COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT	(2) MEETING DATE	(3) CONTACT/PHONE
Planning and Building	June 6, 2006	Stephanie Fuhs (805) 781-5721

(4) SUBJECT
Submittal of a resolution approving an Amendment (Relating to Lot 10) to the Agreement for Mitigations for Tract 1516 with George Regala and Elena Regala, Supervisorial District #4

(5) SUMMARY OF REQUEST
Request the Board of Supervisors adopt the resolution accepting the Amendment (Relating to Lot 10) to the Agreement for Mitigations for Tract 1516 with George Regala and Elena Regala. The proposed project is within the Residential Rural land use category and is located at 1262 Whispering Meadows Lane, approximately 1,000 feet northeast of Dana Foothill Road, approximately 2.5 miles north of the community of Nipomo. The site is in the South County (Inland) planning area.

(6) RECOMMENDED ACTION
Adopt the resolution approving and accepting the Amendment (Relating to Lot 10) to the Agreement for Mitigations for Tract 1516 with George Regala and Elena Regala.

(7) FUNDING SOURCE(S)	(8) CURRENT YEAR COST	(9) ANNUAL COST	(10) BUDGETED?
Current Budget	n/a	n/a	☐ No ☒ Yes ☐ N/A

(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST):
County Counsel

(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? ☒ No ☐ Yes, How Many? _____
☐ Permanent _____ ☐ Limited Term _____ ☐ Contract _____ ☐ Temporary Help _____

(13) SUPERVISOR DISTRICT(S)
☐ 1st, ☐ 2nd, ☐ 3rd, ☒ 4th, ☐ 5th, ☐ All

(14) LOCATION MAP
☒ Attached ☐ N/A

(15) Maddy Act Appointments Signed-off by Clerk of the Board

(16) AGENDA PLACEMENT
☒ Consent ☐ Hearing (Time Est. _____)
☐ Presentation ☐ Board Business (Time Est._____)

(17) EXECUTED DOCUMENTS
☒ Resolutions (Orig + 4 copies) ☐ Contracts (Orig + 4 copies)
☐ Ordinances (Orig + 4 copies) ☐ N/A

(18) NEED EXTRA EXECUTED COPIES?
☐ Number: _____ ☐ Attached ☒ N/A

(19) APPROPRIATION TRANSFER REQUIRED?
☐ Submitted ☐ 4/5th's Vote Required ☒ N/A

(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)
_____

(21) W-9
☒ No ☐ Yes

(22) Agenda Item History
☒ N/A Date_____

(23) ADMINISTRATIVE OFFICE REVIEW
OK Leslie Brown

B-22
(6-6-06)

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

DATE: JUNE 6, 2006

SUBJECT: SUBMITTAL OF A RESOLUTION APPROVING AN AMENDMENT (RELATING TO PARCEL 10) TO THE AGREEMENT FOR MITIGATIONS FOR TRACT 1516 WITH GEORGE REGALA AND ELENA REGALA, SUPERVISORIAL DISTRICT NO. 4

RECOMMENDATION

Adopt the Resolution approving and accepting the Amendment (relating to Parcel 10) to the Agreement for Mitigations for Tract 1516, with George Regala and Elena Regala.

DISCUSSION

Attached is an amendment to a previously approved Agreement for Mitigations for Tract 1516. The original agreement was adopted by the Board of Supervisors on December 12, 1989. George Regala and Elena Regala are the owners of the property and are requesting an amendment to the original agreement as it relates to the previously approved building envelope for Parcel 10 of Tract 1516. On May 6, 2005, the Administrative Hearing Officer approved the request to allow the relocation of the building envelope to a point approximately 175 feet northeast of the previously approved 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. 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.

FINANCIAL CONSIDERATIONS

None.

B22
2

RESULTS

Approving and accepting the Amendment (relating to Parcel 10) to the Agreement for Mitigations for Tract 1516 allows for the relocation of the originally approved building envelope to a point approximately 175 feet northeast on the project site while continuing the original agreement in full force and effect.

ATTACHMENTS

Resolution
Vicinity Map
Site Map
Agreement

B-88
3

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

_____ day _____, 20___

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDMENT (RELATING TO LOT 10)
TO THE AGREEMENT FOR MITIGATIONS FOR TRACT 1516
WITH GEORGE REGALA AND ELENA REGALA

The following resolution is now offered and read:

WHEREAS, the Director of Planning and Building by letter dated June 6, 2006, 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 (Relating To Lot 10) To The Agreement For Mitigations For Tract 1516, 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:

B-88
4

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: May 9, 2006

B-22
5

3804epres.doc

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___.

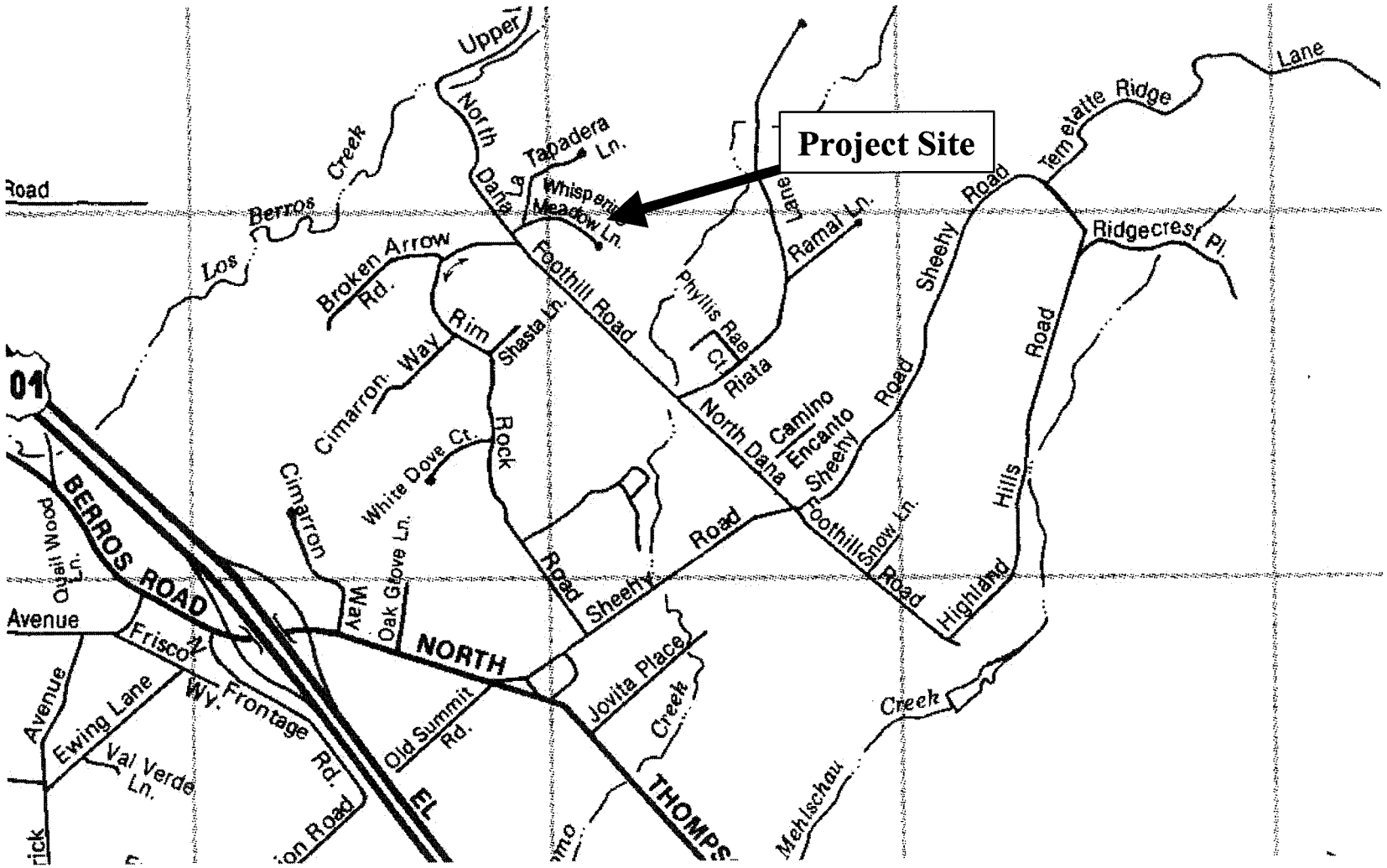
_____
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By: _____
Deputy Clerk.

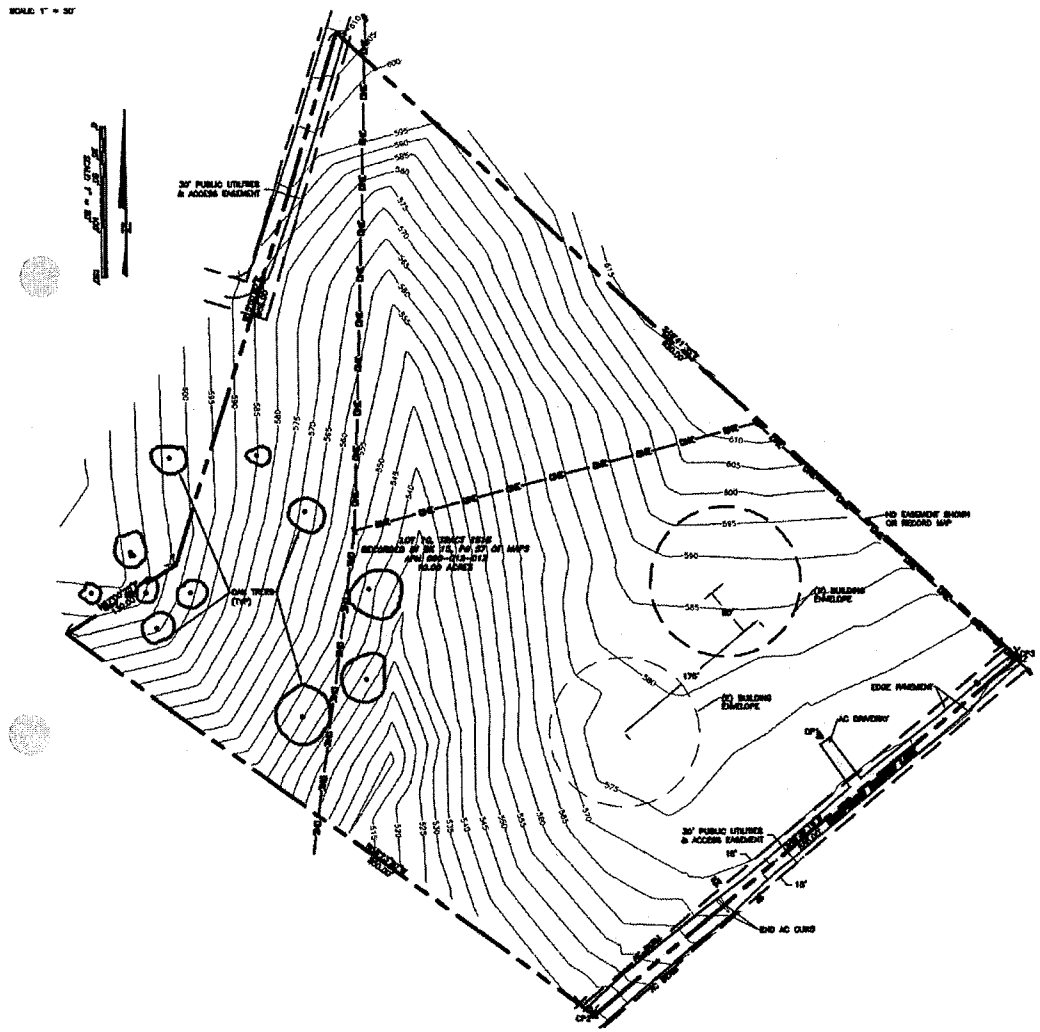
B-88
6

San Luis Obispo Department of Planning & Building



Project
DRC2004-00016 – Regala MUP

Exhibit
Vicinity Map



Project

DRC2004-00016 – Regala MUP

Exhibit

Site Plan

22

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: 090-012-012

AMENDMENT (RELATING TO LOT 10) TO THE
AGREEMENT FOR MITIGATIONS FOR TRACT 1516

THIS AMENDMENT is made and entered into this _____ day of _____ _____, 20___, by and between GEORGE REGALA and ELENA REGALA, hereinafter 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 December 12, 1989, the Board of Supervisors duly adopted Resolution No. 89-584 whereby the County entered into an "Agreement For Mitigations For Tract 1516" (hereinafter referred to as the "Original Agreement"), which was recorded on December 20, 1989, as Document No. 86714 in Volume 3433, at Pages 821 through 856, inclusive, 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

B-28
a

ck. title rpt.

WHEREAS, on December 17, 1991, the Board of Supervisors duly adopted Resolution No. 91-630 whereby the County entered into an "Amendment To Mitigation Agreement For Tract 1516" (hereinafter referred to as the "Amendment to the Original Agreement"), which was recorded on February 10, 1992, as Document No. 8455 in Volume 3827, Pages 710 through 732, inclusive, 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 Lot 10 of Tract 1516 (which is more particularly described in Exhibit A attached hereto and incorporated by reference herein as though set forth in full) and, as such, is bound by the terms and provisions of the Original Agreement and the Amendment to the Original Agreement; and

WHEREAS, Owner and County desire to make certain amendments to the amended Original Agreement as it relates to Lot 10, while otherwise continuing the Original Agreement and the Amendment to 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 Lot 10 of Tract 1516.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions herein contained, the parties hereto amend the Original Agreement as it relates to Lot 10 as follows:

1. The Original Agreement is hereby amended by adding new Paragraph 1(e), which said paragraph shall read as follows:

B-22
10

(e) Relocation of building site areas. Notwithstanding any other provision of this agreement, the delineated building site area shown on Exhibit B for Lot 10 may be changed or relocated by the approval of a minor use permit by the County pursuant to the provisions of Title 22 of the San Luis Obispo County Code.

2. The Owner shall defend, indemnify and save harmless the County of San Luis Obispo, its officers, agents and employees from any and all claims, demands, damages, costs, expenses, judgments, or liability occasioned by the performance or attempted performance of the provisions hereof, or in any way arising out of this amendment, including, but not limited to, those predicated upon theories of violation of statute, ordinance or regulation, violation of civil rights, inverse condemnation, equitable relief, or any wrongful act or any negligent act or omission to act on the part of the Owner or agents, employees, or independent contractors directly responsible to the Owner; providing further that the foregoing obligation to defend, indemnify, and save harmless shall apply to any wrongful acts, or any passively negligent acts or omissions to act, committed jointly or concurrently by the Owner, the Owner's agents, employees, or independent contractors and the County, its agents, employees or independent contractors. Nothing contained in the foregoing indemnity provisions shall be construed to require the Owner to indemnify the County against any responsibility or liability in contravention of Section 2782 of the Civil Code.

3. 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 shall be addressed as follows: George Regala, 2706 Banyon Way, Santa Maria, California

B-22
11

93455. 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.

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

5. 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

GEORGE REGALA

ELENA REGALA

COUNTY OF SAN LUIS OBISPO

By: _____
Chairman of the Board of Supervisors

B-22
12

ATTEST:

_____
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: May 9, 2006

APPROVED AS TO CONTENT:

VICTOR HOLANDA, AICP
Director of Planning and Building

By: Victor Holanda

Dated: 5-2-06

B-22
B

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

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

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 name is 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]

B-22
14

3800epagr.doc

EXHIBIT A

Lot 10 of Tract No. 1516 in the County of San Luis Obispo, State of California, according to the map recorded December 20, 1989 in Book 15, Page 37 of Maps and Certificate of Correction recorded April 23, 1991 in Book 3677, Page 48 of Official Records, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM an undivided 25% of all oil, gas, minerals and other hydrocarbon substances in, on or underlying said land together with the right of ingress and egress for all purposes in connection therewith as reserved by Clara F. Fugler by deed recorded October 15, 1954 in Book 775, Page 585 of Official Records, San Luis Obispo County.

B-22
15

MIDSTATE BANK & TRUST

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Barbara

On April 27, 2006 before me, , personally appeared George Regala,

☐ 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.

SM01 RUBEN COTA COMM. #1652482 NOTARY PUBLIC-CALIFORNIA SANTA BARBARA COUNTY My Comm. Expires March 18, 2010 SM01

WITNESS my hand and official seal.

Signature of Notary

OPTIONAL

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

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

☐ Individual
☐ Corporate Officer

Title

☐ Partner(s) ☐ Limited ☐ General

☐ Attorney-in-Fact
☐ Trustee(s)
☐ Guardian/Conservator
☐ Other:

Absent Signer (Principal) is Representing:

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document

Number of Pages

Date of Document

Signer(s) Other Than Name(s) Above

B-22
16

MIDSTATE BANK & TRUST

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Barbara

On April 27, 2006 before me, Elena Rosquillo Regala, personally appeared ,

☐ 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.

SM01 RUBEN COTA COMM. #1652482 NOTARY PUBLIC-CALIFORNIA SANTA BARBARA COUNTY My Comm. Expires March 18, 2010 SM01

WITNESS my hand and official seal.

Signature of Notary

OPTIONAL

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

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

☐ Individual
☐ Corporate Officer

Title

☐ Partner(s) ☐ Limited ☐ General

☐ Attorney-in-Fact
☐ Trustee(s)
☐ Guardian/Conservator
☐ Other:

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document

Number of Pages

Date of Document

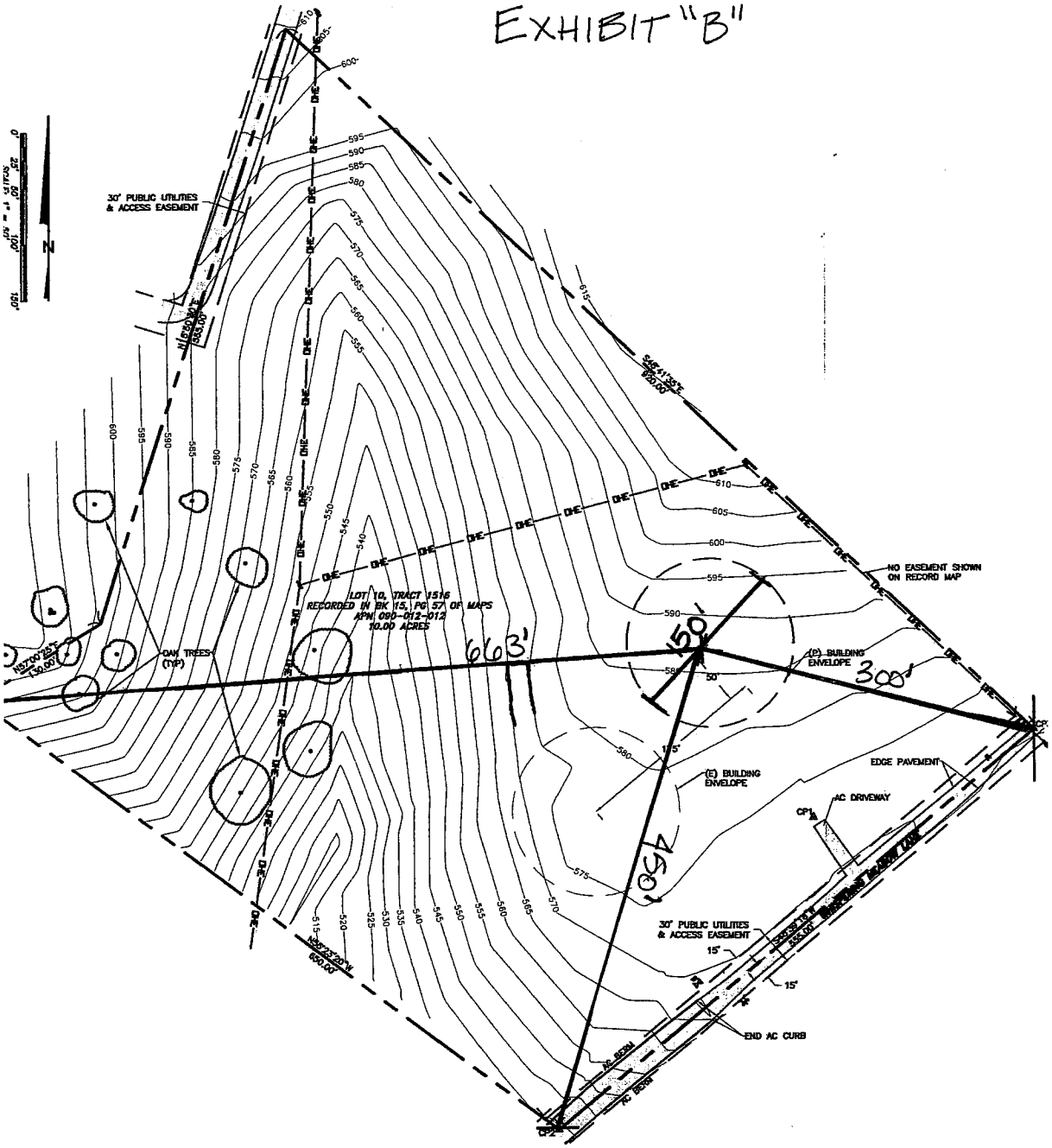
Absent Signer (Principal) is Representing:

Signer(s) Other Than Name(s) Above

B-22 17

ELOCATION PLAN

EXHIBIT "B"



B-22
18