

*Zoning*

## Name Of The Game Is Land

# It's A Question Of Property Rights

(Last of three articles.)

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An old saying about freedom goes: "Your right to swing your arm ends at the other fellow's nose."

The saying fits the game of buying and selling land for profit.

Under the law, for instance, you have a perfect right to buy and sell tiny parcels in subdivisions officially filed over 50 years ago.

After all, much land ownership in California stems from the huge ranchos given by Spanish monarchs for favors done.

But when bloody noses start turning up in the form of slashed hillsides, ruined streams, and bewildered buyers looking for the land they paid money for, property rights are in question.

Paper subdivisions, where building sites, streets, and other improvements exist only on a drawing, have been a recurring source of irritation.

When sold to an ignorant buyer, the only real harm is to the pocketbook.

It's very easy to avoid disappointment, at least in California.

The State Division of Real Estate will supply buyers with subdivision reports. The Department of Investment is handling paper subdivisions.

It offers a broad range of information on the type of operation, whether water is available, utilities nearby, whether roads are on the ground, whether the lots are surveyed, whether sewage disposal, public transportation, and other things such as schools are nearby.

Information usually comes from the subdividers, but is usually reliable.

If the buyers' questions are not answered there, he can write to the county planning department, the surveyor, or department of public works for information.

These people often can supply first hand information about a tract or an area.

Finally, such reputable local organizations as the Board of Realtors, or an establish realtor can be helpful. These businessmen are to be distinguished from "real estate agents," or salesmen, or "real estate developers."

The important thing is to

Another ordinance which might apply in a roundabout way to paper subdivisions is the county's "minor land division ordinance." It only applies to selling off or splitting parcels into less than four pices. However, lots in paper subdivisions are often sold in blocks of two or three, and these might be resold.

The minor land division ordinance has been in trouble as well.

When Fish and Game officials, the district attorney, the planning director and the county counsel's office discussed the problem of grading and stream pollution at Happyland, a third ordinance was discovered.

This was part of the Uniform Building Code the county adopted as a whole. An alert attorney in the county counsel's office turned up a section which requires a grading permit for large amounts of earthmoving.

Using this, plus the fact that developers are cutting roads not shown on the original subdivision maps, county officials are trying to get the Happyland developers to come in and follow regular subdivision channels.

But another local attorney said the ordinance seemed a bit vague in the amount of earth which could be moved without a permit.

There is no real need for ugliness or wanton destruction, even in the high mountain areas.

With intelligent use, California's and Santa Cruz County's mountain lands can meet the growing demands of people, a conservation expert pointed out during National Conservation Week.

Dr. John Zivnуска, dean of the University of California's school of forestry and conservation said the development of such areas as Yosemite Valley prove people do not have to destroy an area to use it.

But it takes money, conscientious developers, an aware public, and sometimes more government regulations.

Meanwhile, the arm is free to swing.

## Three Crash Victims Still In Hospital

Three people injured in

money.

But there is a public problem connected to these subdivisions as well.

When owners decide to make real subdivisions out of paper, it often means a tremendous change in the landscape.

State game wardens, the County Fish and Game Commission, and private sportsmen's organizations are concerned over the damage they believe the developers of Happyland near Lompico have done to fish spawning beds.

Lompico water district directors are upset because the sand, silt and gravel filled up a water supply dam below the tract. The developers cleared the dam and Lompico Creek afterward.

Not only are trees and brush cut down, and mountainsides scarred in some tracts, but the county can get stuck with high costs someday.

In the case of Happyland, no building permits have been issued.

But other paper subdivisions have been built up, and the sewage problems, drainage difficulties and fire danger are headaches to officials.

If the subdivisions were filed today, this probably could not happen under the present regulations.

What can be done? Fish and Game Commissioner Frank Dunn says "it has to be taken care of locally. The state won't act here, and usually doesn't win cases if it does."

Oddly, the problem of grading was anticipated by the county over a year ago.

The county planning department put an ordinance together to control grading or other earthmoving, and presented it to the county planning commission.

Contractors and engineers assailed the proposed ordinance. They said it was too restrictive, and would make it illegal for a man to dig up his back yard.

After two public hearings, the ordinance was changed. This time it would have applied only to large-scale earthmoving operations, of over 500 cubic yards of earth.

The ordinance was tabled, and today is all but forgotten.

still patients at General Hospital.

Attendants said Bill Blanton, 33, of San Jose, is in "good" condition. Another driver, Henry Harmon, 27, of Oakland, is also in "good" condition and his passenger, Karen Hooker, 27, also of Oakland, is in "fairly good" condition.

Highway Patrolmen said the accident took place between the Branciforte Avenue overpass and the fishhook curve.

Two people were injured early yesterday in a freeway accident near Morrissey Boulevard. Patrolmen said Wilford Speckman Jr. 18, of 408 Park Avenue, Capitola, lost control of his vehicle. It left the roadway and overturned.

He and his passenger, Jenette Skinner, 16, of 2620 Mission Street, were taken to General Hospital by Santa Cruz Ambulance Service. They were treated and released. Speckman told patrolmen he had to swerve to miss a vehicle which changed lanes in front of him.

Antero Nebres, 62, of 1139 Walk Circle, was injured in a three-car accident yesterday on the Oceanshore Highway about four miles north of Santa Cruz.

Patrolmen said Collene Hixson, 18, of Sunnyvale, had been southbound when she stopped in the traffic lane in preparation for a right-hand turn. Officers said George Harrison, 62, of 220 Seaside Street, stopped behind her. The Nebres vehicle struck Harrison's automobile and shoved it into the Hixson vehicle.

Santa Cruz Ambulance Service took Nebres to General Hospital where he was treated and released. Patrolmen said Miss Hixson may be cited for stopping in a traffic lane.

### IRS RULING APPEAL

San Francisco (AP)—The Sierra Club announced Friday it would appeal to the Internal Revenue Service in Washington from a regional IRS recommendation that the club lose its tax exempt status.

The American Red Cross collected nearly three million units of blood from donors during 1967.