

Residents challenge county, Meadows over land trade

Date Published to Web: 4/3/2002

By RaeLynn Gill

A land-use watchdog group has filed a lawsuit challenging Hood River County's timber exchange with Mt. Hood Meadows, Ltd., of Oregon.

The Cascade Resource Advocacy Group, a public interest law firm from Portland, is seeking to have the court overturn that deal on behalf of the Hood River Valley Residents Committee (HRVRC) and Mike McCarthy, a HRVRC member and valley orchardist. That action was taken after the county refused to hold a third public hearing before the land trade was finalized on March 11.

"Unfortunately the county never formally responded to the Hood River Valley Residents Committee request, so they were left with no alternative but to seek legal redress in court," said Ralph Bloemers, staff attorney for Cascade Advocacy.

Meadows is also named in the suit because it currently holds title to the contested forestlands and received more than \$1 million from the county to make up a 140-acre difference in holdings. However, Dave Riley, Meadows general manager, is not worried about the pending court case that centers on the 640 acres his company acquired next to the Cooper Spur Inn property it purchased last summer.

"Both Mt. Hood Meadows and Hood River County were very careful to follow the law and regulations governing land exchanges and I do not believe that either party has broken the law," said Riley.

At issue is the county's refusal to grant a HRVRC demand in February for a public hearing to address "illegalities in the land exchange as it neared completion." According to the HRVRC, the formula for the appraisal was faulty because it did not factor in Meadow's potential use as a destination resort.

At that time, county attorney Will Carey said that HRVRC had incorrectly interpreted the "highest and best use" requirement for appraisals because the statute only applies to existing zoning and doesn't allow for "speculation."

Carey said Meadows has not submitted an application for any type of development and if potential use was factored into one appraisal, it would also have to be included in the other since both parties could seek a commercial use in the future.

However, the HRVRC contends the county is seeking to help Meadows construct a destination resort just south of Parkdale, which they say would pose an environmental threat to the pristine wilderness area.

"While we are terribly concerned about the potential for development in this area, even more offensive to us and to the taxpayers of Hood River County is the transfer of public funds to pay a

private developer for land that has been illegally estimated at a fraction of its fair value," said McCarthy.

In February, McCarthy said that by not appraising the land for that use, the county had violated state law to protect the public interest because the value of the forest zone was recently appraised at \$325 per acre, down dramatically from the \$40,000 per quarter-acre of nearby developable properties.

That assertion was backed up by consultant appraiser Robert T. Bancroft, who works in Oregon, Washington and Idaho. He was hired by Cascade Advocacy to review the county's appraisal for statutory compliance and concluded that, based on substantial evidence, it was unlikely that the county could comply with the "equal value" and "public interest" requirements of the law without considering the land's potential use.

"I think it goes without saying, that proper valuation and compliance with the mandates of state law is an issue that landowners, taxpayers and residents of this area should require of its County Commissioners," said Ken Maddox, HRVRC chair.

"County forest lands are an important part of Hood River County's revenue base. The transfer of these lands to a private interest with a purported 'equalization' payment that is completely out of proportion with the potential value of the property is a travesty and directly violates the public interest in these lean economic times," he said.

However, county forester Ken Galloway stated at two public hearings last summer that the trade made good business sense. He said it would allow easier access to between 60-70 acres of harvestable property, avoiding the need to log by helicopter. The airborne method would increase expenditures from the standard \$50-\$75 per 1,000 board feet to between \$375-\$450.

By taking the court action, HRVRC said the county and Meadows will be ordered to refrain from activity on their respective new properties pending a legal hearing.