

November 4, 2010

County of Santa Barbara
Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101

#7

RE: California Coastal Commission Staff Recommended Modifications to County Land Use and Development Code.
File #10-00252.

Chair Wolf and Supervisors:



I am writing on behalf of myself and my family as the owners of Deigaard Nursery (our 68 year old family Ag business) and as the property owners (since 1950) of 5295 Shoreline Drive, the property occupied by Deigaard Nursery. I have several deeply felt concerns over these modifications to land use and development. Thank you for letting me express them here.

Although there appear to be instances where the modifications seek to streamline land use pursuits, in many cases it actually increases instances requiring a Coastal Development Permit. Broadening the sphere of when a CDP is required creates an undue burden on businesses and property owners. Please consider the following metaphor; (I apologize if this seems graphic). Changing the rules to require me to get a CDP is like injecting me with live cancer cells. There is a chance I can survive the cancer, but who wants to go through the surgery, radiation and chemo therapy. No one would do that to another person. That is the impact that many of these changes would have on us. Please keep that in mind as I describe my concerns below.

Modification 9 requires a Coastal Development Permit for what are called intensifications of agriculture. I am concerned that this change may not allow me to make prudent and necessary changes to my agriculture business in a timely manner. Trends, needs and fashions change over time and quickly. (Remember the buggy whip?). This applies to the ag industry, and especially to our present model of growing ornamental palm trees. If and when we see the need to change our ag model then we will not be able to make the changes in time to keep up with the new demand/opportunity. By the time we went through the CDP process the opportunity would likely be lost.

Mod 9 also requires a CDP for keeping of animals. Under present use rules I can keep animals (horses) on my Ag Zoned property. This modification substantially reduces that right by requiring me to go through a CDP process for a right that I currently possess. For instance; If we decide that boarding horses would complement our ag business, we can under current rules, do so. Under the proposed modifications we would only be able to do so after securing a CDP. The benefit to us as land owners and to the community served by this service would likely be lost. Please remember that another modification reduces and removes the amount of residential property which will be allowed to board horses. Where do you think these horses and their owners will board? This mod also puts a new burden on me to prove historical uses.

Modification 10 puts restrictions on primary residences in ag zones to qualify as a principal permitted use. This mod takes away existing property rights and values by seeking to define how my residence can be constructed and used. The mod does so by creating preferential treatment of residences that fall into these new California Coastal Commission (CCC) restrictions:

- a. Puts a new and presently unknown burden on me to prove historical use.
- b. Puts a new and unknown burden on me to prove and limit the occupiers of the residence to a certain category arbitrarily prescribed by the CCC.
- c. Arbitrarily limits the floor area of my house to 5,000 square feet.
- d. Arbitrarily limits my house, garage and yard area to 10,000 sq ft or some mathematically arbitrary number similar to that.

I am the third generation family farmer to run Deigaard Nursery. I have taken over this position from my 83 year old father in law about one year ago. I am currently living on the property with one of my daughters while my wife and other children live in our house in San Diego. We have twelve children and live in a 7,000 square foot house which I built on our ag zoned property in San Diego. We have found that this size house works well for us. I am considering moving my whole family to our nursery property and building a similarly sized house. Mod 10 would reduce the chances of me being able to do that by creating preferential treatment to houses under 5,000 square foot. A 5,000 square foot house, although large to some families, does not work for us. Large families work better in large houses. (Have you ever watched the Duggards?).

By creating special treatment for residential projects under 5,000 square feet my family would be discriminated against for at least two reasons. We would be discriminated against on the basis of our family size. Our larger than normal family size needs more space. This rule allows a typical family of 4 about 1,250 square feet per capita while requiring our family to live within 357 square feet per capita. We would also be discriminated against based on our religious practices. Having a large number of children is an expression of our religious beliefs. Mod 10 violates our right to practice those beliefs by restricting our ability to provide a home suitable for our family and creating special treatment to those with smaller families.

As those of us with children know, it takes room to raise them. One of the advantages of living on an agricultural property is the freedom to have a large yard or playground. Mod 10 would limit the residential footprint to about $\frac{1}{4}$ acre. This would take away many of the benefits of raising children in this environment. This mod would be saying no to a place to ride tricycles, play basketball, dodge ball, play football on the grass, put in a swimming pool and a large number of other healthy family activities that we endeavor to provide for our children. This mod would cause us to move all of these activities to the local park rather than in our own backyard. This constitutes a removal of rights we currently possess.

Modification 21 seeks to limit our access to the beach. We have had access to the beach since purchasing the property in 1950. This modification seeks to place a new and unknown burden on us to prove our historical access to the beach. This is a new burden that is troubling. If this is not met to the currently not understood satisfaction of the CCC then we would potentially lose a great deal of our property value by not being able to access the beach from our property.

It is unclear to me as to if and how the treatment of antiquated lot lines will be affected. I am concerned that I may lose rights to those through one or more of these mods.

I have other concerns that are more of a general nature.

I am concerned that by accepting these modifications our local control will be given over to the state. This will make it more difficult to change our elected representatives according to how they serve the interests of our local community.

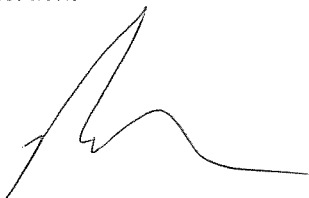
I am concerned that due process has not been followed as to noticing, public input, open negotiations, timeliness and other important actions required in order to meet proper due process considerations. I have spent 315 hours and thousands of dollars personally traveling to, preparing for and attending the duly noticed GVPAC meetings over the last couple of years. This had been noticed as the representative body that was put in place to represent and determine the local land use changes which would then be communicated to the Board of Supervisors in which they would then consider when they made changes to future land use policies. Due to the surprise presentation of the CCCs proposed modifications by county staff and the recently discovered activities of county staff meeting with and negotiating these proposed modifications to our local land use policies, I am under the belief that the whole GVPAC body and meetings may have been some sort of diversionary tactic to distract the interest of the land owners and divert our attention away from the real negotiations going on between county and CCC staff and keep them misplaced on the (virtually irrelevant) discussions of the GVPAC. This amounts to a violation of due process.

I am concerned that a compelling state interest has not been demonstrated. These changes amount to onerous burdens being placed on businesses and property owners. If these modifications are to be accepted then the county must show the compelling reason why this would override the burdens placed on and the rights to property taken from these property owners and businesses.

Lastly, If the county adopts these CCC modifications in land use and development then I expect to receive just compensation. I view this as a seizure of property. In my brief review of the impacts on my business and property this compensation would have to be in the millions of dollars to my family alone. Not to mention the impact to all of the other affected businesses and property owners.

These are very heartfelt fears, concerns and realities that are at issue surrounding the acceptance of these modifications of our land use. I pray that you will consider them carefully and reject these California Coastal Commission modifications.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Robert Alm', written in a cursive style.

Robert Alm
Land Owner
President-Deigaard Nurseries, Inc.