

*** * * For Immediate Release * * ***
Residents Appeal Ruling on Writ of Review
Declaratory Judgment Action Still Pending Below

August 2, 2002 - Hood River, OR --- Mike McCarthy announced today that he and the Residents' Committee have decided to pursue an appeal of the Hood River County Circuit Court's ruling on the Writ of Review. The Writ was one of two alternate actions filed to secure a hearing on the merits of the land exchange between Mt. Hood Meadows and Hood River County. The Circuit Court dismissed the Writ for lack of subject matter jurisdiction, essentially holding that the decision to engage in the land exchange was a legislative decision by the Commissioners and therefore not subject to the review of that court in the specialized Writ proceeding.

Mike McCarthy stated "[t]hese are not only issues of personal and practical import to me and my farming operations; but this case sets important precedent for the management and valuation of our public resources throughout the state. HRVRC has the preservation of the rural nature and value of our productive farm community as one of its central tenets, and the land exchange negatively impacted HRVRC's goals and mission. We intend to pursue this matter in order to secure a hearing on the merits." The Hood River Valley Residents Committee is a non-profit organization that works to protect farm and forest land in Hood River County. Ken Maddox, current president of the HRVRC, stated that: "[t]he Crystal Springs Watershed provides drinking water for about 25% of Hood River County. The transfer of these public lands into private hands severely threatens our drinking water supply and our public resources."

The Residents Committee believes that it is critical that this case be heard on its merits. HRVRC alleges that the County illegally valued the land at \$325 per acres while paying Meadows more than \$1 million to complete the swap. The illegal valuation process resulted in a shift of public wealth into the pockets of a private developer that already controls a large swath of public land on the mountain. County residents have presented evidence that the underlying value of comparable developed property in the same area as the land Meadows received is worth about \$160,000 per acre.

State law requires that exchanges of county land be made for equal value, which involves a valuation of the highest and best use of the land. Instead of highest and best use, the County and Meadows agreed to an artificially constrained highest and best existing use formula. Mt. Hood Meadows publicly announced its plans before the deal was finalized, yet at the same time has argued that it was too speculative to factor into the deal.

In opposition, the Residents have presented expert testimony to the County showing that qualified appraisers routinely determine the highest and best use of property. By ignoring this determination, the County has simply turned a blind eye towards the value of the property on the open market, depriving its citizens out of the true worth of their public resources. Among other things, the Residents' Committee and Mr. McCarthy have argued that proper valuation could result in (1) the deal not being consummated, (2) Meadows receiving far less property and no 1.2 million dollar payment, or (3) the public receiving far more property out the swap.

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