

Voters pass two disputed land measures

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By: Raelynn Ricarte

Hood River city and council officials are seeking legal advice about how to deal with Tuesday's passage of two controversial ballot measures.

The respective citizen groups who sponsored the land-use initiatives are claiming that the answer is easy – just follow the wishes of the people.

“Whether they agreed with Measure 14-15 or not, the County Commissioners now need to implement and protect what the voters have decided and we will be looking for their commitment to do so. It is critical that people’s vote to protect Hood River’s water supply is respected,” said Tom Penchoen, one of three chief petitioners for the proposal.

He and other members of **Let the People Decide** are seeking to give voters the right to approve or deny any application for development of 25 or more units within a forest zone. About 48 percent of the county’s 10,375 voters turned out to pass the measure by a 61 percent margin, with 3,187 in favor and 1,998 opposed.

“The voters made an informed and intelligent decision and I’m hopeful that our representative government will listen and follow the lead of the people,” said Susan Froelich from the Citizens for Responsible Waterfront.

Froelich was one of three sponsors for Measure 14-16 that asks the city to adopt a policy preserving a large sector of the waterfront for a public park. The proposed area includes all Port of Hood River property along the Columbia River from, and including, the riverside jetty known as the Hook to the site referred to as the Boat Basin and from the water’s edge of the Columbia River to the centerline of Portway Avenue. The measure was brought solely before the 2,970 registered voters within the city limits and the turnout rate was about 54 percent. The park proposal passed by a 67 percent margin, with 1,081 voters in agreement and 522 against.

However, two landowners who could have their development rights affected by enactment of the measures said there are legalities that now have to be addressed.

“We are just waiting to see what the city’s reaction will be but our perspective remains unchanged that there is still a ‘takings’ issue related to the downzoning of industrial land,” said Hood River Port Director Dave Harlan.

The Hood River City Council will discuss its direction on the waterfront measure at 6 p.m. on Monday in the municipal courtroom at the junction of Second and State streets. Also at the Nov. 10 meeting, the council will convene for its first public hearing on the draft Columbia River Mixed-Use Zoning Ordinance.

At its Nov. 17 meeting, the Hood River County Commission will address the passage of the forest zone measure. To accommodate attendance by some of the elected officials at the Association of Oregon Counties conference in Eugene that same afternoon, the meeting will take place at 11 a.m. in the conference room at the county courthouse.

Dave Riley, general manager of Mt. Hood Meadows, Ltd., said the company is very interested in the county board's next move because the issue directly affects its private Cooper Spur Mountain Resort holdings. Meadows has stated its intent to build a destination resort somewhere on the 160 acres, but not within a designated watershed.

"We support the public's right to participate in the quasi-judicial process, but it is not possible to follow Oregon's land-use laws and convert that process into one that is legislative," Riley said.

Riley said that any application submitted for a development has to be reviewed on its own merits under a formal public process established by the state. He said citizens already have the right to appeal a county decision before the state and then the courts.

LPD contends that its measure was "inspired" by Meadows plan to build a major housing development on land that provides water to the Crystal Springs Water District. The group said the initiative was intended to be applied to all timbered properties for natural resource protection and not to target any specific development.

"This is a major victory and it sends a clear message that Hood River County voters take protection of our water supply seriously. We had broad support from downtown Hood River to Parkdale and the County Commissioners should recognize that this is the voice of the voters," said Wendy Gray, a chief petitioner for Measure 14-15.

But a third political action committee that formed in opposition to both measures believes that local taxpayers will be footing an expensive legal bill. Results Through Representative Government claims that both issues violate state zoning rules and circumvent due process. They also question whether the will of the people was truly represented since noncandidate elections during off-years typically draw the most attention from the special interest groups involved in the issues. In addition, RTRG said that only city residents got to mark their ballots on the park proposal when many port constituents live outside of those borders.

"These groups ran a well-organized campaign and put out a lot of material with an emotional appeal and some questionable facts, but the true cost has yet to be seen," said Felix Tomlinson, RTRG co-founder.

CRWD said it brought the park proposal only before city voters because the municipality has the jurisdiction for waterfront zoning. Froelich said she hopes that all of the dedication put into both sides of the campaign will now be directed toward design of a public recreation area.

"I'm hopeful that we're going to make the waterfront the jewel that it could be. If as much energy is put into that effort then we could have the most beautiful waterfront in the United States," she said.

However, Tomlinson and Riley said the legal problems created by the measures will not be that easy to resolve. They said that land-use statutes cannot just be thrown out by political activists and the protection of citizen rights must be restored.

"These measures essentially amount to anarchy and they have to be challenged," Tomlinson said.

"Measure 14-15 will be thrown out because it runs counter to Oregon land-use policy and law. This issue goes way beyond Hood River County," Riley said.