I hope to find someone on the Commission who is willing to listen before it is too late. I am ready to sit down, walk this reach with staff or any of you, and keep showing up. If the only thing left to hide behind is what has already been covered here, that is the point.

Thank you. We hope this is a commission that is equally interested in protecting the people that the mandate serves as the policymakers trying to make this a political issue, without actually relying on the best available science, as it would appear.

Thank you for your effort on this. If you have any more questions, we are happy to assist. For a more detailed overview, we are posting it for transparency on our own critical areas tab at www.thirdharvest.farm/critical-areas, if you want to learn more.

This is our argument, and this is why we do not believe that any part of any expansion should leave the County's purview until the County has demonstrated that it can fix its own problems.

Respectfully,

George Peterson
Third Harvest
thirdharvest.farm