

# Before the Board of Supervisors County of Placer, State of California

**In the matter of:**  
AN ORDINANCE APPROVING THE  
SECOND AMENDED AND RESTATED  
DEVELOPMENT AGREEMENT FOR THE  
PLACER VINEYARDS SPECIFIC PLAN

Ordinance No.: \_\_\_\_\_  
First Reading: \_\_\_\_\_

The following Ordinance was duly passed by the Board of Supervisors of the  
County of Placer at a regular meeting held \_\_\_\_\_, by the  
following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:  
Clerk of said Board

Board of Supervisors

\_\_\_\_\_  
Clerk of the Board Signature

\_\_\_\_\_  
Chair Signature

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**WHEREAS**, on July 16, 2007, the Placer County Board of Supervisors ("Board") approved the Placer Vineyards Specific Plan ("Specific Plan") and, pursuant to adoption of Ordinance 5477-B, the County entered into twenty-one (21) separate development agreements (individually a "Development Agreement" and collectively the "Development Agreements") with certain of the landowners owning property within the boundaries of the Specific Plan, and

**WHEREAS**, on February 14, 2012, pursuant to adoption of Ordinance 5665-B, the County entered into twenty-two (22) separate Amended and Restated Development Agreements (individually a “Development Agreement” and collectively the “Development Agreements”) with certain of the landowners owning property within the boundaries of the Specific Plan, and

**WHEREAS**, on September 11, 2012, pursuant to adoption of Ordinance 5686-B, the County entered into twenty-two (22) separate First Amendment to the Amended and Restated Development Agreements (individually a “Development Agreement” and collectively the “Development Agreements”) with certain of the landowners owning property within the boundaries of the Specific Plan, and

**WHEREAS**, on November 20, 2014, the Placer County Planning Commission (“Planning Commission”) held a duly noticed public hearing pursuant to Placer County Code Section 17.58.240 to consider the terms of the proposed Second Amended and Restated Development Agreement, which if approved would replace and supersede all prior Development Agreements for the Specific Plan area and bind through the execution of twenty-two (22) separate agreements those landowners and real properties identified below who own property within the boundaries of the Specific Plan (collectively referred to as “Second Amended and Restated Development Agreement”), and

**WHEREAS**, on November 20, 2014, the Planning Commission made written recommendations to the Placer County Board of Supervisors to approve said proposed Second Amended and Restated Development Agreement, and

**WHEREAS**, on \_\_\_\_\_(date), the Board held a duly noticed public hearing pursuant to Placer County Code Section 17.58.240 to consider the recommendations of the Planning Commission, staff’s presentation, report and all supporting studies and documents related to the proposed Second Amended and Restated Development Agreement, and to receive written and oral testimony on the same, and

**WHEREAS**, notice of all hearings required by Section 17.58.240 of the Placer County Code and Section 65867 of the Government Code have been given and all hearings have been held as required by statute and ordinance to adopt this ordinance and approve each of the Second Amended and Restated Development Agreements, and

**WHEREAS**, having considered the recommendations of the Planning Commission, having reviewed the terms of the proposed Second Amended and Restated Development Agreement, which terms will be identical for each of the twenty-two (22) separate agreements for those landowners and real properties identified below, having received and considered the written and oral comments submitted by the public thereon, the Board finds as follows:

- a. The County has conducted environmental review of the proposed Second Amended and Restated Development Agreement pursuant to the California Environmental Quality Act ("CEQA") and the Board has adopted by Resolution No. \_\_\_\_\_ an Addendum to the Certified Final Environmental Impact Report for the Placer Vineyards Specific Plan supported by findings thereto;
- b. The Second Amended and Restated Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the Placer County General Plan and the Placer Vineyards Specific Plan as amended;
- c. The Second Amended and Restated Development Agreement is compatible with the uses authorized in, and the regulations proscribed for, the land use district in which the real property subject to the Second Amended and Restated Development Agreement is located;
- d. The Second Amended and Restated Development Agreement is in conformity with public convenience, general welfare and good land use practice;
- e. The Second Amended and Restated Development Agreement will not be detrimental to the health, safety and general welfare of persons residing in Placer County;
- f. The Second Amended and Restated Development Agreement will not adversely affect the orderly development of property or the preservation of property values.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:**

**Section 1:** The Second Amended and Restated Development Agreement by and between the County of Placer and Placer 400 Investors, LLC, a California limited liability company, a true and correct copy of which is attached hereto as Exhibit 1 and incorporated herein by reference, is hereby approved. (Property 1A)

**Section 2:** The Second Amended and Restated Development Agreement by and between the County of Placer and Hodel Family Enterprises, LP, a California limited partnership, a true and correct copy of which is attached hereto as Exhibit 2 and incorporated herein by reference, is hereby approved. (Property 1B)

**Section 3:** The Second Amended and Restated Development Agreement by and between the County of Placer and John L. Mourier III, as Trustee of the Mourier Family Revocable Lifetime Trust, UTA dated April 13, 1989, a true and

correct copy of which is attached hereto as Exhibit 3 and incorporated herein by reference, is hereby approved. (Property 2)

**Section 4:** The Second Amended and Restated Development Agreement by and between the County of Placer and Baseline & Watt, LLC, a California limited liability company, a true and correct copy of which is attached hereto as Exhibit 4 and incorporated herein by reference, is hereby approved. (Property 3)

**Section 5:** The Second Amended and Restated Development Agreement by and between the County of Placer and B and W 60, LP, a California limited partnership, a true and correct copy of which is attached hereto as Exhibit 5 and incorporated herein by reference, is hereby approved. (Property 4A)

**Section 6:** The Second Amended and Restated Development Agreement by and between the County of Placer and LDK-AREP III Placer Owner, LLC, a Delaware limited liability company, a true and correct copy of which is attached hereto as Exhibit 6 and incorporated herein by reference, is hereby approved. (Property 4B)

**Section 7:** The Second Amended and Restated Development Agreement by and between the County of Placer and Frances E. Shadwick; Ellen G. O'Looney as Trustee of the John P. O'Looney and Ellen G. O'Looney 1991 Living Trust, dated October 9, 1991; John P. O'Looney as Trustee of the John P. O'Looney and Ellen G. O'Looney 1991 Living Trust, dated October 9, 1991; and Susan K. Pilarsky; a true and correct copy of which is attached hereto as Exhibit 7 and incorporated herein by reference, is hereby approved. (Property 6)

**Section 8:** The Second Amended and Restated Development Agreement by and between the County of Placer and BHT II Northern Cal 1, LLC, a Delaware limited liability company, a true and correct copy of which is attached hereto as Exhibit 8 and incorporated herein by reference, is hereby approved. (Property 7)

**Section 9:** The Second Amended and Restated Development Agreement by and between the County of Placer and Spinelli Investments, LLC, a California limited liability company, and Millspin Investments, LLC, a California limited liability company, a true and correct copy of which is attached hereto as Exhibit 9 and incorporated herein by reference, is hereby approved. (Property 8)

**Section 10:** The Second Amended and Restated Development Agreement by and between the County of Placer and Placer 1 Owners' Receivership, a true and correct copy of which is attached hereto as Exhibit 10 and incorporated herein by reference, is hereby approved. (Property 9)

**Section 11:** The Second Amended and Restated Development Agreement by and between the County of Placer and Frank Stathos, a true and correct copy of

which is attached hereto as Exhibit 11 and incorporated herein by reference, is hereby approved. (Property 10)

**Section 12:** The Second Amended and Restated Development Agreement by and between the County of Placer and P.G.G. Properties, a General Partnership, a true and correct copy of which is attached hereto as Exhibit 12 and incorporated herein by reference, is hereby approved. (Property 11)

**Section 13:** The Second Amended and Restated Development Agreement by and between the County of Placer and IL Centro, LLC, a California limited liability company, a true and correct copy of which is attached hereto as Exhibit 13 and incorporated herein by reference, is hereby approved. (Property 12A)

**Section 14:** The Second Amended and Restated Development Agreement by and between the County of Placer and PLACER 102, LLC, a California limited liability company, a true and correct copy of which is attached hereto as Exhibit 14 and incorporated herein by reference, is hereby approved. (Property 12B)

**Section 15:** The Second Amended and Restated Development Agreement by and between the County of Placer and DF Properties, a California corporation, a true and correct copy of which is attached hereto as Exhibit 15 and incorporated herein by reference, is hereby approved. (Property 14)

**Section 16:** The Second Amended and Restated Development Agreement by and between the County of Placer and Palladay Greens, LLC, a California limited liability company, a true and correct copy of which is attached hereto as Exhibit 16 and incorporated herein by reference, is hereby approved. (Property 15)

**Section 17:** The Second Amended and Restated Development Agreement by and between the County of Placer and Placer Vineyards Development Group, LLC, a California limited liability company, a true and correct copy of which is attached hereto as Exhibit 17 and incorporated herein by reference, is hereby approved. (Property 16)

**Section 18:** The Second Amended and Restated Development Agreement by and between the County of Placer and Ezra Nilson, Trustee of the Nilson Family Trust, a true and correct copy of which is attached hereto as Exhibit 18 and incorporated herein by reference, is hereby approved. (Property 17)

**Section 19:** The Second Amended and Restated Development Agreement by and between the County of Placer and Lennar Winncrest, LLC, a Delaware limited liability company, and Baseline A&B Holding, LLC, a California limited liability company, a true and correct copy of which is attached hereto as Exhibit 19 and incorporated herein by reference, is hereby approved. (Property 19)

**Section 20:** The Second Amended and Restated Development Agreement by and between the County of Placer and John Petros Pandeleon, Nicholas Pandeleon and Contilo K. Pandeleon, a true and correct copy of which is attached hereto as Exhibit 20 and incorporated herein by reference, is hereby approved. (Property 21)

**Section 21:** The Second Amended and Restated Development Agreement by and between the County of Placer and PMF5C, LLC, a California limited liability company, a true and correct copy of which is attached hereto as Exhibit 21 and incorporated herein by reference, is hereby approved. (Property 23)

**Section 22:** The Second Amended and Restated Development Agreement by and between the County of Placer and Nicolas Pandeleon and Contilo K. Pandeleon, as Trustees of the Pandeleon Family Trust dated May 18, 1999; Nick J. Pantis, as Trustee of the Nick J. Pantis Revocable Trust dated July 1, 2003; Nick Galaxidas; Constantino Galaxidas and Stelene D. Galaxidas, as Trustees of the Galaxidas Family Trust dated May 21, 2007; and Anna Galaxidas, as Trustee of the Anna Galaxidas Living Trust, UTA dated July 5, 2007, a true and correct copy of which is attached hereto as Exhibit 22 and incorporated herein by reference, is hereby approved. (Property 24)

**Section 23:** The Chair of the Board of Supervisors is hereby authorized to execute one (1) original of each of the Second Amended and Restated Development Agreements on behalf of the County.

**Section 24:** The Planning Director is directed to record each of the Second Amended and Restated Development Agreements at each landowner's cost within ten (10) days in accordance with Section 17.58.240(D) of the Placer County Code.

**Section 25:** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage. The Clerk is directed to publish a summary of this ordinance within fifteen (15) days in accordance with Government Code Section 25124.

### **EXHIBITS 1-22**

**NOTE:** Exhibits 1-22 are the separate Second Amended and Restated Development Agreements with the 22 individual properties identified in this Ordinance. Originals executed by each property owner are on file with the Clerk of the Board. Copies will be attached upon approval of this Ordinance by the Board and execution of all agreements by the Chair.

Attached hereto is a copy of the Second Amended and Restated Development Agreement. All material terms, with the exception of the real property legal description and signature pages are identical for each individual agreement.