

Meadows involved in new legal bout

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Another round is underway in the legal bout over Hood River County's recent land exchange with Mt. Hood Meadows, Ltd.

The Cascade Resources Advocacy Group (CRAG) is asking Circuit Court Judge Donald Hull to reverse his recent dismissal of a request for court scrutiny of the deal. The Portland-based public interest law firm is representing the Hood River Valley Residents Committee (HRVRC) and Mike McCarthy, one of its members who resides in Parkdale near the former county property. Just in case CRAG is not successful in its bid for reconsideration, its lead attorney, Ralph Bloemers, has filed a separate lawsuit that lays out many of the same legal challenges in a different format.

"The HRVRC feels the county could save the taxpayers further expenses by undoing the whole procedure and starting from scratch," said Bloemers.

He and fellow attorney Chris Winter will bring their latest request before Hull at 3 p.m. on June 20. If CRAG is unsuccessful about changing the judge's stand, Bloemers said he will ask that the entry of the final decision be held pending the hearing on the new "declaratory judgment" lawsuit that was filed on May 31. He said that move would prevent the clock from winding down on the appeal period for one matter while arguments were being waged over almost the exact same issues.

On Monday, county attorney Teunis Wyers and Dave Riley, general manager of Meadows, which has been named as a party in both actions, had no new comments on the recent legal movement because there are no substantive factual changes in either filing.

"The judge dismissed their lawsuit and evidently they are trying to resurrect the complaint and we'll have to see what the judge thinks about that," said Riley.

The legal response from Meadows and the county was scheduled to be filed this week. These documents were unavailable as of press time on Tuesday and will be presented in an upcoming issue of the News.

In both lawsuits, the HRVRC and McCarthy contend that the county violated Oregon statutes by not basing the valuation of the 640 acres it conveyed to Meadows on the developable value. The group alleges that since Meadows has publicly stated plans to build a destination resort on the north face of the mountain those future plans should have been factored into the appraisal.

In addition, the petitioners believe that the county also violated state law by not holding a public hearing prior to paying Meadows \$1 million for the difference in merchantable timber from the 785 acres it netted in the exchange. Last August the county board granted the HRVRC's request for a second hearing before deciding to enact the exchange without further review unless the valuation difference exceeded \$1.5 million.

In late May, CRAG lost its "writ of review" request when Hull ruled that only a quasi-judicial decision by the county qualified for that legal process and the land trade had been enacted in a legislative capacity. Bloemers believes that two newly submitted Attorney General opinions should change Hull's mind on that issue.

"We respectfully disagree with the judge's decision on this," Bloemers said.

He said the new information outlines statutes which require that land exchanges be undertaken using a strict set of criteria which defines a quasi-judicial process. He said the referenced law disputes that the county was using more generalized methodology as required for legislative matters.

In addition, Hull denied McCarthy and the HRVRC "standing" in the case since neither party could prove personal injury from the forest land exchange. However, CRAG has added a claim to its original petition that the recreational opportunities of its clients on the public lands have been taken away.

McCarthy now contends that the property traded to Meadows is in close proximity to a spring on which his family has water rights dating back to 1920, a water source that could be tainted by development. In addition, he outlines that his family has used the former county acreage on numerous occasions since as early as 1910 to hike, mountain bike, cross country ski, ride horses, sled and cut Christmas trees.

"The land exchange places the property in private hands and effectively excludes Mr. McCarthy from that property," wrote Bloemers in his motion to amend the original plea.

The HRVRC alleges that the trade threatens its "well-defined" mission to protect farm and forest lands from development.

"HRVRC is harmed because its purpose, mission and goals are thwarted by inadequate consideration of the public interest at stake and by the transfer of forestland to a private interest who has made public its plan to develop the land it receives into a destination resort," Bloemers stated.

Bloemers also outlined that the county's action negatively affected the ability of HRVRC to attract volunteers and members necessary to financially support the organization.

"If HRVRC is perceived as unable to challenge specific decisions by the county that affect the use of farm and forestland in the county, HRVRC will be perceived as ineffective in achieving its specific organizational mission and HRVRC will suffer from an inability to attract new members and retain existing members. HRVRC's funding will suffer as a result," said Bloemers.