

PRISON PLAN-IT



Remember how I said that much of this scene was destroyed? At the time, I didn't say what happened, how, or why. I took these pictures because, just by looking at it, I knew what would come. I suspect most readers already know or can guess what happened.

WILDERGARTEN 5.2

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This book was originally produced under the name *The Responsible Party* for which there were two revisions, [1.0](#) & [2.0](#). Major revisions are for complete rewrites. Decimal revisions are for revised chapters or navigational changes and are not archived. Back revs are viewable by the numbered links below.

Revision History [1.0](#) [2.0](#) [3.0](#) [3.1](#) [3.2](#) [3.3](#) [3.4](#) [3.5](#) [4.0](#) [4.1](#) [5.2](#)

Vande Pol, Mark Edward, 1954 –

Other writings by Mark Edward Vande Pol:

[Natural Process: That Environmental Laws May Serve the Laws of Nature](#), ©Wildergarten Press, 2001, 454pp, ISBN: 0-9711793-0-1, LOC Control #2001092201.

[Shemitta: For the Land is Mine](#): ©Wildergarten Press, 2009. Contains: 217pp text, 980pp overall, 14 picture books, 2 tables, 963 photographs, 9 maps, 2 drawings, 2 charts, 145 footnotes, 358 citations, and 216 other source references, not including external Internet links. ISBN 978-0-9711793-1-8

[Articles at Wildergarten Press](#): collected writings on Constitutional history and regulatory racketeering by tax-exempt “charitable” foundations

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Developers had been after this property for a long time. The botanists I know considered it precious, not because it was "Natural" but because the way disturbance was managed here induced the expression of several rare plants and insects.

Not one of them wanted the owner to stop grazing it.



June 2010

It's not as if I was clairvoyant or anything in knowing what was going to happen. The local school district had proposed a new high school across the street. So, the handwriting was on the wall for the meadow. The planners had plans.



May 2002

The rancher who owned it had never made a dime off this use of his property because all of his potential customers expected to enjoy it for free. That disinvested the source of this view, rendering it into a public commons (activists call it “view-shed”). So, he sold it to “Chop” Keenan, a developer, who had the connections and experience to convert the land’s use from a horse ranch into something more profitable. Unfortunately for his plans, the activist control freaks of this world let wouldn’t Chop build the 145 homes he wanted on it. So, he cut a deal.

NOTICE OF PROPOSED DEVELOPMENT

APPLICATION #GPA 99-02, SPA 99-01 LD 99-02, 2C 99-02, CRA 97-03

APPLICANT: AMERICAN DREAM / GLENWOOD, L.P.

DEVELOPMENT PROPOSED ON THIS SITE:

Residential subdivision of 17.99 acres to include
67 single-family homes on min. 10,000 & 20,000 sq. ft. lots:
dedication of 167.02 acres of permanent open space,
public trails and dedication of 9.74 acres of land for a future public park.

FOR INFORMATION CALL OR WRITE

KEENAN LAND COMPANY
700 EMERSON STREET
PALO ALTO, CA 94301
ATTN KERRY WILLIAMS
(650) 326-2244

CITY HALL PLANNING DEPARTMENT
ONE CIVIC CENTER DRIVE
SCOTTS VALLEY, CA 95066
(831) 440-5630

July 2003

W

Mr. Keenan was well versed in how "Sustainable Development" really works: He "donated" 9.74 acres to the City for a "dog park," and agreed to set aside 167 unbuildable acres as "open space" in return for approval. This "conservation easement" would be managed by the Land Trust of Santa Cruz County, funded with a stingy \$1,000,000 "endowment" to cover the maintenance... Stingy? Think about that for a minute: Do you really believe that the investment return on a million bucks covers the management, personnel, and operating costs for 167 acres, including liability for fire??? I don't. The Land Trust has only one full-time professional "steward" for its 13,100 acres of holdings. Mr. Keenan will never have to pay property taxes on that 167 acres again. You will provide those public services.



July 2003

So, knowing how environmentally valuable that meadow was, they obviously built passive solar houses into the hillsides, right? That way, the owners would have a great view of the meadow! Well, obviously not, because flat ground is a cheaper place to build what people will buy. Now, if you are thinking that I believe the owner **should not** have the right to do what he wants with his land, you would be dead wrong. However, what I also believe is that owners should be free to market ALL their assets and own the liabilities undistorted by political whim. The array of uses would have been different and the rancher would probably still be in business selling view opportunities, hiking access, gardening space, emergency shelter and remote food storage contracts, rainwater collection and transport services, hunting access, noise dissipation, fuels management... **all** assets. If people had to manage for all the liabilities induced by our sue-happy judiciary system, the consequences would be equally different. Instead, we pass on decisions about those risks to the only entity with the legal muscle to rig a way to either stiff the litigant or shake down taxpayers for the effective premiums without the customers having a clue about the deal. Once government takes control of those markets, what you get is a "planned" economy, with socialized risks suffering from inadequate or absent risk mitigation services for flood, fuel, weed control...



July 2003

...or endangered species habitat management. So, the houses end up in the middle of what was an occasionally swampy meadow populated with Federally listed species, until they drained it, "wetlands" and all.



June 2010

Once the two years of deal-making, protests, and negotiations were done, VOILA! Welcome to **Glenwood!** Yup, the name “Glenwood” is borrowed from that long-abandoned private park, winery, and resort about four miles up the road on the old rail line to Los Gatos (Charlie Martin would be rolling in his grave). But **this** time it’s a modern “planned community,” and how. Ponderosa Homes, Inc. thought of *everything*, architectural elements that *mimic* history and permanence, while their substance subtly reminds you that they are fake. This “rustic” rail fence is made of recycled plastic, the “weathered” pattern identical on every board (here in a County that grows five times more redwood than it harvests). The rocks on the pilaster are stained concrete.



June 2010



The whole thing was so expensive that, in order to make the project work, the developer really had to pack those houses in there. Each back yard is tiny, with improvements subject to the Homeowner's Association. But there is another reason this is so tight...



June 2010



“Glenwood” is set on the only “buildable” land (i.e., flat) between two “sensitive riparian areas.” The watershed behind it is too narrow for the creek, streets, and houses, at least the way “modern” codes and ordinances allow them to be built. So despite the apparent generosity of Mr. Keenan (or his willingness to cave if you prefer), for the price of a mere million, NONE of the most likely users will ever pay for property taxes, detailed maintenance, or insurance costs on all that land ever again, except taxpayers elsewhere. Those risks have been socialized. Although the homeowners on the ridge above may own adequate clearance to manage a fuel buffer, with the probable accrual of brush due to the lack of animal impact, who owns the liability for the fuel to come is an interesting question.



June 2010

Your fantasy world “Glenwood” starts here! Note the transition in the grass median at the base of the streetlight carefully designed to prevent “light pollution.” You can see within inches where the landscaping contract ends and “Nature” begins (no, I’m not kidding, a homeowner told me that this was exactly the excuse he was offered on this very question). That must be some amazing “weed-n-feed” chemical and the sprinkler heads equally precise.



June 2010



But I think there is a simpler, and more "compelling" answer to that question of why the landscaper cannot use the lawn chemicals in this area: The road crosses a "riparian corridor" where State and Federal regulations re us of said chemicals apply with serious fines for the most minuscule of transgressions. What do you bet there are people who here who worry about herbicides affecting water quality from County roads miles away? Note also that the road crosses the corridor, probably with a large culvert.



June 2015

The last slide contains the exact words I used in 2008, where I had noted the use of a culvert. The usual regulatory paradigm these days would have insisted on a bridge. While Mr. Keenan and Ponderosa Homes, Inc. *didn't* have to pay for a bridge, the City of Scotts Valley *did*, only 75 yards down the road. Pretty isn't it? My guess is it set the taxpayers back at \$5-600,000. But the taxpayers can't make political contributions like Ponderosa Homes, Inc. or Chop Keenan can. All it took for Mr. Keenan to get his culvert is for the appropriate bureaucrats to find "no significant impact" to the "Glenwood" plan design. All that takes is for the appropriate phone calls to be made from the politicians in charge. 'We have to do all we can for the environ-mint you know,' so that the fish that can't swim upstream because it's dry every summer can make it an extra 75 yards. I really like the sign, don't you?

Proof of that timeless and important political principal: A PAC donation is cheaper than a bridge.



June 2010

Part of the "open space" is a hillside that will no longer be grazed. The lupines and wildflowers it exhibited a few years prior are now largely gone as slender oat has since taken over. Coyote brush (*Baccharis pilularis*) is also slowly colonizing the area, and will constitute quite the fire hazard. Italian thistles are moving in too (the grey green in the foreground by the fence). Hillsides nearby are where "Scotts Valley polygonum" also lives, a Federally listed endangered plant, of which there were six (6) total patches left.



June 2010



Here along Glenwood Drive there was a volunteer project to install native landscaping, typical of many restoration projects today. The plants were from a nursery down in Monterey County; so the varieties were not local. I doubt anybody knew how to care for them, but then, native plants are Natural. So, when they didn't do well or died, the landscaper brought in the usual cultivars.



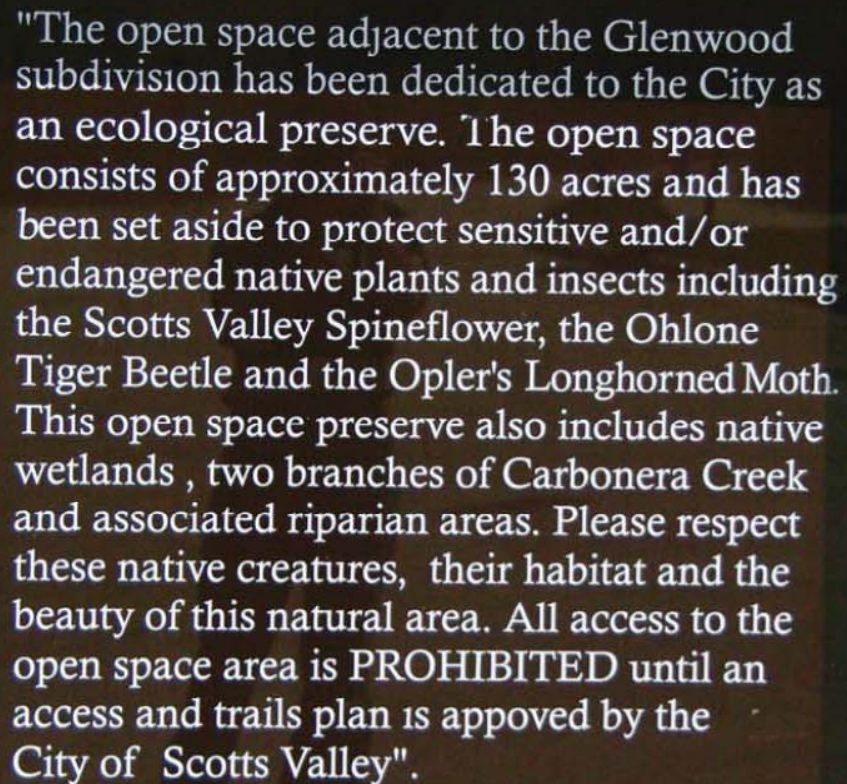
June 2010

Inside our “planned community,” every house is oriented in the same fashion: living spaces face away from their neighbors and toward the “Nature area” on the opposite hillside. The side of their homes they show each other is maintained by the same landscaping firm, with no alternatives beyond a fixed menu. Every house is finished with a similar mix of concrete reinforced and stucco materials, no maintenance necessary. The play area is on the inside of the development, not on the land for which they pay for access every month on a 30-year mortgage. What they get is a private *view* of the “Natural open space,” until the trees grow big enough to block it.



June 2010

This home, adjoining the "entry" to the "open space," exemplifies how sharply the transition from urban to "wild" is in the minds of Ponderosa Homes' community architects. Interestingly, there is Spanish lotus in these untended grasses, representing the seed bank in the graded soils, a legacy of the horse grazing in this part of the meadow. I suspect that the owners hold this proximity to the entry to the promised trail system as an added benefit of feeling closer to the wild. One problem though...



"The open space adjacent to the Glenwood subdivision has been dedicated to the City as an ecological preserve. The open space consists of approximately 130 acres and has been set aside to protect sensitive and/or endangered native plants and insects including the Scotts Valley Spineflower, the Ohlone Tiger Beetle and the Opler's Longhorned Moth. This open space preserve also includes native wetlands , two branches of Carbonera Creek and associated riparian areas. Please respect these native creatures, their habitat and the beauty of this natural area. All access to the open space area is PROHIBITED until an access and trails plan is approved by the City of Scotts Valley".

June 2010



This is the REAL deal. Look at this sign. How old is it? How permanent is its construction? Note that we went from 167.02 acres of "open space" to "approximately 130 acres." Note also that access to the "open space" is CLOSED, until the City of Scotts Valley approves an unspecified plan. When? This development has been here over five years and that "open space" is still officially closed. Why? The FEDERAL government has yet to approve the Santa Cruz Land Trust's plan, which then becomes Scotts Valley's plan. If you think the Land trust is charging the planning time against that million... The land itself will get the money eventually though, right?

'The open space adjacent to the Glenwood subdivision has been dedicated to the City as an ecological preserve. The open space consists of approximately 130 acres and has been set aside to protect sensitive and/or endangered native plants and insects including the Scotts Valley Spineflower, the Ohlone Tiger Beetle and the Opler's Longhorned Moth. This open space preserve also includes native wetlands, two branches of Carbonera Creek and associated riparian areas. Please respect these native creatures, their habitat and the beauty of this natural area. All access to the open space area is PROHIBITED until an access and trails plan is approved by the City of Scotts Valley.



November 2013

Here we are over three years later and the pretense of adjacent "open space" they used to sell the houses is now unnecessary.

I guess the residents didn't like the REAL deal. They probably thought that somebody should keep the deal they were sold.

They just need a reminder of who's in charge. *Plus ça change, plus ça même chose*, or... "Read the fine print." At least now no one will notice whether the tiger beetles, polygonum, or long horned moths are still there.



June 2010

So, on one side, “open space,” on the other side, is “human habitat,” where the trees are carefully groomed. It is as if every aspect of their lives must be completely alien from their surroundings. That without, for which they long and have paid for so dearly, is forbidden within. Mother Nature doesn’t need grooming; she is for viewing only, “Look, but don’t touch.”



June 2010

Again, similar to [urban Sustainable Development](#), we have the obligatory “meandering footpath.” Here again there are boundaries, where children are not to meander among the plants. ‘People are harmful you know. The experts take care of those things.’ There is no community garden, there is no orchard, there are no vines or edible berries. Those are messy; people are too busy to pick them.



June 2010



Once these trees get big enough, the “tree-lined street” will offer not a hint of the outside world. It is a bimodal reality, one as seen from their cars as they approach their homes. They’ll view “Nature” from their windows. It might as well be a big-screen TV.



June 2010

I couldn't stand it. Most of these people work their Silicon Valley lives in a total frenzy, aching to get home for a respite, the one thing for which they spent all that professional effort so tantalizingly close, but absolutely forbidden. They get their food from a store. Soon, it may be ordered from all over the world with delivery coordinated by software and the food coming off a truck along with everything else they buy. This is an alienation from everything upon which they depend, totally, so complete it is akin to madness.



June 2010

Here, at the end of the street, is your Human-Nature Interface, graced with a stately pair of pilasters, and fenced for your protection (a mountain lion could hop it without a blink). It's your gateway!



June 2010

Except that the gate is locked. If a kid lost his basketball over the fence, could he or she go get it?



Note that one line on this sign was erased. Apparently some clever lawyer figured out that telling people reclaimed water was safe enough for drinking was a bad idea. **Nothing** is left to chance.

This ecologically sensitive project has been developed with the following features:

The front yards and common areas owned by the project homeowner's association are irrigated with reclaimed water.

the irrigation system has been approved by the California Department of Health Services.

The dedicated open space preserve consists of approximately 130 acres and has been set aside to protect sensitive and/or endangered native plants and insects including the Scotts Valley Spineflower, the Ohlone Tiger Beetle and the Opler's Longhorn Moth. This open space preserve also includes native wetlands, two branches of Carbonero Creek and associated riparian areas.

All owners of homes in the Glenwood project will be required to become members of the Glenwood Homeowner's Association. Details of the responsibilities of the Association can be obtained from the sales office.



June 2010

There is no promise when this part of the "open space" (the 9.74-acre "dog park") will be open to the public (given Federal protection of these listed species there may even be a fine for trespassing). Sadly, for the foreseeable future, the deal is all for show. The plan includes but ONE (1) acre for species protection. Worse, the Scotts Valley Spineflower (*Chorizanthe robusta var. hartwegii*) needs disturbance to provide habitat in which to germinate. It did just fine in this wet bottomland when it was grazed. The Ohlone Tiger beetle needs disturbed sandy spots near native grasses. Without grazing, the slender oat you see here will continue to establish dominance over both the spineflower and the few native bunch grasses that are left. Sadder still is that the sign does not mention the Scotts Valley polygonum at all! Yet the construction of this very development destroyed one of those but six remaining patches of this Federally-listed endangered plant (with the water reclamation plant directly adjacent to another). Paradoxically, if you ask the residents if they care about rare and endangered plants, they virtually all answer "Yes!" It would probably take very little to get some of these same people all up in arms to protect some endangered plant or animal **on somebody else's land**. But if you asked them to be responsible to GROW some polygonum, you would probably get a blank stare. Don't worry, it's illegal to even try.



June 2010

If you remember the first sign, it mentions that the project provided “wetlands.” Well, here’s one, a drainage ditch with cat-tails!



June 2010



I wrote this in 2010: “Through the fence is your 9.74 acre “future dog park.” They mow the annual grasses and thistles annually to reduce the fire hazard. After seven years, it is still closed. Nothing will good happen here until the Federal government agrees to it. In the mean time, it will get worse.” So, how long did “worse” take to happen? Two years.



Dittrichia



October 2013

Three years later and “worse” is now “obviously worse.” Meet *Dittrichia graveolens*, aka “stinkwort.” I have seen this weed spread like nothing I have **ever** seen before. It is now along whole sections of Highway 280 near Stanford where I saw none only last year. It is a member of the tarweed tribe, so the seed is sticky. Worse, it has a pappus that blows it on the wind like a dandelion. It produces **30,000 seeds per plant**. Nothing eats it, because it’s mildly toxic. Last year, I saw only a few plants in the area, although I wasn’t looking for them. I thought then that maybe, just maybe, this will be the weed that finally gets people’s attention.



October 2013

On the other side of the hedge from what's left of the grazed meadow is this turn in the road. It is a dangerous spot to weed because the road has a minimal shoulder, so one has to park a quarter mile away and walk. Last year, there were just a few stinkworts here. This year, they had spread over a quarter mile down the road. Should I have pulled it? From what I can tell, it was futile even then.



October 2013

It is hard to comprehend how much seed this represents. I wrote a friend of mine with the Wildlands Restoration Team about this a few weeks prior to this photo and he contacted the Santa Cruz Land Trust. Bless them the WRT put in a total of 64 hours of labor, most of it in Dog-Patch-Park. Should I have weeded it last year? No, my take is that this stuff is so bad that this was inevitable unless something changes. I can't police it all and this is five miles from home. The WRT hopes to keep it out of the County.



October 2013

Too late. I had already seen it on my place, which is in the middle of nowhere compared to this spot. That meant it has the potential to be just about anywhere. This is another infestation of *Dittrichia* at a Christmas tree farm, less than half the distance from our place to "Glenwood." This is where the County parks their road mowers. Yes, once again you can thank a government beholden to the Sierra Club and other activist lawyers for a problem for which they take no responsibility. I told some of the neighbors about the weed, and they dutifully weeded... right up to the fence. Among the weeds I've stopped here are poison hemlock, spiny cocklebur, and Iberian star thistle. This one was just too much for me acting on my own. One must set control boundaries according to what one believes *can* be accomplished. *Senecio vulgaris* and *Dittrichia* were beyond me here, and for similar reasons.



May 2002

I'm sure you remember this photo, and the seemingly "strange" comment I made about it, "The rancher who owned it had never made a dime off this use of his property because all of his potential customers expect to enjoy it for free. That disinvested the source of this view, rendering it into a public commons (activists call it "view-shed")." Well, I'm sure you didn't regard his maintenance as a service. After all, he just grazed it. What's to maintain? Well, "Don't it always seem to go, that you don't know what you've got 'til it's gone."



October 2013

With all that brush that view is now long gone. And it will be the same deal for the people who paid all that money for views at "Glenwood," just as soon as the brush and trees are big enough. Then they'll have a nice fire hazard to go with it, for "free."



June 2010

To me, this was the scariest view of all. This is one of only two exits to this community. Across the street is the entry to Scotts Valley High School (the elementary school is on the other side of the development to the southwest). Effectively, a child raised in Glenwood need never leave. Work, work, work (play basketball, there's your view of Nature), work, work, work (watch Nature TV), cross the street, learn about Nature from the mouth of Authority, work, work, work... This architecture effectively guides a child to grow up without ever having felt the soil, pulled a weed, or planted a seed.

The control is total. "Nature" is to be left untouched.



June 2010

These folks obviously pay a lot to live this way. Unfortunately, the mortgage-payers typically stay at a job only a few years and then move, too soon to truly come to understand the local ecology, much less have a stake in it. Virtually none of them has any tangible knowledge about how the land works as learned from the ends of their arms. They believe what they are told according to Authority, in most cases, the mass media, “Experts say that...” Lacking any direct contact with the land, when they are prompted, some get stressed about what is supposedly happening to it. They “get involved,” feeling entitled to agitate, direct their leaders, and decide what is to be done with roads, land, water, air... most of it belonging to somebody else, like me. Just as they were told.

Hopefully, now you know why this segment is in this book. I am educating you, the reader, to help save my land from busybodies who believe what we all have been taught, that “Nature is best kept separate from people” by controlling people like me.



June 2010



As to their handiwork, the story is strongly bifurcated. This portion of the meadow is dedicated to the remaining 23 houses yet to be built. Ponderosa Homes isn't exactly in a rush to build them now. The hillsides will not be grazed, so they have only to wait before it blows up in a fire to be followed by successive waves of weed infestations. Yet this area remains completely closed to either humans or heavy grazing animals. There is no disturbance to stimulate native forbs; instead, thistles and annual grasses are taking over. That the plan is for it to be developed presents an opportunity for the residents to learn how to manage this space around them; with the blessing that whatever mistakes they might make would be of no consequence at all. They could even grow some native herbs for dinner! Where to get the seed? That is why what we are doing in the Wildergarten is important. Restoring reproduction of those local native sources would not take much in the grand scheme of things.



June 2010

The remainder of the meadow is still grazed by the horse stable, effectively the one undeveloped element of the 130 acres still under intense anthropogenic influence. Here, the thistles and annual grasses are less prevalent and the brush is obviously under control. There is some friction between the “horse people” and those wishing to see this land put to other uses, so what that means for the vegetation in the long run is anybody’s guess. No one here is developing processes to enhance production of those endangered plants and insects or marketing their habitat under contract to preserve endangered species. That just isn’t done. It’s Natural.



June 2014

Well, I wish that “Natural” was the “end” to this story, but it is not. This is where we come back to “Marywood,” once the site of Charlie Martin’s Glenwood. The developers to whom the City of Scotts Valley is beholden have had their sights on this land for years. Now, complicit planners of the County of Santa Cruz are set to “improve” ALL the roads to and surrounding it. They’re calling these roads with 35mph traffic, lots of blind corners, and ALL with dead ends into a very dangerous State Highway 17... “bicycle paths.” That way, they can get “carbon credit” money to pay for it. They’ll use “nitrate impairment” of the creek to get their way with the neighbors, having already tried to run a sewer up here along with forcing the residents to pay for it. If you go to Google Earth, it now shows a “city” of Glenwood, right here. I wrote a whole book about this process, and it stinks. This is not about the environment; it’s about money. A place where cows still roamed, once celebrated for its biodiversity, must now be mowed, thanks to the power WE gave to government to decide what is worth “protecting” and what is not, when what is truly worth protecting is people who care for *their* land.

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These are LARGE files; they do take time to load

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