

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE March 21, 2006		(3) CONTACT/PHONE Stephanie Fuhs (805) 781-5721	
(4) SUBJECT Approval of Amendment No. 1 (relating to Parcel 1) to the Amended Agreement for Mitigations for Tract 1678, with Thomas L. Zwinger and Doris J. Zwinger, Supervisorial District No. 4.					
(5) SUMMARY OF REQUEST Request the Board of Supervisors to adopt the resolution accepting the amendment No. 1 (relating to Parcel 1) to the amended agreement for mitigations for Tract 1678. The conditions of approval for Tract 1678 established building envelopes and construction control lines for each parcel within this tract. The current owner of Parcel 1 of Tract 1678 has requested a reconsideration to amend the conditions of approval for Parcel 1 of Tract 1678 to allow construction of a 1,200 square foot secondary dwelling outside of the originally approved construction control line and building envelope. The property is located at 125 Pioneer Circle, approximately 300 feet north of the Lopez Drive/Corralitos Road intersection, approximately three miles east of the City of Arroyo Grande, in the San Luis Bay (Inland) planning area.					
(6) RECOMMENDED ACTION Adopt the Resolution approving and accepting the Amendment No. 1 (relating to Parcel 1) to the Amended Agreement for Mitigations for Tract 1678, with Thomas L. Zwinger and Doris J. Zwinger.					
(7) FUNDING SOURCE(S) Application fees		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Counsel					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, <u>4th</u> , 5th, All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW	<i>OK Leslie Brown</i>	<i>B-7 (3-21-06)</i>
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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: STEPHANIE FUHS, DEVELOPMENT REVIEW

VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WH*

DATE: MARCH 21, 2006

SUBJECT: APPROVAL OF AMENDMENT NO. 1 (RELATING TO PARCEL 1) TO THE AMENDED AGREEMENT FOR MITIGATIONS FOR TRACT 1678, WITH THOMAS L. ZWINGER AND DORIS J. ZWINGER, SUPERVISORIAL DISTRICT NO. 4

RECOMMENDATION

Adopt the Resolution approving and accepting the Amendment No. 1 (relating to Parcel 1) to the Amended Agreement for Mitigations for Tract 1678, with Thomas L. Zwinger and Doris J. Zwinger.

DISCUSSION

Attached is an amendment to a previously approved Agreement for Mitigations for Tract 1678. The original agreement was adopted by the Board of Supervisors on January 4, 1994. Thomas and Doris Zwinger are the owners of the property and are requesting an amendment to the original agreement as it relates to the previously approved building envelope and construction control lines for Parcel 1 of Tract 1678. On August 23, 2005, the Board of Supervisors approved the request to amend the conditions of approval for Lot 1 of Tract 1678 to allow construction of a 1,200 square foot secondary dwelling outside of the originally approved construction control line and building envelope. One of the conditions of approval for the reconsideration was to amend the previously recorded mitigation agreement to reflect the new building envelope and construction control line. The attached agreement fulfills the requirement of that condition.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel prepared the resolution and agreement and approved the documents as to form and legal effect.

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FINANCIAL CONSIDERATIONS

None.

RESULTS

Approving and accepting the Amendment No. 1 (relating to Parcel 1) to the Amended Agreement for Mitigations for Tract 1678 allows for construction of a 1,200 square foot secondary dwelling outside of the originally approved construction control line and building envelope while continuing the original agreement in full force and effect.

ATTACHMENTS

Resolution
Vicinity Map
Site Map
Agreement

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDMENT NO. 1 (RELATING TO PARCEL 1)
TO THE AGREEMENT FOR MITIGATIONS FOR TRACT 1678
WITH THOMAS L. ZWINGER AND DORIS J. ZWINGER

The following resolution is now offered and read:

WHEREAS, the Director of Planning and Building by letter dated March 21, 2016, has duly recommended that the Board of Supervisors enter into the above mentioned amendment.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the Amendment No. 1 (Relating to Parcel 1) To The Agreement For Mitigations For Tract 1678, a copy of which is attached hereto and incorporated by reference herein as though set forth in full, is hereby approved by the County of San Luis Obispo and the Chairman of the Board of Supervisors is hereby authorized and directed to execute said amendment on behalf of the County of San Luis Obispo.

2. That the Clerk of the Board of Supervisors is hereby authorized and directed to record the above amendment and a certified copy of this resolution in the office of the County Recorder of the County of San Luis Obispo.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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the foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors

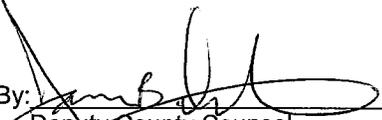
ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: March 3, 2006

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STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo,)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20__.

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By _____
Deputy Clerk

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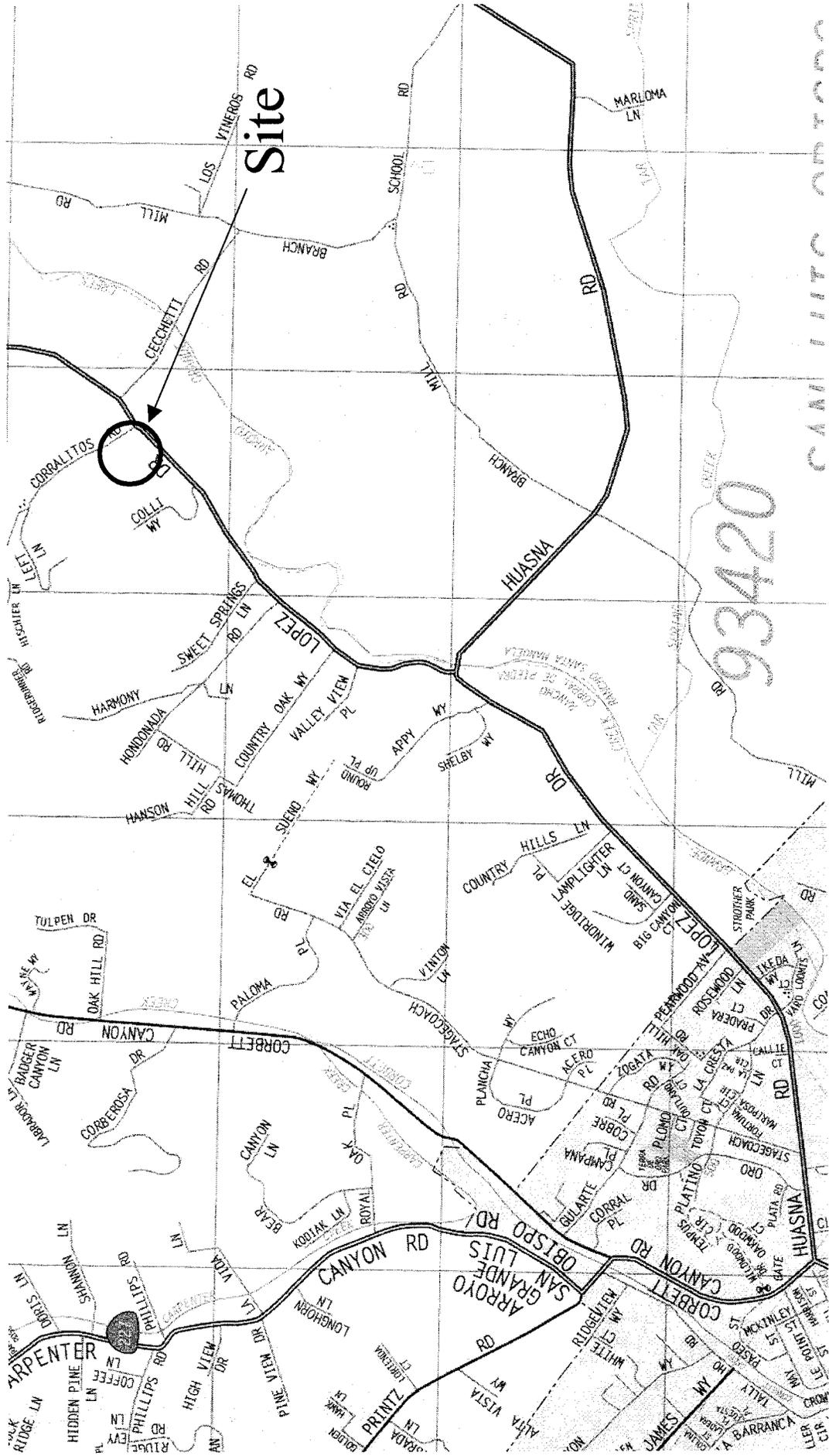
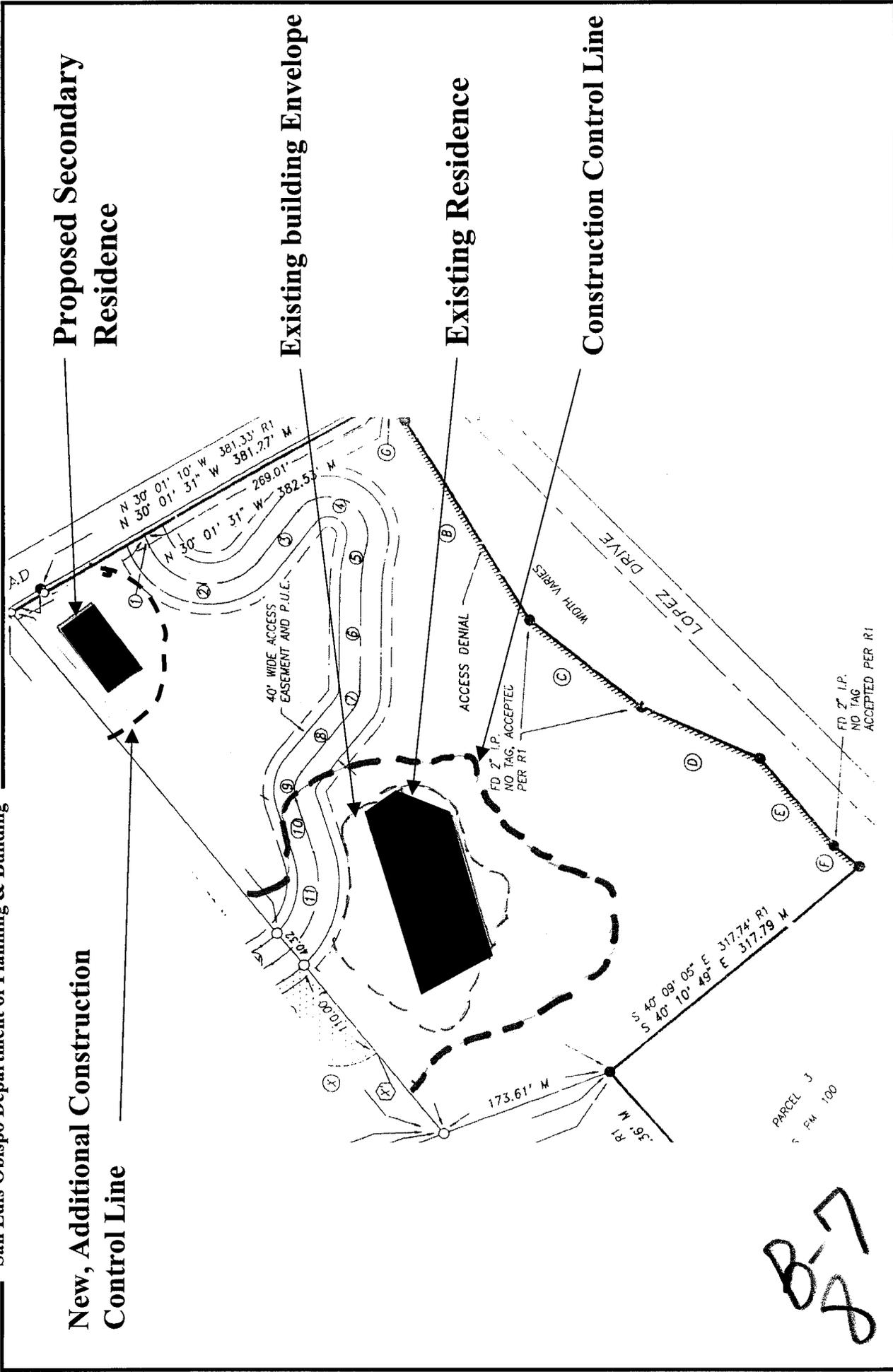


Exhibit
VICINITY MAP



Project
Zwinger Tract Map Reconsideration
SUB2004-00116/(Tract 1678)

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8-B-7



Exhibit

Site Plan

Project Tract Map Reconsideration
Zwinger Tract Map Reconsideration
SUB2004-0116/(Tract 1678)

RECORDING REQUESTED BY:

County of San Luis Obispo

AND WHEN RECORDED MAIL TO:

Clerk of the Board of Supervisors
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

APN: 047-200-006

AMENDMENT NO. 1 (RELATING TO PARCEL 1) TO THE
AGREEMENT FOR MITIGATIONS FOR TRACT 1678

THIS AMENDMENT is made and entered into this ____ day of _____,
2006, by and between THOMAS L. ZWINGER and DORIS J. ZWINGER, hereinafter
collectively referred to as "Owner," and the COUNTY OF SAN LUIS OBISPO, a political
subdivision of the State of California, hereinafter referred to as "County."

WITNESSETH:

WHEREAS, on January 4, 1994, the Board of Supervisors duly adopted
Resolution No. 94-12 whereby the County entered into an "Agreement For Mitigations
For Tract 1678" (hereinafter referred to as the "Original Agreement"), which was
recorded as Document No. 1994-001946 on January 12, 1994, of the Official Records
in the office of the County Recorder of the County of San Luis Obispo and which is
incorporated by reference herein as though set forth in full; and

WHEREAS, Owner is the successor in interest to the original Subdivider as to
Parcel 1 of Tract 1678 and, as such, is bound by the terms and provisions

ck. title rpt.

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of the Original Agreement; and

WHEREAS, Owner and County desire to make certain amendments to the Original Agreement as it relates to Parcel 1, while otherwise continuing the Original Agreement in full force and effect; and

WHEREAS, Owner has supplied County with a current title company preliminary title report or lot book guarantee listing all trust deed beneficiaries and mortgagees, if any, under prior recorded deeds of trust and mortgages on Parcel 1 of Tract 1678.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions herein contained, the parties hereto amend the Original Agreement as it relates to Parcel 1 as follows:

1. Exhibit B of the Original Agreement is hereby amended and revised to add an additional designated building envelope for a secondary dwelling on Parcel 1 as shown on the Exhibit attached hereto and incorporated by reference herein as though set forth in full.

2. Paragraph 8 of the Original Agreement is hereby amended to read as follows:

8. Notices. Unless otherwise provided, all notices herein required shall be in writing, and delivered in person or sent by United States first class mail, postage prepaid. Notices required to be given to County shall be addressed as follows: Director of Planning and Building, County of San Luis Obispo, County Government Center, Room 300, San Luis Obispo, California 93408. Notices required to be given to the owner of Parcel 1 shall be addressed as follows: Thomas L. Zwinger, 125 Pioneer Circle, Arroyo Grande, California 93420

Provided that any party may change such address by notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address.

3. Except as expressly amended herein, all provisions of the Original Agreement shall remain in full force and effect.

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4. This amendment sets forth the full and entire understanding of the parties regarding the matter set forth herein, and any other prior or existing understandings or agreements by the parties, whether formal or informal, regarding any of said matters are hereby superseded or terminated in their entirety.

IN WITNESS WHEREOF, the parties hereto have executed this amendment as of this day and year first above written.

OWNER

Thomas L. Zwinger
THOMAS L. ZWINGER

Doris J. Zwinger
DORIS J. ZWINGER



Rusco

COUNTY OF SAN LUIS OBISPO

By: _____
Chairman of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

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ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SAN LUIS OBISPO } SS.

On 1/27/2006 before me, PAT RUSCO
(DATE) (NOTARY)

personally appeared THOMAS L. ZWINGER AND DOIS J. ZWINGER
SIGNER(S)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

P. Rusco
NOTARY'S SIGNATURE

OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgment to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- INDIVIDUAL
- CORPORATE OFFICER

TITLE(S) _____

- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT _____

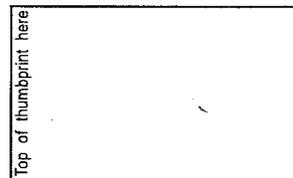
NUMBER OF PAGES _____

DATE OF DOCUMENT _____

OTHER _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

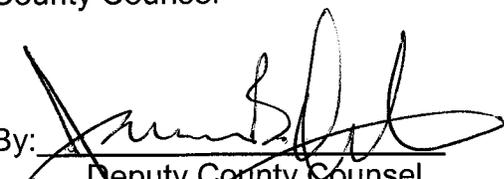
RIGHT THUMBPRINT
OF
SIGNER



Handwritten initials and number: B-17, 12

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel
Dated: March 3, 2006

APPROVED AS TO CONTENT:

VICTOR HOLANDA, AICP
Director of Planning and Building

By: 
Dated: 2-27-06

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[NOTE: This amendment will be recorded. All signatures to this amendment must be acknowledged by a notary.]

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STATE OF CALIFORNIA)
)
COUNTY OF SAN LUIS OBISPO) ss.

On _____, before me, _____,
Deputy County Clerk-Recorder, County of San Luis Obispo, State of California, personally
appeared _____,
personally known to me to be the person whose names are subscribed to the within
instrument and acknowledged to me that he/she executed the same in his/her authorized
capacity, and that by his/her signature on the instrument the person or the entity upon
behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

JULIE L. RODEWALD, County Clerk-Recorder
and Ex-Officio Clerk of the
Board of Supervisors, County of
San Luis Obispo, State of California

By: _____
Deputy County Clerk-Recorder

[SEAL]

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[ATTACH EXHIBIT
SHOWING DESIGNATED
BUILDING ENVELOPE
FOR SECONDARY DWELLING]

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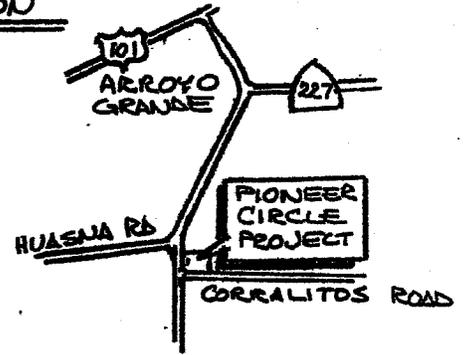
OWNER

TOM & DORIE ZWINGER
125 PIONEER CIRCLE
ARROYO GRANDE, CA. 93401
805-474-4125

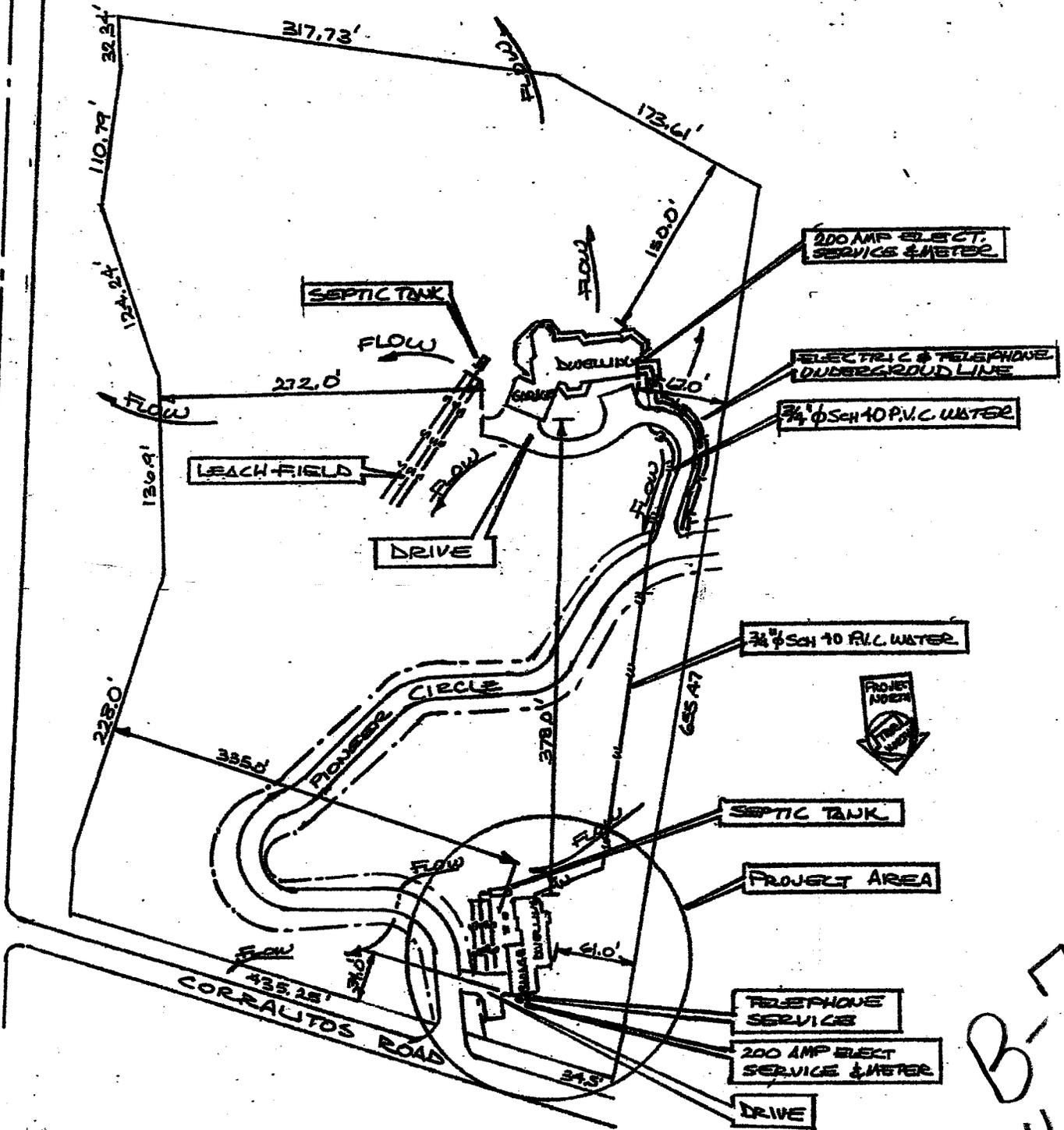
LEGAL

LOT 1
TRACT 1678
COUNTY SAN LUIS OBISPO
STATE CALIFORNIA
ASSESSOR'S NO.
047-200-006

LOCATION



LOPEZ DRIVE



PLOT PLAN

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CONSENT OF LIENHOLDER

FIRST BANC MORTGAGE, INC. d/b/a FIRST BANC HOME MORTGAGE, INC.
(Lienholder), beneficiary under that certain Deed of Trust recorded on
February 14, 2003, as Document No. 2003-015409, of the Official Records in the office
of the County Recorder of the County of San Luis Obispo, State of California, hereby
consents to the Amendment No. 1 (Relating to Parcel 1) To The Agreement For
Mitigations For Tract 1678, executed by Thomas L. Zwinger and Doris J. Zwinger, as
Owner, recorded concurrently herewith, and joins in the execution hereof solely as
Lienholder and does hereby agree that in the event of a foreclosure of said mortgage, or
other sale of said property described in said mortgage under judicial or non-judicial
proceedings, the same shall be sold subject to said Amendment No. 1.

SIGNED AND EXECUTED this 21st day of February, 2006.

LIENHOLDER

FIRST BANC MORTGAGE, INC.
d/b/a FIRST BANC HOME MORTGAGE, INC.

By:


/s/ Judith A. Schmersahl
Senior Vice President

[NOTE: This Consent of Lienholder will be recorded. All signatures must be
acknowledged by a notary.]

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California All-Purpose Acknowledgment

State of MISSOURI,

County of ST. LOUIS,

On 2/21/06 before me, Kristen Moore,
DATE NAME & TITLE OF OFFICER (E.G: John Doe, Notary Public)

personally appeared Judith A. Schmersahl,
NAME(S) OF SIGNER

personally known to me —OR— proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Kristen Moore
SIGNATURE OF NOTARY PUBLIC

OPTIONAL INFORMATION:

Though not required by law, the information requested below could prove useful to persons relying on the document and could provide against fraudulent use of this form (such as removal and reattachment to another document.)

Description of attached document:

Type or Title of Document:
Consent of Lienholder

Document Date: _____

Number of Pages: _____

Signer(s) Other than those named above:

Capacity Claimed By Signer:

Signers Name: Judith A. Schmersahl Signer is Representing: First Bank

Individual _____

Corporate Officer

Title: Sr. Vice President

Partner

Limited

General

Attorney-in-Fact

Trustee

Guardian or Conservator

Other: _____

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A

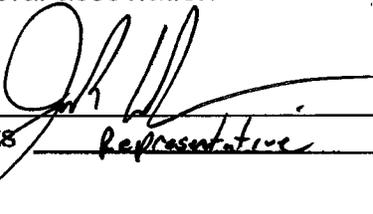
CONSENT OF LIENHOLDER

WASHINGTON MUTUAL BANK, F.A., a federal association, (Lienholder), beneficiary under that certain Deed of Trust recorded on July 1, 2003, as Document No. 2003-071513, of the Official Records in the office of the County Recorder of the County of San Luis Obispo, State of California, hereby consents to the Amendment No. 1 (Relating to Parcel 1) To The Agreement For Mitigations For Tract 1678, executed by Thomas L. Zwinger and Doris J. Zwinger, as Owner, recorded concurrently herewith, and joins in the execution hereof solely as Lienholder and does hereby agree that in the event of a foreclosure of said mortgage, or other sale of said property described in said mortgage under judicial or non-judicial proceedings, the same shall be sold subject to said Amendment No. 1.

SIGNED AND EXECUTED this 21 day of FEBRUARY, 2006.

LIENHOLDER

WASHINGTON MUTUAL BANK, F.A.
a federal association

By: 
Its Representative

[NOTE: This Consent of Lienholder will be recorded. All signatures must be acknowledged by a notary.]

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

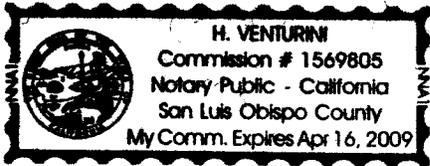
County of San Luis Obispo } ss.

On 2/21/06, before me, H. Venturini
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared James R Walker
Name(s) of Signer(s)

personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Place Notary Seal Above

H. Venturini
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Consent of Lienholder

Document Date: 2/21/06 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

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