

‘Big Look’ calls for changes ...

(Continued from page 1)

“They came up with a much narrower set of recommendations, but very good ones, in terms of how to move forward in order to make the system work better,” Stachon said. “We’re in total support of those recommendations.”

Dave Hunnicutt, president of the Tigard-based property rights group Oregonians in Action (OIA), said that the task force’s recommendations don’t go far enough to protect rural residents.

Said Hunnicutt, “I think the difficulty with the task force recommendation is that it creates so many hoops and hurdles for counties to go through if counties decide on a new definition of farm or forest land in the county that no county is ever going to bother to try.

“I don’t think in the end that the recommendations,

whether they’re adopted or not, will change an acre of land in Oregon.”

Hunnicutt said that the main issue still boils down to a lack of local control with regard to land use.

“The task force was heading in that direction,” said Hunnicutt, “but the bill (it) drafted doesn’t accomplish that at all and, in fact, makes it more difficult for counties to make individual decisions for the best interest of their county residents.

“I don’t think it does much to make it a whole lot worse, but the point of the Legislature is supposed to be working on things and making changes one way or the other and hopefully, the change makes improvements in peoples’ lives. This bill doesn’t do that at all.”

Stachon said that his group feels the task force “punted” in

addressing the global warming issue. He added that existing recommendations could cause larger problems down the road for Oregon’s communities.

“It costs money to build roads,” Stanchon said. “It costs money to lay sewer pipe. It costs money to provide utility services. If you don’t plan in a way that efficiently utilizes the land and creates sprawl, you’re going to increase those costs.

“That gets translated into higher taxes and higher bills for Oregonians. I don’t think anybody wants that.”

The House Land Use Committee likely will meet with task force members during the next few weeks to discuss the recommendations. Hunnicutt and Stachon said that their groups will pay close attention to any developments that may emerge from the legislative process.



Somebody knows who’s been cutting firewood at Illinois River Valley ‘Forks’ State Park. The illegal actions which despoil the park are decried by many, including Bill Bours, who frequently walks the trails with his canine buddy, *Buddy*. (Photo by Michelle Binker, *I.V. News*)

Activist Sommer’s land-use work seen by some as ‘giving back’

By SCOTT JORGENSEN
IVN Staff Writer

(Continued from last week)

Merlin resident Holger Sommer has maintained a steady presence during the past few years to present his land-use contentions before various entities in Josephine County.

Grants Pass builder Gordon Longhurst has dealt with Sommer on multiple occasions. During 2005, Longhurst began seeking approval for the four-lot Fox Hill Subdivision in a rural residential 5-acre zone on Hamilton Lane in Grants Pass and surrounded by 1-acre parcels.

Longhurst said that even though the neighbors and the county had no objections to the project, Sommer helped to delay it for more than a year.

Sommer wrote a letter to Longhurst on Jan. 10, 2006, in which he states “for your future land use application, I offer my services making sure that you will not find yourself in a similar situation again by preparing your applications to code.

“If I receive a check in the amount of \$300 by the 19th day of that period, I will not file a Notice of Intent to Appeal,” Sommer wrote. “If I don’t have that check in my hands by that 19th day, the Notice will go out to LUBA on day 20.”

On March 29, 2006 Josephine County commissioners Jim Raffenn

burg, Dwight Ellis and Jim Riddle denied Sommer’s appeal and upheld the planning director’s approval of Longhurst’s request. Despite that, Longhurst said, he paid the \$300 to Sommer under the advice of his attorney. Sommer thanked him in an April 5, 2006 letter.

“Because I received the reimbursement of my expenses, you must have accepted my settlement proposal,” Sommer wrote. “In turn I will let the 21 day LUBA deadline pass and not file an appeal.”

Longhurst said that he paid Sommer’s expenses reluctantly.

“Every point that he raised was rejected,” Longhurst said. “But it delayed me for close to a year at a minimal cost of \$25,000; and lost me a customer that couldn’t wait a year for me to build a house for him.”

Sommer said that he spends “maybe 50 to 60 hours” per week on land-use issues. “It’s more than a full-time job and I love it,” Sommer said. “It’s my hobby.”

But all the time he puts in is on a strictly voluntary basis, Sommer said.

“I have never taken any money from anybody for any land-use issue,” Sommer said. “I have no personal interest in any of those matters.”

A German immigrant, Sommer has a doctorate in mechanical engineering and physics, and said that he has taught engineering, math and

“primarily technical subjects.” He noted that he regularly draws from

‘He’s ... done this out of the kindness of his heart’
- Joel Perkins

that education and experience when dealing with land use, which can be complicated and cumbersome for most people.

“I can analyze things and get to the bottom of things with my skills and training,” Sommer said. “I’m applying them to those land-use issues.”

Sommer maintains that his main interest is ensuring that builders and developers follow the rules.

“In most cases, the county doesn’t follow the rules or interprets the rules with a double standard,” Sommer said. “The county has not put the means in place to enforce those rules. There is no enforcement ordinance in the county.”

Sommer said that he sees his role as aiding citizens who are adversely affected by projects that were not conducted properly in the first place.

He stated, “They are affected and no one helps them. No one can help them once it’s done, because it’s in place. In that sense, I’m a very strong property rights advocate.”

Sommer points out specific projects, such as the Waterstone Subdivision in Grants Pass, where flooding occurred.

“It was a disaster with regards to

storm drains,” Sommer said. “That is a typical example of someone not understanding and not following the rules, in addition to an engineer who is incompetent, and the city not reviewing the plans properly.”

There is also the Laurel Pines Subdivision in Cave Junction, which Sommer said caused the nearby Illinois Valley Golf Course to flood during a recent rain storm.

“They never had any drainage plan in place there,” he said.

Although Sommer is sometimes seen as being unpopular among some builders and developers, he also has some supporters. Illinois Valley business owner Joel Perkins first was referred to Sommer during 2006 regarding problems he was having with a proposed Barlow Sand & Gravel Co. project in his neighborhood.

Perkins said that Sommer was a tremendous help in dealing with state agencies including the Division of State Lands and the Dept. of Geology & Minerals Industries.

“If you do that with an attorney representing you and you’re not doing it yourself,” Perkins said, “you spend tens of thousands of dollars to get back to the starting line.”

Some of Sommer’s critics agree that citizen participation in the land-use process is a positive situation. Longhurst adds that during the 1970s, he strongly advocated for Oregon’s

land-use laws when the county’s comprehensive plan first was being developed.

However, he questions Sommer’s use of that process.

“Builders and developers need to know that if they play by the rules, they can reasonably expect to invest money and not be pouring money down a rat hole,” Longhurst said. “But when the system is abused by somebody like Sommer, there is no guarantee that no matter how much you play by the rules, it won’t be appealed. Appeals cost so much time and money that it makes it a losing proposition.”

That statement is agreed with by Bill Peterson, Copeland Sand & Gravel Co. administrator, and former Grants Pass city administrator.

“The question becomes,” said Peterson, “at which point is a pattern of appeals simply a method to slow development or drive up costs to developers instead of assuring the protection of the process?”

But Perkins said that he’s more than happy to call Sommer his friend.

“Frankly, if everybody abided by the law and the rules, there wouldn’t be a reason for Holger in here,” Perkins said. “He’s giving back to the community in which he made his living. At no cost.

“He’s never asked for a dime, and has just done this out of the kindness of his heart,” Perkins said.

LEGAL NOTICE

Trustee's Notice Of Sale Loan No.: 0016589939 T.S. No.: 08-01861-6 Reference is made to that certain deed made by, Janice M. Nesbit, as Grantor to First American Title Insurance Company of Oregon, as Trustee, in favor of Option One Mortgage Corporation, a California Corporation as Beneficiary, recorded June 10, 2005, as Instrument No. 2005-012990 of Official Records in the office of the Recorder of Josephine County. OR to-wit: APN: R307337 Lot 28 and 29 in Block 5 of Lincoln Park addition to the Town, now City of Grants pass, Josephine County, Oregon, as the same appears on the plat thereof on file and of record in Volume 1, Page 7, in the office of the County Clerk of said County and State. Commonly known as: 520 NW Savage ST, Grants Pass, OR 97526 Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735 (3) of Oregon Revised Statutes; the default for which the foreclosure is made is the grantor's: failed to

pay payments which became due; together with interest due thereon; together with late charges due; Monthly Payment \$1,205.85 Monthly Late Charge \$54.24 By this reason of said default, the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to wit: The sum of \$167,515.17 together with interest thereon at the rate of 6.35000% per annum from 08/01/2008 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust. Whereof, notice hereby is given that, Fidelity National Title Insurance Company, the undersigned trustee will, on 4/22/2009, at the hour of 01:00 PM, Standard of Time as established by section 187.110, Oregon Revised Statutes, at the front door to the Josephine County Courthouse, Sixth and "C" Street, Grants Pass, OR, County of Josephine, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described real property which

the Grantor had or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the Grantor or his successors in interest acquired after the execution of said Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale. For further information please contact Fidelity National Title Insurance Company, 17911 Von Karman Ave, Suite 275, Irvine, CA 92614 949-

622-5730 Trustee Sale Line 714-573-1965 www.priorityposting.

com In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any. Dated: December 23, 2008 Fidelity National Title Insurance Company Signature By Shena La Rue State of CA County of Orange I, the undersigned certify that I am the Trustee Sale Officer, and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale. Shena La Rue P# 512704

Publish: 1/7, 1/14, 1/21, 01/28/2009

TRUSTEE’S NOTICE OF SALE Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq. Trustee No.: 039-005352 Reference is made to that certain Trust Deed made by Morgan Wilson, an unmarried woman as Grantor/Trustor, in which Mortgage Electronic Registration Systems, Inc., is named as Beneficiary and Ticor Title as Trustee and recorded 10/13/2005 as Instrument No. 2005-023806 in book , page of Official Records in the office of the Recorder of Josephine County, Oregon covering the following described real property situated in said county and state, to wit: Legal Description attached as Exhibit A Exhibit A A tract of land situated in the Northeast Quarter of the Northwest Quarter of section 6, Township 36 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon, described as follows: Beginning at the Southeast Corner of the Northwest Quarter of the Northwest Quarter of said section 6, Township 36 South, Range 6 West of Willamette Meridian; thence West along the South line of said Northeast Quarter of the Northwest Quarter 417 feet; thence North parallel with the East line of said Northeast Quarter of the Northwest Quarter 417 feet; thence East parallel with the South line of said Northeast Quarter of the Northwest Quarter 417 feet to a point due North of the point of beginning; thence South along the East line of said Northeast Quarter of the Northwest Quarter 417 also, that part of the Southwest Quarter of the Northeast Quarter of section 6, Township 36 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon, lying Northwest of Ewe Creek Road. Except-

ing therefrom that portion conveyed to Josephine County (public works), Oregon, a body polillo by Instrument recorded April 27, 1993, as Document no. 93-07891, official records of Josephine County, Oregon. The street address or other common designation, if any, of the real property described above is purported to be: 252 Ewe Creek Road, Grants Pass, OR 97526 The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation. Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and a Notice of Default has been recorded pursuant to Oregon Revised Statutes 86.735 (3); the default for which the foreclosure is made is Grantor's failure to pay when due, the following sums: Total payments from 7/1/2008 Through 12/30/2008 \$10,253.25 Total Late Charges Total advances \$0.00 Interest on Advances (if any) \$0.00 Total due the Beneficiary \$10,253.25 Also, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and Deed of Trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee. By reason of said default, the beneficiary has declared all sums owing on

the obligation secured by said Trust Deed immediately due and payable, said sums being the following: The unpaid principal balance of \$195,900.00 together with interest thereon at the current rate of 7.87500 per cent (%) per annum from 6/1/2008 until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust. Wherefore, notice hereby is given that the undersigned trustee will on 5/11/2009, at the hour of 01:00 PM in accord with the standard of time established by O.R.S. 187.110 at the following place: At the front door to the Josephine County Courthouse, Sixth and "C" Street, Grants Pass, OR County of Josephine, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described real property which the Grantor has or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the grantor his successors in interest acquired after the execution of said Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including reasonable charge by the trustee. Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default

complained of herein that is capable of being cured by tendering the performance required under the obligation or to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with trustee's and attorney's fees. In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse Date: 12/30/2008 Lawyers Title Insurance Corporation By: Amy Lemus, Assistant Secretary State of California) County of Orange)ss. I certify that I, Amy Lemus am an authorized representative of Lawyers Title Insurance Corporation, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale. Amy Lemus Authorized Representative of Trustee This office is attempting to collect a debt and any information obtained will be used for that purpose. P#515305

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