

THE OREGONIAN

Appeals court allows lawsuit against Hood River County

June 3, 2004

By Mark Larabee

HOOD RIVER -- Hood River Valley residents won an important volley in an ongoing lawsuit over a 2001 land trade between Hood River County and ski resort operator Mt. Hood Meadows.

The Oregon Court of Appeals ruled Wednesday that the Hood River Valley Residents' Committee could sue the county for making the trade.

The decision follows a lower court ruling dismissing the suit on a motion by Mt. Hood Meadows.

In August 2001, Hood River County's Board of Commissioners traded 649 acres of public land near the Cooper Spur ski area for 785 acres owned by the ski resort company. Meadows, which owns the single-chair Cooper Spur ski area, intended to build a destination ski and golf resort on the property.

Residents have complained that the proposed resort would damage a fragile ecosystem and that the land in question is in the watershed used by valley farmers and residents for irrigation and drinking water.

The residents' group and Mike McCarthy, whose family has lived in the Hood River Valley for generations, sued the county. The March 2002 lawsuit alleged that the county commissioners' decision to swap property did not follow Oregon law and that the county did not consider all evidence in the record when it made the trade.

In the run-up to trial, Mt. Hood Meadows moved for dismissal of the suit, arguing that the court had no jurisdiction over the case and that the residents' group had no standing to file the claim. The lower court agreed.

Thursday's Court of Appeals ruling reverses that decision.

The court ruling comes at a crucial time. Residents and Mt. Hood Meadows are gearing up for talks on the future of Cooper Spur and how best to use the properties there. Meadows has proposed trading [some of] the Cooper Spur property for land in Government Camp owned by the U.S. Forest Service. The company could then build homes in Government Camp and a scaled-down ski resort at Cooper Spur.

[Note: Riley offered approximately 610 acres of the watershed, but none of the 157 acres of adjacent Meadows' property in his trade proposal.]

In a written statement, Ralph Bloemers, an attorney with Cascade Resource Advocacy Group, which represents the residents said: "We hope Mt. Hood Meadows and Hood River County come to their senses and realize that Oregonians want this mountain, the clean water it provides and the communities below preserved for future generations."

Dave Riley, Mt. Hood Meadows' vice president and general manager, said that the appeals court ruled solely on a procedural question.

"We're now in court to litigate the merits of the case," he said. "We feel very confident we will prevail."

*Mark Larabee: 503-294-7664;
Marklarabee@news.oregonian.com*