




BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: County Counsel
Department No.: 013
For Agenda Of: May 8, 2012
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: County Counsel Dennis Marshall 569-2950 
Contact Info: Lisa Rothstein 568-2950
SUBJECT: Fee Waiver for Leo Evans/Village of Northpoint Homeowners Association Lot Line Adjustment, Fourth Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence:

As to form: Planning & Development

Recommended Actions:

Direct waiver of Lot Line Adjustment (LLA) fees estimated to be approximately \$6,000 for an LLA to be filed jointly by Leo Evans and Village of Northpoint Homeowners Association (Northpoint), pertaining to Lot 148.

Summary Text:

Upon a showing of good cause, Resolution No. 10-031 authorizes your Board to waive fees for processing an LLA application to be filed jointly by Mr. Evans and Northpoint. This waiver is a term of a settlement of pending County litigation. (*Leo Evans v. County of Santa Barbara Board of Supervisors*, S.B. Superior Ct. Case No. 1388272.)

Background:

In July 2011, Mr. Evans filed a Petition for Writ of Administrative Mandate challenging Condition 13 of his approved Development Plan, which required him to either annex to the surrounding homeowners association (Northpoint) or reach an agreement with Northpoint regarding maintenance of its private but open community amenities. The Court ordered the parties to mediation which has resulted in a proposed settlement agreement including this fee waiver provision.

Because this fee waiver of approximately \$6,000 will facilitate settlement of pending litigation, the cost of which is substantially greater than that of the fee waiver, there is good cause and a public purpose in waiving this fee.

Fiscal Analysis:

These costs were not budgeted. The Planning and Development Department expects it will be able to absorb the costs due to salary savings achieved through vacancies.

Authored by:

Lisa Rothstein, Sr. Deputy County Counsel

cc:

Glenn Russell, Planning & Development