

Kirk Consulting

December 17, 2007

Martha Miller
County of San Luis Obispo
Department of Planning & Building
976 Osos St, Room 300
San Luis Obispo, CA 93408

RE: Contract Amendment(s) for the Santa Margarita Ranch DEIR

Dear Ms. Miller;

Attached is a check in the amount of 60,319.38 to cover the latest Contract Amendments from Rincon Consultants, Inc (Rincon) for the Santa Margarita Ranch EIR. It is with great reservation that we submit the requested additional funding however we have no choice as we are being put in an unacceptable position; if we do not submit the requested funds the work on the EIR stops and the project is put on hold.

It is even more frustrating because the contract amendment for the Response to Comments (third contract amendment) is not the result of our actions. In our opinion the overwhelming comments on the DEIR, which triggered the latest contract amendment, was caused by the mismanagement of the DEIR's preparation. Nevertheless, we are submitting payment for these two contract amendments in order to ensure that the DEIR process moves along in an expeditious manner.

The cover letter from Rincon for the Oak Tree Contract Amendment / Change Order (fourth contact amendment) incorrectly stated that the Oak Tree information was withdrawn by the applicants. The information was not withdrawn and we have requested on numerous occasions that the information be made available and incorporated as needed into the Revised DEIR.

The Oak Tree information was put together by our team as a result of Rincon's not utilizing our original "Development Guidelines" and was for Rincon to better understand our project's original intent. The additional tree matrix simply amplified the very principals contained in our original submittal and is not new in its nature, scope or purpose. It is more definitive as was requested by the County. This information was generated in direct response to questions posed by County staff and

Rincon in office meetings as well as the field visit conducted on September 7, 2007. We do not feel that our timing and/or costs should be penalized for incorporation of design information previously ignored.

The DEIR recirculation was to commence within nine weeks from the Recirculation Contract (second contract amendment). The Recirculation Contract was approved by the Board on August 7, 2007. It is obvious that the timeframe has been significantly altered from the original timeframe contained in the second contract amendment. At this juncture we would like to request that the County commit to an absolute time frame and require that Rincon complete their contract obligations in the timeframes provided in the aforementioned contracts.

We look forward to meeting with you on January 14th to discuss a more definitive timeframe.

Sincerely,



Jamie Kirk
Kirk Consulting

cc: Jim Patterson, District 5 Supervisor
Ellen Carroll
Rob Rossi
Doug Filippini
Karl Wittstrom
Steve Rossi
Jeff Ferber
Vic Montgomery
William Walter
Paul Metchik