

HOOD RIVER NEWS

Court to hear round one in Meadows case

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The first round of legal arguments over the disputed land exchange between Hood River County and Mt. Hood Meadows, Ltd., of Oregon will be aired on Friday.

Circuit Court Judge Donald Hull is slated to hear both sides of the issue at 3 p.m. before ruling on the county's motion to dismiss a lawsuit filed in late March by the Hood River Valley Residents Committee (HRVRC) and Mike McCarthy, one of its members.

Both the HRVRC and McCarthy have now added "injury" claims to their opposition of the land exchange.

At issue is whether the county violated state statutes in its exchange of forest land south of Parkdale that was finalized in mid-March.

Under that trade, the county netted 785 acres and Meadows received 640 acres adjacent to the Cooper Spur Inn property it purchased last year. The county also paid Meadows \$1 million to offset the difference of value in marketable timber.

However, the HRVRC and McCarthy claim that the trade was illegal because the property appraisal did not factor in the developable value of the land if Meadows constructed a destination resort.

The county contends that Meadows does not have a building application on the table and the law requires appraisals to be based on the "highest and best" existing use of the properties and not on speculation.

Last week the Cascade Resources Advocacy Group, a public interest law firm from Portland, filed an opposition to the motion to dismiss on behalf of HRVRC and McCarthy.

That legal brief disputes the county's three-pronged arguments that the petitioners are wrongly seeking to have the court review a legislative process, that the lawsuit was not filed within the allowable 60-day time period, and that neither party has suffered personal losses from the trade.

McCarthy, a Hood River Valley orchardist, specifically alleges that he "is likely to suffer from increased conflicts with his farming operations, decreased water quality and harm to aesthetic values that a small community provides, including an ability to see the night sky and limited traffic."

HRVRC also alleges that the land exchange "erodes public support for its mission," injuring its ability to attract volunteers, members and funding necessary to supports its operations.

"The fact that the land exchange must precede a formal application does not in and of itself render plaintiffs' alleged injuries too speculative," wrote attorney Ralph Bloemers, in the April 24, 2002, brief filed by Cascade Resources.

Teunis Wyers, county attorney, responded to these latest arguments in a rebuttal filed on Monday. He said the HRVRC and McCarthy are wrongfully interpreting case law to support their latest rounds of arguments.

In addition, Wyers alleges the reference to an injury in "funding" is not referred to in the original lawsuit and should not be considered because of its late addition.

"Petitioners' attempt to interject this new allegation in its memorandum is wrong and misleading," Wyers said.

He concluded that neither party presented facts to back up their claim and a "hypothetical" possibility that Meadows intended to use the property to construct a destination resort "cannot be the basis for asserting practical effects."