

January 25, 2005

To: San Jose City Council
Regarding: Coyote Valley Specific Plan, Greenbelt, Zone M
From: Landowner Gary De Smet

I am Gary De Smet. I have a direct interest in the outcome of your vote as I and my family own over 50 acres in Coyote Valley. My family has farmed in the valley for over 85 years. The land in question was the birthplace of my mother, crippled her father, and twice came within inches of killing my father, once with me in attendance at the Morgan Hill Dehydrator in 1960. Few have a more direct and personal stake. But I think I speak for many similarly situated landowners. I urge you in the strongest terms to consider the issues brought before you by the south-of-Palm Avenue landowners.

We are not asking you to turn back the clock to a time when this area was all agrarian. But since the law apparently gives the council authority to allow development on the north side of Palm and effectively take the property south of Palm, we only ask that you treat the south side equitably. The power to zone is the power to take. You control the land south of Palm Avenue. That is 'ownership'. Pay equitably for the land.

You have the power; you must use it properly. Because you may have the power to take property does not make it right.

You are creating a precedent. Part of your legacy here will be a growing attention to how you deal with the powerless.

- Will you decide in a fair manner?
- Are your decisions equitable?

It is shameful - there is no other word for it - to witness the city's representatives attend meeting after meeting purporting to listen to the elders who built this community air their concerns, only to be completely ignored. These people here are my ancestors and should be treated with respect. They have not been so treated. I have witnessed time after time, and again tonight, how you listen politely to our elders, nod your heads as if concerned, then promptly dismiss them when their two minutes are up.

Here are some of the issues I've picked up on at only two meetings:

- Some of the south side landowners have a simple expectation: that their land would provide their retirement. It is one thing if real market forces interfere with land value. The Coyote Valley Specific Plan is not a real market force. It is an artificial government action with the intended and real consequence of destroying the seniors' retirement. The land was the retirement. That retirement will be obliterated.

- Bank loans for improvement are not possible as the banks won't use the land as collateral;

- Farming cannot occur as residential comes in. New

neighbors complain about WATER OVERSPRAY and complain to civic authorities. The farming operation is labeled a 'nuisance';

•The assertion: "You can't have viable farming and residential together. It doesn't work," is addressed only by blank stares, possibly a shaken head;

•10 acres of Christmas tree farm nets \$5,600 for the year;

•Your representatives have heard a list of crops which have failed economically (cucumber, pumpkins, tomatoes, onions, garlic, Christmas trees, flowers, and others). You refuse to accept the clear message of market forces. One of your landowners reported that he could not lease 8,000 square feet of greenhouse for even \$1,000;

•'Small scale farming' viability is doubted and rebutted by numerous speakers but it continues to be used as a solution;

•100 years ago, 33% of Americans earned their living through agriculture; today, it is 3%. Your representatives seem uninformed or nonresponsive as to the modern state of agriculture: corporate, large-scale. If corporate and/or large-scale farming is how agriculture succeeds today and San Jose disallows such a use, do you not make 'failure' a certainty? Aren't City Council members voting the landowners to their bankruptcy? If San Jose then succeeds in taking possession, isn't that definitively 'conflict of interest'?

•A south Coyote farmer tells his wrenching story of bankruptcy with no options to your representatives. Your process has stymied this particular elder. Again, shrugs and/or stonefaced responses;

•Existing County zoning for one of our elder farm families was overridden by the San Jose City Council. Tremendous value was taken without compensation. Complaints to your representatives are answered with shoulder shrugs;

•You have created an organized group trying very hard to counter your seemingly abusive power play, an apparently orchestrated strategy to strip the land of value and force acquiescence.

From today's best evidence, it appears that you have created an artificial, government-induced, inequitable situation wherein real estate is worth \$650,000 / acre on one side of some asphalt and \$10,000 / acre only forty feet away. This is not determined by market forces, but artificially by you.

You cannot, in good conscience, build 'the world's coolest planned community' on the crushed backs of half the present landowners. It is immoral, unethical, and devastating to too many.

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