

AGENDA REQUEST FORM

DATE: October 21, 2024 **DEPARTMENT:** Administration **NAME:** Sophie Christenson
SUBJECT: Remand Proceedings, *Hood River Valley Residents Committee, Inc. (Thrive) and Mike McCarthy v. Hood River County and Mt. Hood Meadows Oregon, Ltd.*, Case No. 020029CC

AUTHORITY: *ORS:* ORS 34 *OAR:*
COUNTY ORD:

BACKGROUND:

The Hood River Valley Residents’ Committee, Inc. (now Thrive) and Mike McCarthy filed a First Amended Petition for Writ of Review in 2021 challenging the process by which the Hood River County Board of Commissioners approved an exchange of forest land with Mt. Hood Meadows in 2001 and asking the Court to reverse and annul the land trade.

After a hearing in August 2023, the Court issued its Memorandum Opinion Following Writ of Review Hearing on November 14, 2023, which denied all of Petitioner’s claims on the Writ of Review except one. Specifically, the Court held it could not discern from the record that the requisite underlying valuation reports for the properties being exchanged were ever presented to the Board of Commissioners for its review. Pursuant to its authority under ORS 34.100, the Court remanded the case back to the Board to allow it to review the underlying valuation reports in order to determine whether the statutory condition for the land exchange set forth in ORS 275.335(3), i.e. whether it was for equal value, had been satisfied when the land exchange was approved.

A General Judgment was entered in June, 2024 consistent with the Court’s Memorandum Opinion, remanding the challenged decision to the Board for further proceedings consistent with the Judgment and Memorandum of Opinion.

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- ATTACHMENTS:** [EX 1 - First Amended Petition.pdf](#)
 [EX 2 - Memorandum of Opinion 11.14.23.pdf](#)
 [EX 3 - General Judgment.pdf](#)
 [EX 4 - 8.29.01 Real Estate Exchange Agreement.pdf](#)
 [EX 5 - 9.6.01 assessor valuation.pdf](#)
 [EX 6 - 10.16.01 assessor values to Board.pdf](#)
 [EX 7 - Timber Appraisal Report.pdf](#)
 [EX 7a - Timber Cruise Report - HRC Tract.pdf](#)
 [EX 7b - Timber Cruise Report - MHM North Tract.pdf](#)
 [EX 7c - Timber Cruise Report - MHM South Tract.pdf](#)
 [EX 7d - Addendum to Timber Cruise Report.pdf](#)

ACKNOWLEDGEMENT BY AFFECTED PARTIES:

COUNTY COUNSEL *FINANCE* *OTHER AGENCIES* *ADMIN*
HR DEPT *APPROPRIATE COUNTY COMMITTEE* *OTHER*

ADMINISTRATION SUGGESTED ACTION:

Review the underlying valuation reports in the record as directed by the Court to determine whether the forestland exchange between Hood River County and Mt. Hood Meadows was for equal value.

DEPARTMENT RECOMMENDATION:

Direct counsel to prepare an Order consistent with the Board's motion finding the assessment and valuation reports supplied by the Hood River County Assessor Duane Ely and timber appraiser Bill Alexander Forestry, Inc. together with the equalizing cash payment from the County to Mt. Hood Meadows in the amount of \$1,037,480.77 substantiate the forestland exchange between Hood River County and Mt. Hood Meadows was for equal value as required by ORS 275.335(3).

FOLLOW UP:

COPIES TO: