



FOR IMMEDIATE RELEASE

LOCAL BUSINESS AND COMMUNITY GROUPS STAND UP FOR FAIRNESS, CITIZEN INPUT IN THURSTON COUNTY

Olympia, WA, November 24, 2015 – Today, attorneys for Olympia Master Builders, the Thurston County Chamber of Commerce, and Hinkle Homes filed a lawsuit against Thurston County in Lewis County Superior Court. The lawsuit asks the court to direct Thurston County to stop its unlawful interim permitting process for land use applications located within the alleged habitat of the Mazama pocket gopher Washington state’s Growth Management Act (GMA).

The litigation arises from the listing of four subspecies of the Mazama pocket gopher as “threatened” under the federal Endangered Species Act. Without lawful authority, the Thurston County Board of Commissioners tacitly directed County staff to implement procedures dictated by the federal United States Fish and Wildlife Service (USFWS) for review of local land use permits potentially involving Mazama pocket gopher habitat. This interim permitting process significantly differs from the Critical Area Ordinance (CAO), adopted through a rigorous public process in 2013, and which expressly lays out the regulation, identification and protection of Mazama pocket gopher habitat.

“We do not feel that the County has acted in the best interest of the community,” stated OMB’s Executive Officer Troy Nichols. “Furthermore, the 2015 interim gopher review process directly contradicts the GMA’s statutory priority of supporting economic development, property rights, predictable permitting, and citizen participation.”

The litigation filed today challenges Thurston County’s lack of public process, while effectively contrasting Thurston County’s actions with those of tens of thousands of other local jurisdictions nationwide that continue to review and issue land use permits following the federal listing of a species. By allowing the interim permitting process to dictate land use permitting decisions, Thurston County has transferred its authority to issue local permits to a federal agency without any public input which is in conflict with local, state, and federal law.

“Adhering to the GMA gives local communities predictability and balance, which leads to healthy and prosperous communities,” shared David Schaffert, Thurston County Chamber of Commerce President/CEO. “By circumventing the GMA, the County has taken the public process – the voice of its citizens—out of the equation.”

The County’s unlawful implementation of the interim permitting process, in lieu of the lawfully adopted CAO, has resulted in harm to property owners and citizens throughout Thurston County. The interim permitting process has imposed additional screenings on permit applicants, constricted the window to process applications to just five months out of the year, and has greatly expanded the amount of Mazama pocket gopher habitat without demonstrating technical justification or utilizing the best available science. This action, taken without any public input, has increased the properties subject to gopher habitat review to more than 200,000 acres – approximately 40 percent of the entire county.

The County's actions have also:

- Created an unprecedented levels of uncertainty;
- Deprived property owners of the ability to develop their property with legal and permitted uses;
- Left property owners with no process to challenge the edict of a federal agency that should not be directly involved in local land use permitting;
- Created months, if not years, of delay for Thurston County residents trying to buy or sell property, rebuild an existing structure, or build a new home.

"Laws like the Growth Management Act, provide planned growth, prevention of sprawl, predictability and certainty for property owners, and fairness to Thurston County residents," stated Schaffert. "Our community has been a leader in GMA implementation since it was adopted over 25 years ago. The recent action by the County is not consistent with what has been a strong foundational ideology on how we plan as a community. The County's interim permitting process effectively neutralizes those benefits."

"At the end of the day, the County needs to follow the rules that were established through a legal public process, first by the GMA in 1990 and more recently by adoption of the CAO in 2013." Nichols said. "Property owners and citizens in Thurston County deserve and have a legal right to a fair process."

Formed in 1959, Olympia Master Builders is a professional trade association dedicated to improving the construction industry and providing affordable housing for people in all economic segments. OMB provides services in five counties: Thurston, Lewis, Grays Harbor, Pacific and Mason.

Serving the Thurston County community since 1874, the Thurston County Chamber is a business-based community development organization. Its mission—growing a prosperous economy and vibrant community by connecting people, ideas and resources—creates engagement, action and support on a wide array of activities, including the following: regional planning, education, workforce development, community infrastructure and environmental stewardship.

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