

## Packet for Distribution for SB LAFCO's April 6, 2023 Meeting

Kathryn Rohrer [www.localcontrol4losolivos.org](http://www.localcontrol4losolivos.org)

### Honorable Commissioners:

As you consider the Los Olivos CSD's request for yet another extension of time in which to get a septic-to-sewer project to a successful 218 vote, you will likely recall that [some members of the community expressed their opposition](#) to the CSD's June 2021 request for an extension.

The information that follows, as well as the attached news clippings, reflect some of the sincere concerns that have emerged regarding the CDS Board's handling, since [LAFCO granted the CSD's last extension request in June 2021](#), of its responsibilities as custodians of taxpayer money and as public officials.

As an initial matter, you may note that the project and progress described in connection with the [LOCSD's March 2021 extension request](#) and [presentation](#) are wholly consistent with the LOCSD's *earlier* representations and updates to LAFCO ([2020 extension request](#)), as well as with the [project description adopted by the LOCSD, based on community input, in August 2019](#). All indications were that the project was moving forward as all the relevant stakeholders planned and expected., *see e.g.* [this timeline](#).

Unfortunately, the project and progress presented to LAFCO in **both 2020 and 2021** have been abandoned. With no community input, three members of the LOCSD Board (Lisa Palmer, Tom Fayram, and Brad Ross) changed the [nature, scope](#), and [size](#) of the plan in July 2021. In fact, that [enlarged plan](#) is the [only plan](#) the CSD board spent a penny on for the next 18 months.

At first blush, it might seem that the most worrisome part of this "change of plans," is the notion that, *five years* after its formation, the LOCSD's Board is still "studying all the options," when, according to [Lisa Palmer's March 2021 update to LAFCO, that is what they were doing in 2021](#).

Upon further reflection, however, greater concerns arise out of the CSD Board members' conduct flowing from their questionable decision making. For example, it does not seem advisable for public servants to have done any of the following:

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1. [With two members of the 5-member CSD board absent, decide to study a project the scope and description of which has never been put before the public;](#)
2. [Agree to manipulate the site selection criteria](#) to select and pursue as the preferred site (for a sewage plant that is **not part of any authorized project description**) a location the owner is *not* willing to offer and that is within just a few hundred feet of homes of schoolchildren and elderly residents;
3. [Agree to override any objections the County might make](#) because your plan violates the [general plan for the Santa Ynez Valley](#) and targets prime agricultural land located on a designated scenic route, protected by a design control overlay, and designated as part of a greenbelt "buffer" zone between towns;
4. [Rely on dubious legal counsel for how to do this](#) from a lawyer you are paying with taxpayer money, and whose [detailed bills you are withholding \(or permitting to be withheld\)](#) from taxpayers;
5. [Represent to the community that Cayucos is a "comp" for this project;](#) and
6. Proceed to tell the community repeatedly that you have made no decisions about the project or site selection, *e.g.*, [May 2022](#), [September 2022](#), [November 2022](#); but the record **clearly** shows you entered into **zero** contracts and spent **zero** dollars to study any options other than the [contract with Stantec to design a gravity-fed sewer for the entire district and an above-ground treatment plant at your one "preferred site."](#)

The foregoing conduct calls the LOCSB Board's credibility into question and supports the conclusion that it might be time for one or more of the Directors to step down from their Board positions and make room for community members with less history and baggage – and with a greater capacity to consider and decide among the many proven, state-of-the-art, and more cost-effective solutions actually suited to and supported by this small, historic, rural community.

Sincerely,

Kathryn Lohmeyer Rohrer, Administrator, Local Control ([www.localcontrol4losolivos.org](http://www.localcontrol4losolivos.org))  
Resident and Steward of [Santa Barbara County Historic Landmark #20 \(Ballard Adobes\)](#)

## OP-ED: LOCSD HAS LOST ITS WAY

OP ED (/NEWS/CATEGORY/OP-ED) / JUN 07 2022 01:04 PM / BY (/ARTICLES/) / 9 COMMENTS (HTTPS://WWW.EDHAT.COM/NEWS/OP-ED-LOCSD-HAS-LOST-ITS-WAY#COMMENTS) / READS 3655

By Kathryn Lohmeyer Rohrer

To the Los Olivos Community Services District (LOCSD) Board of Directors,

The LOCSD has lost its way, and you run the very real risk of forfeiting local control over the solution to this community's longstanding groundwater quality problem. Rather than doubling down on your decision to enlarge the sewer and sewage treatment component of the wastewater management project the LOCSD was formed to implement in 2018, it is time to adjust course back to the project approved by your voters and endorsed by every relevant stakeholder.

It is time to stop misleading the community about the actions you have taken without community engagement or approval. You have never acknowledged or explained to your voters that you changed the nature, size and scope of the plans for a sewer system for Los Olivos. Your response to anyone attempting to hold you accountable for your unauthorized actions has been to label them an "outsider," misinformed or worse; this is destructive and divisive at a time when it is critical that the entire community works together to get this project underway.

It is time to get back to work on this community's desired solution. "The Local Phased Approach" was identified as the appropriate option for your tiny District (serving just 391 parcels of land) at least a decade before the LOCSD came into existence. It was then promoted and adopted by you. The Local Phased Approach includes both:

- (a) A small wastewater treatment plant that is fully enclosed in a barn-like structure and located to serve a sewer constructed for the fewer than 80 small, compact lots that make up the downtown commercial core of Los Olivos; and
- (b) A decentralized wastewater treatment (advanced septic) project, which can include of a variety of approaches for collection, treatment, and dispersal/reuse of wastewater for individual residences, clusters of homes or businesses, and even entire communities.

It is unfortunate that community members must now try to remind you of the many reasons you adopted the Local Phased Approach for Los Olivos, but here are a few reminders:

1. A compact, enclosed wastewater treatment plant in and for the commercial core:
  - Is consistent with the County's land use policies discouraging extension of sewers service to rural areas because such extensions encourage density and urban sprawl.
  - Avoids the environmental impacts that are associated with extending sewers through agricultural lands.
  - Enhances groundwater recharge (lessening the concentration of nitrates) by treating and reinjecting the District's wastewater at the northern end of the Special Problem Area.
  - Protects against threats to biological resources in the Valley, including the effects of urbanization (noise, fencing, odor, trucks, vermin) associated with a sewage plant sized to serve every parcel inside your District and expandable to process sewage from parcels north of the 154 and south to Ballard.
2. The decentralized wastewater (advanced septic) project:
  - Is more cost-effective and economical, avoids large capital expenditures and costs less to operate and maintain.
  - Is green and sustainable, responding to growth while preserving green space.
  - Protects public health, mitigating contamination and health risks associated with sewage treatment plants.

It is time to work on securing funding for the Local Phased Approach. The most rudimentary Google search reflects the availability of federal and state funding for decentralized projects for small communities like Los Olivos. The Board's assertions that a larger, expensive, growth-inducing system is required for funding are flatly untrue.

It is time to take off your NIMBY (Not in My Backyard) hats. A quick glance at any of your site-selection "studies" shows that the you have repeatedly manipulated the criteria in an effort to ensure placement of the large, open-air sewage plant you have been pursuing (1) outside the LOCSD's jurisdiction and outside the Special Problem Area the plant will serve; (2) on prime agricultural land; and (3) along a scenic, rural road with a bike path used by both locals and tourists. Your reasoning conflicts with Santa Ynez Valley Community Plan policies that recognize and support the preservation of distinct and separate urban townships, and the preservation and enhancement of agriculture as a vital component of the Valley's economy and rural character.

It is time to stop trying to "export" the public health hazards created by your expanded project. Sewage plants (unless they employ injection, septic tanks or leach fields) treat raw sewage utilizing aeration processes that, invariably, emit aerosols that contain pathogens. The fact that you would even contemplate, let alone spend public money to study, using treatment methods that produce pathogen-containing aerosols anywhere near any residence seems reckless. Pushing to place an open-air sewage plant with a 15,000 gallon liquid sludge tank on a lot that is surrounded on three sides by nearby homes of young children who attend Los Olivos Elementary School is unconscionable.

You still have the time to succeed, but every day you spend defending your decision to abandon the mission presented to and supported by the community brings you a day closer to failure – not just for you but for our community.

Kathryn Lohmeyer Rohrer is a neighbor, mother, and community advocate at [www.localcontrol4losolivos.org](http://www.localcontrol4losolivos.org)

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LETTERS TO THE EDITOR

EDITOR'S PICK

September 22, 2022

## No super-sized sewer in Los Olivos

There is one surefire way to wipe out what remains of the small, quaint town of Los Olivos we know and love: build a super sewer site and an expandable open-air treatment plant on a large parcel beyond our township's boundaries. The Los Olivos Community Services District (LOCSD), formed in 2018, was tasked with devising a local solution to our community's long-standing groundwater quality problem.

Unfortunately, the LOCSD is running out of time. If the board cannot devise a reasonable and cost-effective solution the town will approve by April 2023, the County and State will be free to take over.

Unbeknownst to many, on top of permanently being on the hook for the cost of building, operating, maintaining, and repairing sewer lines and a sewage treatment plant, Los Olivos property owners will bear the costs of connecting their individual parcels to the sewer system.

We must not be naïve. With access to sewer service, the agricultural lands surrounding our small townships can easily be re-zoned to provide for more growth of the type that engulfed Orange County and the San Fernando Valley. With no local representation or government, our community has no protection from changes to zoning laws. No one on the county Board of Supervisors lives in Los Olivos, and it only takes three votes to rezone agricultural land. Also, we know that developers donate to campaigns and influence our elected officials.

My suggestions to the board are:

- Go small. Return to the original plan: a compact system, similar to Mattei's Tavern's project, in and for the commercial core of Los Olivos.
- Think small. Seek grant funding available to fund planning and building a system for small communities like ours.
- Stay small. Do not give commercial uses and high-density housing development access to a system that will push urban sprawl into our agricultural lands across Highway 154 to the north and towards Ballard to the south.
- Don't wait. The clock is ticking.  
Four of the five LOCSD Board seats are up for election in November. Six candidates are running.

Please save the date for a Candidates Forum on Oct. 5 at 6 p.m. at the Los Olivos Elementary School gym. This forum will be jointly hosted by the Los Olivos Rotary Club, Preservation of Los Olivos (POLO), and Women's Environmental Watch (WeWatch).

Michelle de Werd  
Los Olivos



## From Our Inbox: Letters to the Editor for the Week Ending October 21, 2022

I am running for a Los Olivos Community Service District board seat because I know I can balance our town's pressing need for a cost-effective groundwater solution and our similarly pressing need to preserve the historic and rural character of our community.

Back in 2018, I opposed forming the LOCSD because I thought we did not need more government. Instead, we only needed to build a sewer for our town and just connect into a neighboring community service district or city's system, and all would be good.

I was wrong!

When I saw that 76% of Los Olivos voters decided to form the LOCSD, I knew my neighbors did not want a large-scale system, and I was curious to learn more.

When the LOCSD was formed, it was already established that a "phased" system was the preferred approach for our community: the commercial core was Phase 1, the adjacent small-lot residences were Phase 2, and the remaining residential lots were Phase 3.

The plan was to start with Phases 1 and 2, using a collection system and compact package plant in, or near, the downtown core.

The system now installed at The Inn at Mattei's Tavern has since proven that this is perfectly doable. That, and several other factors, helped me see the importance of local governance for this local issue.

First, an old-fashioned sewer for the entire district is not compatible with our way of life or our uses of this land. Large-scale infrastructure invites developers to build, build, build.

Second, it would be outrageously disruptive and expensive to build, operate and maintain a traditional sewer system and a new sewage treatment plant to serve every lot. On top of the increased assessment fees, every lot owner would also be required to pay for their own "lateral connection" to large sewer mains.

**(Continued on Reverse)**

Third, the whole point of forming our own community service district was to avoid having a “big government” solution imposed on our small town.

My original “big government” thinking was misguided. A simpler, less costly, less-growth-inducing “phased” plan had been, and still is, the right approach.

Like many, however, I became aware earlier this year that the plan had changed.

I began digging through the LOCSD’s online records, and learned that the district board abandoned the phased plan in 2021, and has been working on an “entire district” plan ever since.

The community will vote on the single plan presented in the Proposition 218 vote when that time comes. There will be only one choice: either approve or reject the plan the LOCSD Board of Directors puts up for a vote.

If we do nothing, we will all get — and have to pay for — the “big government” sewer and sewage plant, and we will also pay the price of all the development that will attract.

My desire to help preserve our historic town and contain the costs of this project led me to seek appointment to fill the LOCSD board seat that opened up just a couple of months ago, and I am asking for your vote so I can help get us back to work on the right plan for our community.

**Thomas Nelson**

*Los Olivos*





# Los Olivos Effluent Issue

By Paul Rohrer, Los Olivos

Sat Nov 05, 2022 | 4:50am

Los Olivos is a small, dusty, western town, while Washington, D.C., is a former swamp in north Virginia. Unlike Washington, Los Olivos neither needs nor wants a big government “solution” in search of a problem.

The Los Olivos Community Services District Board is ignoring its original plan, endorsed by voters and county regulators, for a small-scale, phased, sewage-treatment solution serving and located in downtown Los Olivos. Instead, the board has been pursuing a sewage plant that can process two and one-half times more effluent on a site three times as large as the original plan. In violation of state law and county planning requirements, the large, centralized plant would be located outside the district’s boundaries on scenic, protected, agricultural land at the gateway to Los Olivos, and that land would be seized from its longtime owner through eminent domain.

This is a big government “solution” to a problem that might not exist or might be the responsibility of someone other than district residents. Despite having spent more than four years and well over a million dollars, the board has no idea as to the existence, extent, or source of our groundwater problem.

Relentlessly pursuing the largest possible system, the district has done no groundwater testing and has relied on a single problematic result from one test well drilled nearly 50 years ago. That report stated that activities north of the district could be impairing the groundwater quality, which would make it the responsibility of someone other than district taxpayers! Even with this knowledge, the board ignored the advice of its engineering firm and decided not to drill the advised test wells.

Spending tens of millions of dollars, seizing property, tearing up the downtown business district, building a large-scale system that will require an expensive, permanent bureaucracy to operate and maintain – makes absolutely no sense. As President Reagan, a man who knew and loved this valley, warned us: “Government is not the solution; Government is the problem.”

The board must stop wasting limited resources on grandiose solutions to undefined problems. Los Olivos needs to be the priority, not big-government South County elites.

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Thu Mar 30, 2023 | 16:23pm

<https://www.independent.com/2022/11/05/los-olivos-effluent-issue/>

Guest Commentary

## Wasting time and money on Los Olivos sewer plan | Guest Commentary

Jan 18, 2023

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Michelle de Werd  
Contributed

Reminiscent of the disastrous chain of events that led to bankruptcy for the Los Osos sewer project, the five-year odyssey of the Los Olivos Community Service District's sewer plan appears to be headed for implosion under the weight of the LOCSD Board.

The LOCSD was voted in to maintain "local control": locals could tackle the town's groundwater challenges cheaper, faster, and better than the county or the state. Instead, a much larger and more expensive sewer project is moving forward, but the LOCSD seems to have "forgotten" to inform the community it is supposed to serve.

The project has gone off course. In August 2019, after a series of public workshops with residents, the LOCSD board unanimously adopted Board Resolution 19-04, describing a phased approach that would start with the downtown core and expand only as necessary based on groundwater monitoring data. In 2020, the LOCSD

acquired from the county a small parcel of land between St. Mark's church and Mattei's Tavern to accommodate a treatment system for the downtown core.

Unfortunately, a large chunk of the property tax assessments the LOCSD has collected did not fund the expected groundwater monitoring. Instead, it funded contracts to design an extensive sewer system that looks nothing like the one presented to the community in Resolution 19-04. The project has also grown to include a 2+ acre, above-ground sewage treatment plant, potentially including effluent ponds.

Suppose the LOCSD board is allowed to continue on this misguided course. In that case, all district residents, regardless of owning an advanced onsite wastewater treatment system, will be forced to hook up to a centralized sewer system and pay for the construction, ongoing operations, and maintenance of a new sewage treatment facility in perpetuity.

The board needs to be more forthcoming about the changes it made. Unfortunately, when the pandemic hit, public engagement diminished, local newspaper coverage was almost non-existent, and fewer than five board members often attended the LOCSD's virtual meetings.

The board dramatically changed the project scope without revoking or amending Resolution 19-04 or notifying the public. One more bizarre detail: descriptions of the legal work the LOCSD was paying to the law firm meant to serve the District suddenly became hidden from the public in 2021. A lack of transparency erodes public trust. Public agencies must be open and transparent regarding taxpayer money expenditures, which has yet to happen in Los Olivos.

If the LOCSD board is interested in being good custodians of taxpayer dollars, they are grossly uninformed. Spending years of assessment fees on a project the public knew nothing about was reckless. Their premature and arbitrary decision to pursue a hostile taking of a parcel of agricultural land from a local family not interested in selling the land for such a grossly incompatible project is not only profoundly offensive but will also be incredibly expensive.

Finally, may we call out the NIMBYs here? The incumbent board decided to pursue a giant, expandable sewage plant only once they convinced themselves they could put it amid homes owned by our Solvang neighbors, who would have no say, no vote, and no benefit from a sewage plant near their bedrooms and backyards.

Sadly, the LOCSD board needs to get realistic about the inevitable consequences of their oversized plans that lay the groundwork for unchecked sprawl that will leave the quiet, bucolic town of Los Olivos unrecognizable.

The Los Olivos CSD meets at 6 p.m. on the second Wednesday of the month at St. Mark's church. The next LOCSD Sewer Workshop is Tuesday, Jan. 24, at 6 p.m.

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Michelle de Werd is a Los Olivos resident.