**ORDINANCE NO. \_\_\_\_\_\_\_\_**

AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS, approving AN AMENDMENT TO THE DEVELOPMENT agreement between NAPA county and napa redevelopment partners, llc

**WHEREAS,** the Board of Supervisors adopted Ordinance No. 1394 on December 16, 2014, approving a Development Agreement by and between County and Napa Redevelopment Partners, LLC (“Landowner”) governing development of the Napa Pipe mixed-use project (the “Project”); and

**WHEREAS,** the Development Agreement was executed by the County and Landowner as of January 13, 2015 and recorded in the Official Records of Napa County on January 26, 2015 as Instrument No. 2015-000228; and

**WHEREAS**, County and Landowner wish to amend the Development Agreement to revise certain obligations of the Landowner related to the membership warehouse store, the open space phasing and construction of certain improvements at Kaiser Rd./SR 221 and to make technical corrections to the legal description of the property, all as shown in the form of Development Agreement Amendment attached to this Ordinance as Attachment 1 (the “Development Agreement Amendment”); and

**WHEREAS**, a Final Environmental Impact Report (EIR) was previously prepared for the Napa Pipe Project (State Clearinghouse No. 2008122111) and certified by the Board of Supervisors on January 14, 2013. The proposed Ordinance is within the scope of the previously certified EIR and would not result in any substantial changes to the previously approved project which will require major revisions of the previously certified EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified significant effects; there are no substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions of the previously certified EIR; there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable due diligence at the time the previously certified EIR was adopted. No new potential environmental effects or mitigation measures have been identified and therefore no further environmental documentation is necessary pursuant to State CEQA Guidelines Section 15162. The previously adopted EIR is available for review at the Office of the Department of Planning, Building & Environmental Services, 1195 Third Street, Suite 210, Napa, California; and

**WHEREAS,** in connection with the approval of the Development Agreement, the Board of Supervisors by Resolution No. 2014-149 adopted certain CEQA Findings incorporated herein by reference, concluding that approval of the Development Agreement does not involve any of the conditions of CEQA Guidelines Section 15162 that require preparation of a subsequent or supplemental EIR; and

**WHEREAS,** after conducting a duly noticed public hearing in accordance with Government Code Section 65867, the Planning Commission by a vote of \_\_\_ to \_\_\_\_\_, on August 19, 2015 recommended that the Board approve the proposed Development Agreement Amendment; and

**WHEREAS**, thereafter on **[\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**], the Board held a duly noticed public hearing on the Development Agreement Amendment pursuant to Government Code Section 65967.

**Now, therefore,** the Board of Supervisors of Napa County, State of California, ordains as follows:

**SECTION 1.** The above recitals are true and correct.

**SECTION 2.** The Board finds that pursuant to California Government Code Section 65867.5, the Development Agreement Amendment is consistent with the County’s Zoning Ordinance and the same goals, policies, action items and objectives and programs of the County’s General Plan referenced Section 2 of Ordinance No. 1394, which findings are incorporated herein by this reference, and that the Development Agreement Amendment is in compliance with Government Code Section 65867.5 and therefore may be approved.

**SECTION 3**. None of the conditions listed in CEQA Guidelines Section 15162(a), are

applicable to adoption of this Ordinance, and adoption of this Ordinance is an activity

that is part of the project examined by the EIR.

**SECTION 4**.The Development Agreement Amendment substantially in the form attached hereto as Attachment 1 and incorporated herein by reference between the County and Napa Redevelopment Partners, LLC, a Delaware limited liability company, is hereby approved and the Board authorizes and directs the County Executive Officer to execute the Development Agreement Amendment.

**SECTION 5.** All actions taken by County officials in preparing and submitting the Development Agreement Amendment to the Board for review and consideration are hereby ratified and confirmed, and the Board further authorizes the Executive Officer and any other appropriate officers, agents or employees of the County to take any and all steps as they or any of them deems necessary or appropriate, in consultation with the County Counsel, in order to consummate the matters set forth in the Development Agreement Amendment.

**SECTION 6.** Pursuant to Government Code Section 65868.5, the Clerk of the Board of Supervisors shall record with the County Recorder of Napa County a copy of the Development Agreement Amendment within ten (10) days after the Development Agreement Amendment is fully executed.

**SECTION 7.** This Ordinance shall be effective thirty days from and after the date of its passage.

**SECTION 8.** A summary of this Ordinance shall be published at least once five (5) days before adoption and at least once before the expiration of fifteen (15) days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was recommended for adoption and public hearing held thereon before the Napa County Planning Commission at a regular meeting of the Commission on the 19th day of August, 2015. The Planning Commission’s recommendation was considered by the Board of Supervisors and this Ordinance was introduced and read at a regular meeting of the

**[REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]**

Board of Supervisors of Napa County (“the Board”), State of California, held on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2015, and was passed at a regular meeting of the Board held on the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2015, by the following vote:

 AYES: SUPERVISORS

 NOES: SUPERVISORS

 ABSTAIN: SUPERVISORS

 ABSENT: SUPERVISORS

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 DIANE DILLON, Chair

 Napa County Board of Supervisors

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| APPROVED AS TO FORMOffice of County CounselBy:  Deputy County CounselBy:  County Code ServicesDate:  | APPROVED BY THE NAPA COUNTYBOARD OF SUPERVISORSDate: Processed By:  Deputy Clerk of the Board | ATTEST: GLADYS I. COILClerk of the Board of SupervisorsBy:  |

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, DEPUTY

GLADYS I. COIL, CLERK OF THE BOARD

**ATTACHMENT 1**

**Development Agreement Amendment**

**[To be attached]**