

Outcomes still uncertain in 17-year long land-use struggle

(Editor's Note: This is the second part. Part 1 appeared in the Feb. 18 issue of the *Illinois Valley News*)

By **SCOTT JORGENSEN**
IVN Staff Writer

Despite his many setbacks in trying to get his 157 acres of Hugo property rezoned, Ward Ockenden decided to file a new zone change application in 2002.

That application was submitted on Feb. 4, 2005, but the Josephine County Planning Dept. required Ockenden to produce another text amendment regarding the soil types. The text amendment application was turned in the next year.

By this point, Jim Raffenburg had been elected to the board of county commissioners. Even though he is no longer in office, Raffenburg said that he still is appalled at how Ockenden has been treated during the years by the county.

"From day one, I noticed the way his name was banded about inside the county organization with raised eyebrows and disdain," Raffenburg said. "I always wondered what this was about and why they had such disdain for this person. As events unfolded, I found out, in my opinion, that it was because he didn't roll over."

"He didn't do as he was told and it's cost him dearly."

Ockenden began finding other ways of fighting back.

He became politically active through the Grants pass-based Southern Oregon Resource Alliance and the Josephine County chapter of Americans for Prosperity (AFP). And he made it a habit to attend every county meeting he could.

"I was in their face every Wednesday and wouldn't stop," he said. "I had nothing more to lose."

On March 13, 2008, the county commissioners approved Ockenden's text amendment. Then, one week later, the board voted to rezone the property, but not to the R-5 designation that Ockenden had requested.

Instead, the board rezoned it to 15-acre parcels, despite the fact that such a zoning did not exist anywhere in the county.

"Because of the slopes involved and opposition from the neighborhood and people in the area, they wanted to do some kind of a compromise," said Bob Hart, of the county planning office.

The zone change included the requirement that the property have private roads, one of which would have to go all the way through the lot for emergency vehicle access.

Hart said that the only way to handle private roads is through the Planned Unit Development (PUD) process.

However, that state law limits PUDs outside city limits to 10 lots. Ockenden said that the cost of providing roads, power and other infrastructure would have required selling the lots for \$400,000 each just to cover his costs.

"I couldn't break even on it," Ockenden said. "It was a total waste."

Ward's Last Stand

A provision in the county's code allows applicants to ask the board of commissioners to reopen a hearing. In those instances, Hart said, the testimony is limited to addressing the issue of carrying capacity "so you don't go back to square one like you're starting all over."

In order to achieve compliance, Ockenden hired another set of engineers to develop a complete subdivision plan to include road design, slope erosion, sediment control, water systems and septic suitability. Hart said that requirement is typically reserved for the subdivision process, not a zone change.

Ockenden continued appearing at county commission meetings, and was beginning to receive some "pushback" for his efforts.

On April 30, 2008, then-Chairman Dave Toler called law enforcement because Ockenden refused to obey his command to stop talking past the posted time limit and sit

down during a weekly business session at Anne G. Basker Auditorium in Grants Pass. Four Josephine County Sheriff's Office deputies and two officers from the Grants Pass Dept. of Public Safety responded. But Raffenburg and Commissioner Dwight Ellis overruled Toler's decision to have Ockenden forcibly removed.

Finally, on Aug. 4, the commissioners held a hearing to determine whether or not to reopen Ockenden's case to hearings. This time, Ockenden and his family were not alone, as dozens of his friends, supporters and well-wishers packed Basker Auditorium.

The board decided to reopen the case, a decision that brought tears to Ockenden's eyes. But his fight wasn't finished.

The Struggle Continues

On Oct. 6, the board of commissioners voted 2-1 to approve Ockenden's request to rezone his property to 5-acre lots, with Toler dissenting. However, that decision was appealed to the state Land Use Board of Appeals on Dec. 23 by Rogue Advocates Vice President and Board member *Mike Walker*, who is also affiliated with the *Hugo Neighborhood Association & Historical Society*, on procedural grounds that the hearing shouldn't have been reopened.

Rich requested a continuance on the matter, so that the record could be properly assembled, but the case likely will not be heard until at least March 9. For his part, Ockenden remains apprehensive about the possible outcome of his case.

"It's everything I've made and tried to work for, it's not paying for a nice car or nice home," he said. "Everything I have, everything I make, they're trying to bleed me dry. Their goal is to break my back."

Ockenden admits that the years of fighting have taken a toll on him and his family, and that he has often considered giving up.

"It's consumed my life," he said.

His proposed project is listed on the Website for *Rogue Advocates*, www.rogueadvocates.org, under its "Project Tracker." That organization lists among its partners the Klamath Siskiyou Wildlands Center, the Siskiyou Field Institute and 1000 Friends of Oregon.

Executive Director Jim McLeod said that his group is focused on broader issues such as global warming.

"For us, it's not really about Ockenden," McLeod said. "Our mission is about preserving farmland and forestlands and our mission is working for sustainable communities and livable communities. This is about a conversion of forest resource land to rural residential, and it comes under our mission, and our interest is to preserve those types of lands."

McLeod said Rogue Advocates maintains that the land on Ockenden's property "is not marginal," and should continue to be preserved as farmland. He admits that appealing Ockenden's case has not cost Rogue Advocates

financially, but that many hours of volunteer time have been expended.

Hart said that the Ockenden case points to a larger problem in Oregon's land-use policy, mainly that standing in opposition to rezoning can be extended to anyone who wants it.

"Ward is a poster child for a system gone bad," Hart stated. Despite his decades of experience dealing with planning and land-use issues, Hart said that he is still not certain how the case will end.

"Based on the information that's been submitted, it should be approved for residential use. If it goes into philosophy and politics of too many people who don't want to lose the land to development, it's going to be overturned," Hart said.

"It's facts, versus politics or philosophy," he stated. "Who's going to win? We'll just have to wait and find out."

(Editor's Note: Read the entire article online at illinois-valley-news.com)

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Man on the Street:

Satisfied with health-care coverage?



"I guess I am. It's through my wife's coverage. But I am totally dissatisfied with the current health care system."
~ Steve Ross



"No. I do have some kind of catastrophic kind of insurance."
~ Lynn Wilson



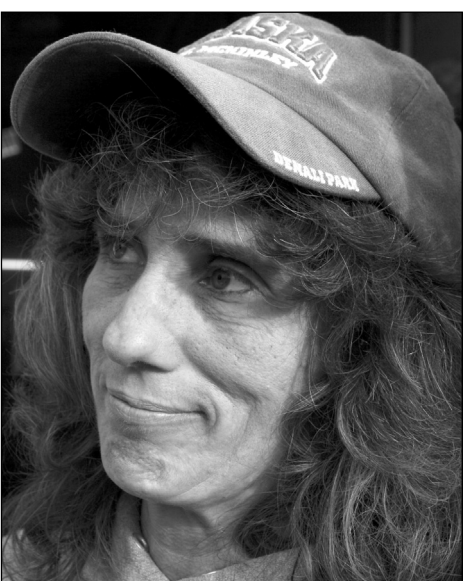
"Absolutely. We have CareSource and Medicare. It's a little hard to get better than that right now."
~ Jerry Work



"Who has the money for health care? I think everybody has access to health care, they just can't afford health care."
~ Fred Hampton



"Actually, I am. I have full coverage, and I'm grateful for it."
~ Diana Kihs



"I don't have any health care coverage. I can't afford it."
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