

SENATE PUBLIC RESOURCES AND ECOLOGY COMMITTEE

MINUTES OF MEETING

FRIDAY, March 23, 1973

The meeting was called to order at 1:15 P.M.

Senator Wilson in the chair.

PRESENT: Senator Bryan
Senator Blakemore
Senator Young
Senator Dodge-

A. B. 117 - Exempts dairy farms, dairy products plants and frozen dessert plants from definition of "food establishment."

James A. Edmiston, director of Department of Health spoke in favor of the bill.

Motion, Do Pass, Senator Young, Seconded Senator Bryan, carried.

A. B. 122 - Repeals provision relating to definition of "pasteurized milk or cream."

James A. Edmiston, Director of Department of Health spoke in favor of the bill.

Motion Senator Blakemore, Do Pass, seconded Senator Bryan, carried.

A. B. 303 - Provides state regulatory control over variety seed labeling.

Harry Gallaway, administrator of the Division of Plant industries spoke in favor of the bill.

Motion, Senator Blakemore, Do Pass, seconded by Senator Young, carried.

A. B. 304 - Requires annual registration of certain nursery stock producers with the state department of agriculture.

Harry Gallaway, administrator of the Division of Plant Industries spoke in favor of the bill.

Motion, Senator Bryan, Do Pass, Seconded Senator Young, carried.

A. B. 322 - Clarifies terminology and provides pest control for Intrastate nursery stock shipment.

Harry Gallaway, administrator of the Division of Plant Industries

spoke in favor of the bill.

Motion, Senator Bryan, Do Pass, seconded Senator Young, carried.

A. B. 324 - Provides for collection of fees for inspection and certification of bees or appliances.

Harry Gallaway, administrator of the Division of Plant Industries, explained that heretofore, the law covered a third party inspection for out of state movement of bees, only. This new bill would take care of all inspection requests by any party, with the expense thereof being paid for by the person requesting such inspection.

Earl Nygren, a beekeeper, spoke concerning the bill and said that his organization of beekeepers were not unanimously in favor, but they could live with the bill.

Senator Blakemore felt the expense to people in the Tonopah area and Pahrump valley would be prohibitive.

It is only a voluntary law, and inspections would not be done except by request.

Motion, Senator Bryan, Do Pass, Seconded, Senator Young, carried.

A. B. 404 - Requires use of fire retardant roofing materials in fire hazardous forested areas.

Bill Adams, assistant City Manager of the City of Las Vegas appeared and spoke in favor of the bill.

Motion, Senator Blakemore, Do Pass, Seconded, Senator Young, carried.

A. B. 326 - Makes certain examination and fee changes for custom pesticide applicators' licenses.

Harry Gallaway, administrator of the Division of Plant Industries, spoke in favor of the bill, and presented certain requested amendments.

The proposed amendment would put an automatic 6 months upon the person who failed the examination, before he could come back in and reapply.

Motion, Senator Young, Do Pass without Amendments, Seconded Senator Blakemore, carried.

S. B. 481 - Redefines contents of master plan and zoning regulations.

S. B. 516 - Makes preservation of natural resources a criterion for master planning, zoning and zoning administration.

Parry Burnette of the Legislative Counsel Bureau, appeared and presented proposed amendments to S. B. 481. The said proposed amendments are attached hereto as Exhibit A.

Ken Reinert of the BLM appeared before the Committee to discuss the impact of this legislation on the BLM. He is in favor of the bill with its suggested amendments.

Bob Warren, Nevada Municipal Association Director appeared to discuss certain aspects of the bill.

John Meder, of the Nevada Association of County Commissioners spoke, but since he had not had a chance to talk to the association he spoke in his own behalf. He felt the bill is a good one and should be passed.

Dick Allen, Washoe County Regional Planning Director spoke in behalf of the bill.

Senator Blakemore object to the omission of the word "harbors."

Page 2, line 38, the words, "bi-annual report" would be added. Page 4, line 10, 30 was changed to 65 and the words, "if any" were added.

Leslie Gray, an attorney from Reno, appeared representing the Virginia City Water Commission.

He stated that the bill is a good one, but could be made more stringent. Make the bill as strong as possible without worry as to constitutionality.

Mr. Gray presented to the committee a copy of Morris K. Udall's article from the December Field and Stream Magazine, entitled, Land Speculation, Investment in the Future or Downpayment on Dust? Said article is attached hereto as Exhibit C.

Jim Friedlander, representing the Tahoe Basin Council of Governments, which consists of Carson City, Churchill, Douglas, Lyon and Storey Counties. He stated that this legislation is very dear to their hearts and he hopes it can pass into law.

He made the following recommendations for additions:

On Page 5, line 7, the word, "unanimous" be replaced by the word "majority". Page 2, line 27, request "harbor" be allowed in the language. No reason for eliminating some of the phraseology on page 3 on lines 17 through 39.

Joe Midmore of the Builder's Association of Northern Nevada spoke in opposition to the bill. He feels it will do more harm than good.

Ed Martinez spoke in favor of the bill, but objected to the taking out of the word Esthetics.

Bill Adams, Assistant City Manger of the city of Las Vegas, spoke in favor of the bill.

Gene Milligan, Nevada Association of Realtors, endorsed the remarks made by Mr. Midmore.

Mrs. Ford, Assemblywoman, spoke in favor of the bill.

S. B. 516 - Makes preservation of natural resources a criterion for master planning, zoning and zoning administration.

This bill was considered together with S. B. 418, no action taken on either bill. Said bill S. B. 516 is attached hereto as Exhibit B.

The meeting was adjourned at 4:45 p.m.

Respectfully submitted,


Mae Lothouse, Secretary

APPROVED:

Senator Wilson, Chairman

Proposed Amendments to S. B. 481

S. B. 481

SENATE BILL NO. 481—SENATORS YOUNG, SWOBE,
WILSON AND RAGGIO

MARCH 15, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Redefines contents of master plan and zoning regulations.
Fiscal Note: No. (BDR 22-1740)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to the regulation of land use; redefining master plans; redefining the content of zoning regulations; providing for findings of compliance with regard to proposed subdivisions; and providing other matters properly relating thereto.

2 providing for reasonable payment for title to subdivision
The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:

- 1 SECTION 1. NRS 278.160 is hereby amended to read as follows:
2 278.160 1. The master plan, with the accompanying [maps, dia-
3 grams, charts, descriptive matter and reports,] *charts, drawings, dia-*
4 *grams, schedules and reports,* shall include such of the following subject
5 matter or portions thereof as are appropriate to the city, county or region,
6 and as may be made the basis for the physical development thereof:
7 (a) Community design. Standards and principles governing the sub-
8 division of land and suggestive patterns for community design and devel-
9 opment.
10 (b) Conservation plan. For the conservation, development and util-
11 ization of natural resources, including water and its hydraulic force, for-
12 ests, soils, rivers and other waters, [harbors,] fisheries, wildlife, minerals
13 and other natural resources. The plan shall also cover the reclamation of
14 land and waters, flood control, prevention and control of the pollution of
15 streams and other waters, regulation of the use of land in stream channels
16 and other areas required for the accomplishment of the conservation plan,
17 prevention, control and correction of the erosion of soils, beaches, and
18 shores, and protection of watersheds.
19 (c) Economic plan. Showing recommended schedules for the alloca-
20 tion and expenditure of public funds in order to provide for the econom-
21 ical and timely execution of the various components of the plan.
22 (d) Housing. Survey of housing conditions and needs and plans and

1 procedure for improvement of housing standards and for the provision of
2 adequate housing.

3 (e) Land use plan. An inventory and classification of natural land
4 types and of existing land cover and uses, and comprehensive plans for
5 the most desirable utilization of land.

6 (f) Public buildings. Showing locations and arrangement of civic cen-
7 ters and all other public buildings, including the architecture thereof and
8 the landscape treatment of the grounds thereof.

9 (g) Public services and facilities. Showing general plans for sewage,
10 drainage and utilities, and rights-of-ways, easements and facilities there-
11 for.

12 (h) Recreation plan. Showing a comprehensive system of recreation
13 areas, including natural reservations, parks, parkways, beaches, play-
14 grounds and other recreation areas, including, when practicable, the loca-
15 tions and proposed development thereof.

16 (i) Streets and highways plan. Showing the general locations and
17 widths of a comprehensive system of major traffic thoroughfares and
18 other traffic ways and of streets and the recommended treatment thereof,
19 building line setbacks, and a system of street naming or numbering, and
20 house numbering, with recommendations concerning proposed changes.

21 (j) Transit plan. Showing a proposed system of transit lines, includ-
22 ing rapid transit, streetcar, motorcoach and trolley coach lines and related
23 facilities.

24 (k) Transportation plan. Showing a comprehensive transportation
25 system, including locations of rights-of-way, terminals, viaducts and grade
26 separations. The plan may also include port, harbor, aviation and related
27 facilities.

28 2. The commission may prepare and adopt, as part of the master
29 plan, other and additional plans and reports dealing with such other sub-
30 jects as may in its judgment relate to the physical development of the
31 city, county or region, and nothing contained in NRS 278.010 to 278-
32 630, inclusive, shall be deemed to prohibit the preparation and adoption
33 of any such subject as a part of the master plan.

34 SEC. 2. NRS 278.190 is hereby amended to read as follows:

35 278.190 1. The commission shall endeavor to promote public inter-
36 est in and understanding of the master plan and of official plans and
37 regulations relating thereto. *As a means of furthering the purpose of a*
38 *master plan, the commission shall regularly make recommendations to the*
39 *governing body for the implementation of the plan.*

40 2. It also shall consult and advise with public officials and agencies,
41 public utility companies, civic, educational, professional and other orga-
42 nizations, and with citizens generally with relation to the carrying out of
43 such plans.

44 3. The commission, and its members, officers and employees, in the
45 performance of their functions, may enter upon any land and make
46 examinations and surveys and place and maintain necessary monuments
47 and marks thereon.

48 4. In general, the commission shall have such power as may be nec-
49 essary to enable it to fulfill its functions and carry out the provisions of
50 NRS 278.010 to 278.630, inclusive.

1 Sec. 3. NRS 278.200 is hereby amended to read as follows:
2 278.200 The master plan [may be in the form of maps.] shall be a
3 map, together with such charts, drawings, diagrams, schedules, reports,
4 ordinances, or other printed or published material, or any one or a com-
5 bination of any of the foregoing [.] as may be considered essential to the
6 purposes of NRS 278.010 to 278.630, inclusive.

7 Sec. 4. NRS 278.250 is hereby amended to read as follows:

8 278.250 1. For any or all of the purposes of NRS 278.010 to
9 278.630, inclusive, the governing body may divide the city, county or
10 region into districts of such number, shape and area as may be deemed
11 best suited to carry out the purposes of NRS 278.010 to 278.630, inclu-
12 sive. Within such districts it may regulate and restrict the erection, con-
13 struction, reconstruction, alteration, repair or use of buildings, structures
14 or land.

15 2. Such regulations shall be made in accordance with the master plan
16 for land use and shall be designed:

- 17 [(a) To lessen congestion in the streets.
- 18 (b) To secure safety from fire, panic, and other danger.
- 19 (c) To promote health and the general welfare.
- 20 (d) To provide adequate light and air.
- 21 (e) To prevent the overcrowding of land.
- 22 (f) To avoid undue concentration of population.
- 23 (g) To facilitate the adequate provision of transportation, water, sew-
24 erage, schools, parks and other public requirements.]
- 25 (a) To preserve the quality of air and water resources.
- 26 (b) To conserve open space and protect other natural and scenic
27 resources.
- 28 (c) To provide for recreational needs.
- 29 (d) To protect life and property in areas subject to floods, landslides
30 and other natural disasters.
- 31 (e) To avoid undue concentration of population.
- 32 (f) To develop a timely, orderly and efficient arrangement of transpor-
33 tation and public facilities and services.
- 34 (g) To ensure that the development on land is commensurate with the
35 character and the physical limitations of the land.
- 36 (h) To take into account the immediate and long-range financial impact
37 of the application of particular land to particular kinds of development,
38 and the relative suitability of such land for such development.
- 39 (i) To promote health and the general welfare.

40 3. Such regulations shall be made with reasonable consideration,
41 among other things, to the character of the district and its peculiar situa-
42 bility for particular uses, and with a view to conserving the value of
43 buildings and encouraging the most appropriate use of land throughout
44 the city, county or region.

Sec. 5. A NRS 278. 260

~~278.260 Changes of land use classification: Notice and hearing.~~ The
governing body shall provide for the manner in which such regulations
and restrictions and the boundaries of such districts shall be determined,
established and enforced, and from time to time amended, supplemented
or changed. However, no such regulation, restriction or boundary shall
become effective until after a public hearing in relation thereto, at which
parties in interest and citizens shall have an opportunity to be heard. At
least 15 days' notice of the time and place of the hearing shall be pub-
lished in an official newspaper, or a newspaper of general circulation, in
the city, county, or region.

[14-110:1941;-1931 NCL § 5063:13]

6.

45 Sec. 5. NRS 278.330 is hereby amended to read as follows:
46 278.330 1. The initial action in connection with the making of any
47 subdivision shall be the preparation of a tentative map or maps which
48 shall show, or be accompanied by, such data as are specified by the pro-
49 visions of NRS 278.010 to 278.630, inclusive.

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together with a copy of the...
to be approved...

- 1 2. The subdivider shall file copies of such map or maps with the
- 2 planning commission, or with the clerk of the governing body if there
- 3 be no planning commission.
- 4 3. If there is no planning commission, the clerk of the governing body
- 5 shall submit the tentative map to the governing body at its next regular
- 6 meeting. The governing body shall act thereon within 40 days after such
- 7 submittal.
- 8 4. If there is a planning commission, it shall report to the subdivider
- 9 and to the governing body on the map or maps of any subdivision sub-
- 10 mitted to it within 30 days after the tentative map has been filed; and the
- 11 report shall approve, conditionally approve, or disapprove the map or
- 12 maps of the subdivision. If conditionally approved or disapproved, the
- 13 report shall state the conditions under which the map would have been
- 14 approved.
- 15 5. If the subdivider is dissatisfied with any action of the planning
- 16 commission, he may, within 15 days after such action, appeal from the
- 17 action of the planning commission to the governing body which must hear
- 18 the same, unless the subdivider consents to a continuance, within 10 days
- 19 or at its next succeeding regular meeting. The governing body may by a
- 20 majority vote of its members overrule any ruling of the planning commis-
- 21 sion in regard to the tentative map, and make such findings as are not
- 22 inconsistent with the provisions of NRS 278.010 to 278.630, inclusive, or
- 23 local ordinance adopted pursuant thereto.
- 24 6. Before approving a tentative map, the governing body shall find
- 25 that the subdivision:
 - 26 (a) Will not result in undue water or air pollution. In making this deter-
 - 27 mination it shall consider:
 - 28 (1) The elevation of the land above sea level and its relation to the
 - 29 flood plains; or *the subject to the provisions of NRS 278.010*
 - 30 (2) The nature of soils and subsoils and their ability adequately to
 - 31 support waste disposal;
 - 32 (3) The slope of the land and its effect on effluents;
 - 33 (4) The availability of streams for disposal of effluents; and
 - 34 (5) The applicable health law and regulations.
 - 35 (b) Has sufficient water available for the reasonably foreseeable needs
 - 36 of the subdivision.
 - 37 (c) Will not cause an unreasonable burden on an existing water supply,
 - 38 if one is to be utilized.
 - 39 (d) Will not cause unreasonable soil erosion or reduction in the capac-
 - 40 ity of the land to hold water so that a dangerous or unhealthy condition
 - 41 may result.
 - 42 (e) Will not cause unreasonable street or highway congestion or unsafe
 - 43 conditions with respect to use of the streets or highways existing or pro-
 - 44 posed.
 - 45 (f) Will not cause an unreasonable burden on the ability of any school
 - 46 district to provide educational services.
 - 47 (g) Will not place an unreasonable burden on the ability of the local
 - 48 governments to provide municipal or governmental services.
 - 49 (h) Will not have an undue adverse effect on the scenic or natural

to be approved...

make such...

findings...

with the provisions...

of NRS 278.010...

278.010...

or local ordinance...

subject to the provisions...

of NRS 278.010...

limited to...

provide municipal...

the subdiv...

The effect of the sewerage plans; and

- 1 beauty of the area, esthetics, historic sites or rare and irreplaceable nat-
- 2 ural areas.
- 3 (i) Is in conformance with a duly adopted land use plan.
- 4 7. No provision of this chapter shall be construed to prevent a gov-
- 5 erning body from disapproving a tentative map if such disapproval is in
- 6 the best interests of the public health, safety or welfare, and such dis-
- 7 approval is by unanimous vote and made within the time limit provided
- 8 in subsection 3.

a majority vote of its members

Sec. 7. A NRS 278.410

278.410 Final Map: Requirements and contents.

- 1. The final map shall be clearly and legibly drawn in black water-proof india ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession, but annotations, certificates and acknowledgments may be legibly stamped or printed upon the map with opaque ink.
- 2. The size of each sheet of the map shall be 24 by 32 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.
- 3. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end.
- 4. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.
- 5. The final map shall show all survey and mathematical information and data necessary to locate all monuments, and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and radii and arc length for all curves, and such information as may be necessary to determine the location of the centers of curves.
- 6. Each lot shall be numbered, and each block may be numbered or lettered.
- 7. Each street shall be named.
- 8. The exterior boundary of the land included within the subdivision shall be indicated by colored border.
- 9. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.
- 10. The final map shall also satisfy any additional survey and map requirements of the local ordinance.

~~[Part 26:110:1941; 1931 NCL § 5063.25] (NRS A-1960, 137)~~

a graphic

9 SEC. 6. NRS 278.420 is hereby amended to read as follows:
10 278.420 The following certificates and acknowledgments shall appear
11 on the final map and may be combined where appropriate:

12 1. A certificate signed and acknowledged by all parties having any
13 record title interest in the land subdivided, consenting to the preparation
14 and recordation of the map. A lien for state, county, municipal or local
15 taxes and for special assessments or beneficial interest under trust deeds
16 or trust interests under bond indentures shall not be deemed to be an
17 interest in land for the purpose of this section. Any map including territory
18 originally patented by the United States or the State of Nevada, under
19 patent reserving interest to either or both of the entities, may be recorded
20 under the provisions of NRS 278.010 to 278.630, inclusive, without the
21 consent of the United States or the State of Nevada thereto, or to dedications
22 made thereon. Signatures required by this section of parties owning
23 rights-of-way, easements or reversions which by reason of changed
24 conditions, long disuse or laches appear to be no longer of practical use
25 or value, and which signatures it is impossible or impracticable to obtain,
26 may be omitted if the names of such parties and the nature of their interest
27 is endorsed on the map, together with a reasonable statement of the
28 circumstances preventing the procurement of such signatures.

29 2. A certificate, signed and acknowledged as above, offering for dedication
30 for certain specified public uses (subject to such reservations as
31 may be contained in any such offer of dedication) those certain parcels
32 of land which the parties desire so to dedicate. The certificate may state
33 that any certain parcel or parcels are not offered for dedication; but a
34 local ordinance may require as a condition precedent to the approval of
35 any final map that any or all of the parcels of land shown thereon and
36 intended for any public use shall be offered for dedication for public use
37 except those parcels other than streets intended for the exclusive use of
38 the lot owners in such subdivision, their licensees, visitors, tenants and
39 servants.

40 3. A certificate for execution by the clerk of each approving governing
41 body stating that the body approved the map and accepted or rejected
42 on behalf of the public any parcels of land offered for dedication for
43 public use in conformity with the terms of the offer of dedication.

44 4. A certificate by the engineer or surveyor responsible for the survey
45 and final map, giving the date of the survey and stating that the survey
46 was made by him or under his direction, and that the survey is true and
47 complete as shown. The certificate shall also state that the monuments
48 are of the character and occupy the positions indicated, or that they will
49 be set in such positions and at such time as is agreed upon under the
50 provisions of NRS 278.400.

the name of the planning commission

- 1 5. A certificate by the county surveyor if a subdivision lies within an
- 2 unincorporated area, and if a subdivision lies within a city, a certificate by
- 3 the city engineer or by the county surveyor when for that purpose
- 4 appointed by the governing body of the city, stating that he has examined
- 5 the final map, that the subdivision as shown thereon is substantially the
- 6 same as it appeared on the tentative map, and any approved alterations
- 7 thereof, that all provisions of NRS 278.010 to 278.630, inclusive, and of
- 8 any local ordinance applicable at the time of approval of the tentative
- 9 map have been complied with, and that he is satisfied that the map is
- 10 technically correct.
- 11 6. A certificate by the health division of the department of health,
- 12 welfare and rehabilitation showing that the health division approved the
- 13 final map concerning sewage disposal, water pollution, water quality and,
- 14 subject to confirmation by the state engineer, water quantity.
- 15 7. A certificate by the county clerk showing that the proposed subdivi-
- 16 sion is considered to be a suitable application of land to the particular
- 17 kind of development for which approval is sought, pursuant to the find-
- 18 ings of the governing body under NRS 278.330.

is not a...

is not a...

is not a...

Sec. 4. A NRS 278.420

~~278.480 Abandonment or vacation of streets: Procedure.~~

- 1. Any person, firm or corporation desiring the vacation or abandonment of any street or portion thereof shall file a petition in writing, signed by not less than three freeholders owning lands within the area affected by the proposed vacation and abandonment, with the governing body having jurisdiction.
- 2. If there be a planning commission, the governing body shall refer the petition to the planning commission, which shall report thereon to the governing body as set forth in NRS 278.240.
- 3. Whenever any streets are proposed to be vacated, the governing body shall cause the streets to be posted with a notice setting forth the extent of the proposed abandonment and setting a date for public hearing, which date shall be not less than 30 days and not more than 40 days subsequent to the date of posting of the street.
- 4. If, upon public hearing, the governing body is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street to be vacated. The governing body may make such order conditional, and the order shall become effective only upon the fulfillment of the conditions prescribed.
- 5. The order shall be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon such recordation title to the street shall revert to the abutting property owners in the proportion that the property was dedicated by such abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion thereof, the governing body may sell such vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city. If the governing body so sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his property, but no action shall be taken by the governing body to force such owner to purchase such portion and no such portion shall be sold to any person other than such owner if such sale would result in a complete loss of access to a street from such abutting property.

subject to payment required in substitution

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- 6. Any easement for light and air adjacent to any vacated street is vacated upon the vacation of the street.
- 7. In any vacation or abandonment of any street or portion thereof, the governing body may reserve and except therefrom any easements, rights or interests therein which the governing body may deem desirable for the use of the city or of any public utility.

[30:110:1941; 1934 NCL § 5063.29]—(NRS A 1967, 268, 696; 1969, 588)

7.

8.

6. The abutting property owners...

title to the property...

such as to be...

SUMMARY--Makes preservation of natural resources a criterion for master planning, zoning and zoning administration.
Fiscal Note: No. (BDR 22-1199)

AN ACT relating to planning and zoning; requiring master planning, zoning regulation and zoning administration to be based on the criterion of accountability for the preservation of natural resources; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 268.190 is hereby amended to read as follows:

268.190 Except as otherwise provided by law, the city planning commission shall have power:

1. To recommend and advise the city council and all other public authorities concerning:

(a) The laying out, widening, extending, paving, parking and locating of streets, sidewalks and boulevards.

(b) The betterment of housing and sanitary conditions, and the establishment of zones or districts within which lots or buildings may be restricted to residential use, or from which the establishment, conduct or operation of certain business, manufacturing or other enterprises shall be excluded, and limiting the height, area and bulk of buildings and structures therein.

2. To recommend to the city council and all other public authorities plans and regulations for the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots [.] which shall include for each city a population plan as required by chapter 278 of NRS.

3. ~~To do and perform any and all other acts and things necessary~~ or proper to carry out the provisions of NRS 268.100 to 268.220, inclusive, and in general to study and propose such measures as may be for the municipal welfare [.] and in the interest of protecting the municipal area's natural resources from impairment.

Sec. 2. NRS 268.240 is hereby amended to read as follows:

268.240 For the purpose of promoting the health, safety, morals, convenience, property or general welfare of the community, protecting the community's natural resources from impairment, and conforming to the adopted population plan, the city council or other legislative body, designated in NRS 268.230 to 268.300, inclusive, as a city council of any city or incorporated town of this state, may by ordinance:

1. Regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the location and use of buildings, structures and land for trade, industry, residence or other purposes.

2. Establish lines designating the distance at which buildings shall be erected from the property line of any lot or lots in the city.

Sec. 3. NRS 268.260 is hereby amended to read as follows:

268.260 1. All regulations shall be made in accordance with a comprehensive plan [,] incorporating at least the mandatory requirements of a master plan, and designed to:

(a) Lessen congestion in the streets.

(b) Secure safety from fire, panic and other dangers.

(c) Protect property and promote the health, safety and general welfare.

(d) Provide adequate light and air.

(e) Prevent the overcrowding of land [.] and otherwise protect the district's natural resources from impairment.

(f) Conserve the value of the buildings and structures in the district. 270

2. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view of conserving the value of property and encouraging the most appropriate use of land throughout the city.

Sec. 4. NRS 278.020 is hereby amended to read as follows:

278.020 1. For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing bodies of cities and counties are authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures.

2. Any such regulation, restriction and control shall take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment.

Sec. 5. NRS 278.150 is hereby amended to read as follows:

278.150 1. The planning commission shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region which in the commission's judgment bears relation to the planning thereof.

2. The plan shall be known as the master plan, and shall be so prepared that all or portions thereof, except as provided in subsection 3, may be adopted by the [legislative] governing body, as provided in NRS 278.010 to 278.630, inclusive, as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.

3. If the governing body adopts only a portion of the master plan, it shall include in any such portion a conservation plan and a population plan as provided in NRS 278.160.

Sec. 6. NRS 278.160 is hereby amended to read as follows:

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278.160 1. The master plan, with the accompanying maps, diagrams, charts, descriptive matter and reports, shall include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including water and its hydraulic force, underground water, water supply, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan shall also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils [,] through proper clearing, grading and landscaping, beaches, and shores, and protection of watersheds. The plan shall also indicate the maximum tolerable air pollution level.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public funds in order to provide for the economical and timely execution of the various components of the plan.

(d) Housing. Survey of housing conditions and needs and plans and procedure for improvement of housing standards and for the provision of adequate housing.

(e) Land use plan. An inventory and classification of natural land types and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land.

(f) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

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(g) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

[(g)] (h) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor.

[(h)] (i) Recreation plan. Showing a comprehensive system of recreation areas, including natural reservations, parks, parkways, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

[(i)] (j) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of street naming or numbering, and house numbering, with recommendations concerning proposed changes.

[(j)] (k) Transit plan. Showing a proposed system of transit lines, including rapid transit, streetcar, motorcoach and trolley coach lines and related facilities.

[(k)] (l) Transportation plan. Showing a comprehensive transportation system, including locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, shall be deemed to prohibit the preparation and adoption of any such subject as a part of the master plan.

Sec. 7. NRS 278.170 is hereby amended to read as follows:

278.170 1. The commission may prepare and adopt all or any part of the master plan or any subject thereof, except as provided in subsection 2, for all or any part of the city, county or region; but master regional plans shall be coordinated with similar plans of adjoining regions, and master county and city plans within each region shall be coordinated so as to fit properly into the master plan for the region.

2. If the commission prepares and adopts less than all subjects of the master plan, as outlined in NRS 278.160, it shall include, in any such preparation and adoption, the conservation and population plans described in such section.

Sec. 8. NRS 278.230 is hereby amended to read as follows:

278.230 1. Whenever the governing body of any city or county shall have adopted a master plan or part thereof for the city or county, or for any major section or district thereof, the governing body shall, upon recommendation of the planning commission, determine upon reasonable and practical means for putting into effect the master plan or part thereof, in order that the same will serve as a pattern and guide for [the] that kind of orderly physical growth and development of the city or county which will cause the least amount of natural resource impairment and will conform to the adopted population plan and as a basis for the efficient expenditure of funds thereof relating to the subjects of the master plan.

2. The governing body may adopt and use such procedure as may be necessary for this purpose.

Sec. 9. NRS 278.250 is hereby amended to read as follows:

278.250 1. For any or all of the purposes of NRS 278.010 to 278.630, inclusive, the governing body may divide the city, county or region into districts of such number, shape and area as may be deemed best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive. Within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. Such regulations shall be made in accordance with the master **274**
plan for land use and shall be designed:

- (a) To lessen congestion in the streets.
- (b) To secure safety from fire, panic, and other danger.
- (c) To promote health and the general welfare.
- (d) To provide adequate light and air.

(e) To prevent the overcrowding of land [.] and otherwise protect the district's natural resources from unreasonable impairment.

(f) To [avoid undue concentration of population.] conform to the adopted population plan.

(g) To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

3. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

Sec. 10. NRS 278.300 is hereby amended to read as follows:

278.300 1. The board of adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures.

(b) To hear and decide, in accordance with the provisions of any such regulation, requests for variances, or for interpretation of any map, or for decisions upon other special questions upon which the board is authorized by any such regulation to pass.

(c) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition ²⁷⁵ of such piece of property, ~~the strict application of any regulation~~ enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property, to authorize a variance from such strict application so as to relieve such

difficulties or hardship, provided such relief may be granted without substantial detriment to the public good , without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

(d) To hear and decide requests for special use permits or other special exceptions, in such cases and under such conditions as the regulations may prescribe.

2. The unanimous concurring vote of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official or agency, or to decide in favor of the appellant.

Sec. 11. NRS 278.317 is hereby amended to read as follows:

278.317 1. The governing body may reserve to itself the power to review decisions of the board of adjustment or planning commission, or both, with respect to special exceptions or variances, or both, and to affirm, modify or reverse any such decision.

2. In reviewing such decisions, the governing body shall be guided by the statement of purpose underlying land improvement regulation expressed in NRS 278.020.



CONGRESSMAN'S REPORT

MORRIS K. UDALL • 2d District of Arizona
House Office Building, Washington, D.C. 20515

December 8, 1972
Vol. XI, No. 3

(This is a reprint of an article I wrote for the December Field & Stream magazine. It deals with land speculation—a subject with very serious implications for the future of this country in general and for Arizona in particular. . .MKU)

LAND SPECULATION: Investment in the future ...or downpayment on dust?

By Morris K. Udall

America is running out of land. And the land still left is taking a beating so a few speculators and high-pressure salesmen can become wealthy.

The problem is nationwide. But my state, Arizona, and New Mexico, California, west Texas, and Nevada are the focus of many of these sales efforts.

Wilderness, shoreline, and desert are being gobbled up and gouged into tiny checkerboard squares by con artists, who prey on unsuspecting citizens.

As one who loves the West and decries the rape of its land, I plead with all Americans to help us stop this onslaught.

The fact is that when you deal with these sharp operators you are

being taken, which is bad enough. But what is worse is that future generations are being taken along with you.

If the high pressure salesmen have their way, the kind of America that hunters and fishermen want to save will be parceled out into modern-day ghost towns with a gridwork of streets and no buildings. It will prevent us from doing the kind of sensible land planning that will give us something to hang onto in the future.

If the day you read this article is typical, there will be a massive drumbeat of promotions across the nation, dispensed into your home by mail, radio, television, and newspapers, giving you the impression you can find paradise, the rainbow's end, and an idyllic retreat from the

woes of the world simply by picking up the telephone

They will promise to make you a land baron, a rancher, or a big-time investor who astounds his friends by multiplying his money.

The blatant deceptions, falsehoods, and fantastic claims anger those of us who know better. It is frequently simply a dressed-up version of the "bait-and-switch" con game where a carnival huckster sells you a dime-store watch rather than the gold one he is touting. If you buy a lot, sight unseen, from a sharp operator, you may discover a training ground for mountain goats where he described gently rolling hills. There may be no water, no utilities, no stores and the nearest community may be a gas station a

half dozen miles away. Installation of electricity may be years away rather than a few miles distant.

As a retirement residence site, the prospects are grim. The golden years are no time to start carrying water and reading by lantern light. As an investment opportunity the prospects are equally grim. Experts estimate there won't be any market for many of the sites for more than twenty years.

The financial tragedy of lot purchases is brought home in the letters of inquiry received by Arizona law firms about land left in wills.

For example, one New England widow discovered that the probate costs of her husband's lot would be about \$300 and the lot was only worth \$500. She let it go. Another inquiry from northern Illinois in 1971 indicated the deceased had bought a lot he thought was worth \$2,700. An appraisal indicated it was worth \$300 to \$500, and the heirs let it revert to the land development company, probably to be sold again.

The moral simply is that properties have a resale value of perhaps less than half the selling price the day after they are sold.

Arizonans and conservationists are outraged to learn that land is being merchandised in Eastern cities like deodorants or magazine subscriptions with bonus prizes of silverware, green stamps, or small appliances for early bird buyers.

Movie stars and sports celebrities are used to boost the land sales. Forrest Tucker, Caesar Romero, Rory Calhoun, Pat Boone, Bobby Mitchell, and Pat Richter have had their names associated with various developments.

The *Arizona Daily Star*, in Tucson, disclosed that more than 400,000 acres of private land are currently under "development" with an anticipated population of one million—a 30 percent increase for the state. One can only imagine the kind of nightmarish situation that would result if all those who bought Arizona land descended on our already overtaxed schools, utilities, and city services.

But the fact is that the great majority of the ranchos, ranchettes, and estates will never know human habitation.

The Golden Valley Development near Kingman has sold 12,300 lots during the past decade at prices

ranging from \$595 to \$1,795 an acre. Exactly forty lots are occupied by houses or mobile homes.

SALES PITCH CURVES

As far as an investment is concerned, in many cases you would do better to walk out of your present home and buy the nearest vacant lot or put the financial page on a dart board and buy whatever stock is selected by a random toss.

The glib sales pitches are confusing even to the analytical minds of investigative reporters out to re-expose what has been called the largest consumer fraud in history.

One Midwestern editor, Thomas W. Pew, Jr., of the *Troy, Ohio Daily News*, who posed as a potential buyer, wrote: "Much of what the salesman said came so fast and with such a flurry of papers and maps and contracts, opening and closing of books, sketching out of figures, and two interrupting telephone calls that, although I consider myself a reasonably experienced reporter, I was hard pressed to catch the meaning of everything he was saying."

SOME FIRMS may stack the deck against you even further. GAC, which took over the assets of Gulf American Land Company, a firm with a notorious reputation in Florida land sales, electronically monitors its sales booths.

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GAC claims the microphones are only used to monitor sales talks for effectiveness and propriety.

The middle-American dream of owning land at the right place at the right time to make a big profit is part of the old pioneering homestead philosophy that promoters have exploited. For example, this line from a salesman to a doubting prospect viewing the desolation of his proposed homesite: "To be honest with you, and this is not a sales pitch, if all you see is sagebrush to your waist, you're missing it, you need to catch the vision."

Better you should catch a cold. At least then when your head clears your pocketbook isn't empty.

If you should happen to visit Toltec City between Tucson and Phoenix, you will need some of that superhuman vision. The brochure has photos of an Indian overlooking the Grand Canyon, a gorgeous waterfall, a boy hauling a big trout from a lake, and a man driving a golf ball across a pond. All of which undoubtedly are in Arizona, but none of which are at or anywhere near Toltec City.

Arizona's terrain is as different as it is similar. You can find beautiful hillsides covered on one side by unique desert vegetation and, on the other, by a dusty patch that is unequaled in barrenness this side of the moon. You need to know which you are buying, the front or back forty.

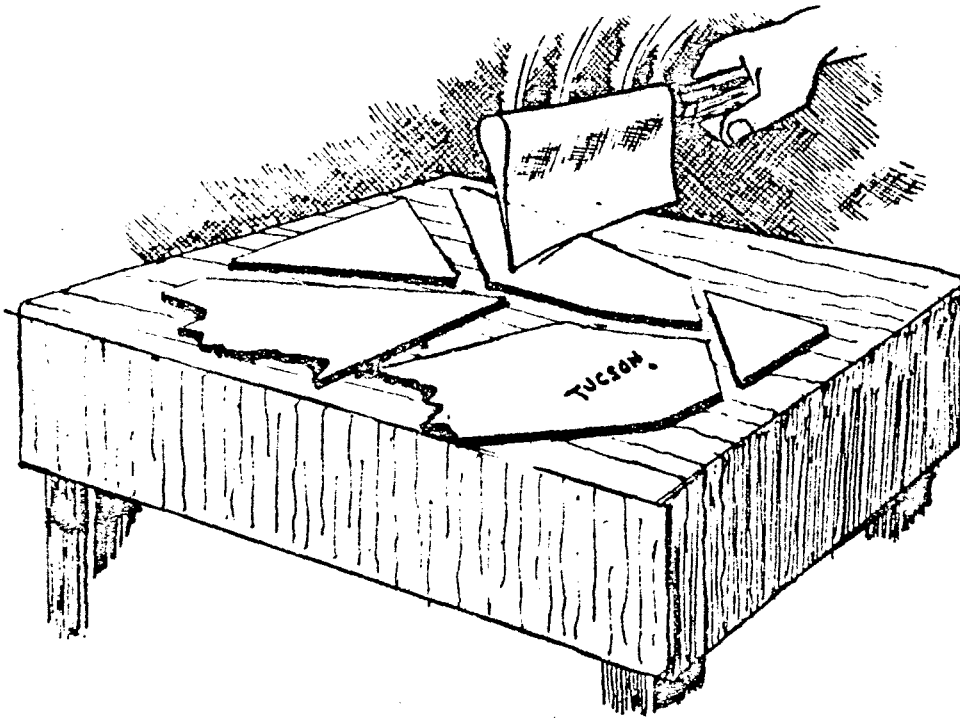
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Show Low is a town of 2,100 about seven miles from the Chamisa promotion. Its inhabitants are people who know this area, its potential, and its property values. It is thus passing strange that not even reputable real estate brokers in Show Low have heard of Chamisa and its real "bargain" investments. The promoters are too smart to try and sell it locally for they'd be laughed out of town. The fact is that the money you pay for a remote piece of ground with no facilities might buy you one of the best lots in a fine, established city like Show Low with all utilities and services.

When my staff member finally found Chamisa Ranches, a spindly archway over a cindered track, there were no signs of civilization. Yet, according to the sales people, more than 1,000 acres have been sold there at a gross price of \$3 million. "We don't really expect people to live there," a Chamisa salesman in Silver Spring, Maryland, said. "It's a good investment." Well that statement is open to question.

ARIZONA LAW is obviously inadequate to deal with the challenge to



Courtesy Arizona Daily Star

its future, and the state legislature has dragged its heels about cracking down on unscrupulous promoters.

One state that has taken decisive action is California, which has led the way in demanding that developers guarantee financially in advance that utilities, streets, and water facilities are available in a subdivision. That has chased a good many of the fly-by-night sales promoters out of the California market. It is time that Arizona and other Western States follow a suit.

Various land sales abuses throughout the United States motivated Congress in 1969 to pass a law designed to halt the sale of desert and swamp to unsuspecting buyers. The heart of the act was disclosure. It required each company promoting sales interstate to file reports with the Department of Housing and Urban Development to reveal vital information on financing, geographical considerations, the availability of water, and so forth. A copy of the report is required to be furnished the buyer.

It is a step in the right direction

and the Interstate Land Sales office of H.U.D. is working hard to enforce the law and crack down on violators. However, chicanery and complexity have made it ineffective in most cases.

Let's look at some of the claims and some of the facts for a proposed subdivision—Willow Lakes, a former cattle ranch in Cochise County.

Not far from Benson in southeastern Arizona, it crams 467 lots into 150 acres. It is possible to arrive at beautiful Willow Lakes only after an eight-mile drive over a stretch of dirt road. A salesman said the road will be paved in the near future. Not so, according to the Cochise County Planning and Zoning Department. The lakes will be stocked by the Arizona Game and Fish Department, the promoter said. The Department has no such plans.

Although the Willow Lakes salesman may have promised roads, streets, utilities, and stocked lakes, the sales contract disclaims responsibility for anything he might have promised that isn't specifically listed. And the contract makes no mention

of the above improvements.

All recreational and retirement developments are not bad. Some, such as those built by the McCulloch Company, most noted for chain saw manufacturing, fulfill the promises they make on development and show you what you are purchasing.

The key to it all is checking out what you are buying first. Never buy quickly because prices are going up next week, and don't be fooled into thinking land prices can only rise.

At GAC's Rio Rico development near Nogales the land sells for \$3,000 an acre. It was purchased for \$64 an acre.

ONE COUPLE managed to get released from their GAC contract after they discovered the lot the salesman told them would be soon worth more than \$3,000 was in fact, valued at much less by the company.

As a news service reported it, GAC attorney John Murphy Jr. said the lots were merely sections of undeveloped desert and should not be taxed on their future value when he

testified before the State Board of Tax Appeals.

The GAC attorneys maintained that the land was worth \$185 an acre for tax purposes, although they were being sold at \$5,000, the AP reported.

To its credit, GAC has undertaken an extensive reorganization and promises strong efforts to eliminate abuses and to develop according to carefully controlled plans.

Frequently, more than 50 percent of the price of a lot in some offerings goes to pay for promotion costs, the free trips, the slick brochures, the silver chafing dish. In effect you pay for your own seduction.

NEW LAND ETHIC NEEDED

Beyond the cost to personal pocketbooks is the destruction of our land legacy to future generations of Americans. Draining swamps in Florida is a threat to the water supply, and gouging roads in Arizona increases dust pollution. The grid-work plans favored by most developers create a visual violation of the landscape.

Concerned citizens are beginning to organize to oppose massive rezoning proposals, which would turn grazing land into unneeded, tacky subdivisions. But they need more support in developing master zoning plans. This land is not limitless—we need a new land ethic that does not allow commercial despoilation of rural areas simply due to a lack of government attention.

Our pioneer spirit has always held that the land you could buy or claim was yours to do with as you pleased. This same spirit permeates our land

management philosophy, but it is a point of view that population pressures must force us to change.

NATIONAL LAND use planning would be implemented in my bill now before Congress. This would be another small step toward rational future growth. It would encourage states to develop master zoning plans and review the status of Federal lands. And it would establish a grant-in-aid program to help the states.

Additionally, we obviously need to tighten the controls of the Interstate Land Sales Act over unscrupulous developers. It is my belief that if we can bring sense to present growth policies, while at the same time insuring that efforts to check air and water pollution reach fruition, we will have a better tomorrow.

If we do not, the largest urban areas will continue to deteriorate. In medium-size cities, and particularly in the West, lack of intelligent planning threatens to "Los Angelesize" the entire nation.

With this in mind, I have successfully amended a land use planning bill now before Congress to impose controls on land speculators.

The amendment would require the states to regulate new subdivisions and land developments to assure existing and proposed improvements are adequate to serve the projected population; to guarantee that adequate arrangements have been made to finance needed improvements; and to insure that overall design of the property plan is adequate to prevent flood or erosion damage.

While the future of the particular bill this amendment is attached to is somewhat uncertain, I intend to personally pursue this tack in future legislation.

If today is a typical day, acres of rare, irreplaceable land will for all

practical purposes be gone forever. Maybe this land should have been a park, a wilderness area, a planned community, or something else, but by buying it, you and thousands of others will have foreclosed any rational decision about making this the kind of country that proper land use could make it.

We must remember that this land is our land and we must fight to protect and preserve all of it, for our own generation and for all our children.

WHAT YOU CAN DO

- Write your State Legislators and Congressmen asking for more stringent legislation along the lines of the California law.
- Support pending national land use planning legislation.
- If you have land fever and want to buy a lot, see it before you buy.
- After hearing a sales pitch, go home and let the rosy glow wear off. Read the contract. Some smart lawyers wrote it and they are not looking out for you.
- Demand to see the Interstate Land Sales report and find out who is going to pay for water and utilities.
- Find out what comparable lots are selling for in the area by contacting an independent land salesman.
- See if there is any access to the land and find out what the surrounding land will be used for.
- Ask the salesman how much the developer paid for the land.

Note to My Newsletter Readers:

Some of you may have wondered why I produced such a comparatively small number of these mailings in 1972. As you may know, I write my own newsletters and as my Congressional responsibilities have grown, I seem to have less and less time to sit in front of a typewriter. This was especially true during this most unusual and difficult presidential campaign year.

The publication of some of my more significant newsletters as a book, *Education of a Congressman*, also was very extensive and demanding yet, I think, worthwhile project.

Finally, I have long believed that the power to send mail under the Congressional "frank" at taxpayers expense is a privilege which must never be abused. In every election year, I have voluntarily suspended publication of newsletters and virtually all other volume mailings within a reasonable time of the balloting to preclude any suggestion of taking an unfair advantage of my opponent.

As always, your comments on "LAND SPECULATION" are encouraged.





CONGRESSMAN'S REPORT

MORRIS K. UDALL • 2d District of Arizona
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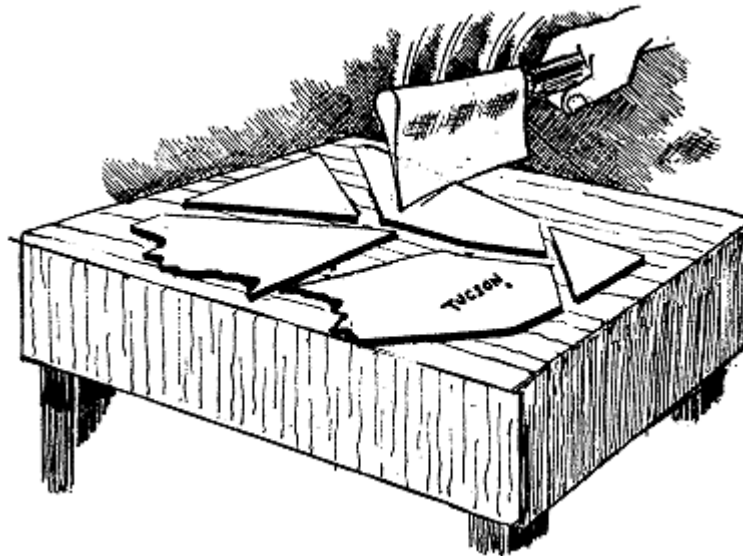
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and the Interstate Land Sales office of H.U.D. is working hard to enforce the law and crack down on violators. However, chicanery and complexity have made it ineffective in most cases.

Let's look at some of the claims and some of the facts for a proposed subdivision--Willow Lakes, a former cattle ranch in Cochise County.

Not far from Benson in southeastern Arizona, it crams 467 lots into 150 acres. It is possible to arrive at beautiful Willow Lakes only after an eight-mile drive over a stretch of dirt road. A salesman said the road will be paved in the near future. Not so, according to the Cochise County Planning and Zoning Department. The lakes will be stocked by the Arizona Game and Fish Department, the promoter said. The

of the above improvements.

All recreational and retirement developments are not bad. Some, such as those built by the McCulloch Company, most noted for chain saw manufacturing, fulfill the promises they make on development and show you what you are purchasing.

The key to it all is checking out what you are buying first. Never buy quickly because prices are going up next week, and don't be fooled into thinking land prices can only rise.

At GAC's Rio Rico development

considerations, the availability of water, and so forth. A copy of the report is required to be furnished the buyer.

It is a step in the right direction

Department has no such plans.

Although the Willow Lakes salesman may have promised roads, streets, utilities, and stocked lakes, the sales contract disclaims responsibility for anything he might have promised that isn't specifically listed. And the contract makes no mention

near Nogales the land sells for \$3,000 an acre. It was purchased for \$64 an acre.

ONE COUPLE managed to get released from their GAC contract after they discovered the lot the salesman told them would be soon worth more than \$3,000 was in fact, valued at much less by the company.

As a news service reported it, GAC attorney John Murphy Jr. said the lots were merely sections of undeveloped desert and should not be taxed on their future value when he

testified before the State Board of Tax Appeals.

The GAC attorneys maintained that the land was worth \$185 an acre for tax purposes, although they were being sold at \$5,000, the AP reported.

To its credit, GAC has undertaken an extensive reorganization and promises strong efforts to eliminate abuses and to develop according to carefully controlled plans.

Frequently, more than 50 percent of the price of a lot in some offerings goes to pay for promotion costs, the free trips, the slick brochures, the silver chafing dish. In effect you pay for your own seduction.

NEW LAND ETHIC NEEDED

Beyond the cost to personal pocketbooks is the destruction of our land legacy to future generations of Americans. Draining swamps in Florida is a threat to the water supply, and gouging roads in Arizona increases dust pollution. The gridwork plans favored by most developers create a visual violation of the landscape.

Concerned citizens are beginning to organize

management philosophy, but it is a point of view that population pressures must force us to change.

NATIONAL LAND use planning would be implemented in my bill now before Congress. This would be another small step toward rational future growth. It would encourage states to develop master zoning plans and review the status of Federal lands. And it would establish a grant-in-aid program to help the states.

Additionally, we obviously need to tighten the controls of the Interstate Land Sales Act over unscrupulous developers. It is my belief that if we can bring sense to present growth policies, while at the same time insuring that efforts to check air and water pollution reach fruition, we will have a better tomorrow.

If we do not, the largest urban areas will continue to deteriorate. In medium-size cities, and particularly in the West, lack of intelligent planning threatens to "Los Angelesize" the entire nation.

With this in mind, I have successfully amended a land use planning bill now before Congress to impose controls on land speculators.

The amendment would require the states to regulate new subdivisions and land

practical purposes be gone forever. Maybe this land should have been a park, a wilderness area, a planned community, or something else, but by buying it, you and thousands of others will have foreclosed any rational decision about making this the kind of country that proper land use could make it.

We must remember that this land is our land and we must fight to protect and preserve all of it, for our own generation and for all our children.

WHAT YOU CAN DO

- * Write your State Legislators and Congressmen asking for more stringent legislation along the lines of the California law.
- * Support pending national land use planning legislation.
- * If you have land fever and want to buy a lot, see it before you buy.
- * After hearing a sales pitch, go home and let the rosy glow wear off. Read the contract. Some smart lawyers wrote it and they are not looking out for you.
- * Demand to see the Interstate Land Sales report and find out who is

to oppose massive rezoning proposals, which would turn grazing land into unneeded, tacky subdivisions. But they need more support in developing master zoning plans. This land is not limitless--we need a new land ethic that does not allow commercial despoilation of rural areas simply due to a lack of government attention.

Our pioneer spirit has always held that the land you could buy or claim was yours to do with as you pleased. This same spirit permeates our land

developments to assure existing and proposed improvements are adequate to serve the projected population; to guarantee that adequate arrangements have been made to finance needed improvements; and to insure that overall design of the property plan is adequate to prevent flood or erosion damage.

While the future of the particular bill this amendment is attached to is somewhat uncertain, I intend to personally pursue this tack in future legislation.

If today is a typical day, acres of rare, irreplaceable land will for all

- going to pay for water and utilities.
- * Find out what comparable lots are selling for in the area by contacting an independent land salesman.
- * See if there is any access to the land and find out what the surrounding land will be used for.
- * Ask the salesman how much the developer paid for the land.

Note to My Newsletter Readers:

Some of you may have wondered why I produced such a comparatively small number of these mailings in 1972. As you may know, I write my own newsletters and as my Congressional responsibilities have grown, I seem to have less and less time to sit in front of a typewriter. This was especially true during this most unusual and difficult presidential campaign year.

The publication of some of my more significant newsletters as a book, *Education of a Congressman*, also was very extensive and demanding yet, I think, worthwhile project.

Finally, I have long believed that the power to send mail under the Congressional "frank" at taxpayers expense is a privilege which must never be abused. In every election year, I have voluntarily suspended publication of newsletters and virtually all other volume mailings within a reasonable time of the balloting to preclude any suggestion of taking an unfair advantage of my opponent.

As always, your comments on "*LAND SPECULATION*" are encouraged.



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