

**ATTACHMENT C. ORDINANCE TO AMEND THE  
DEVELOPMENT AGREEMENT**



**2023-0009550**

Yolo County Clerk/Recorder  
Jesse Salinas

Thursday, Jun 15, 2023 11:25:41 AM

**RECORDING REQUESTED BY:**

Yolo County Board of Supervisors  
Courier #61

**WHEN RECORDED RETURN TO:**

Yolo County Board of Supervisors  
Courier #61

Titles: 1

Pages: 8

Fees:

\$0.00

CA SB2 Fee:

\$0.00

Taxes:

\$0.00

Total:

\$0.00

BOS

**\*FROM THIS POINT AND ABOVE IS FOR RECORDERS**

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Ordinance No. 1562 and Agreement No. 23-58  
with the Yocha Dehe Wintun Nation  
Third Amendment to Development Agreement No. 07-275  
for the E. Parker Property

Board of Supervisors Meeting of March 7, 2023  
(Item No. 22)

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ORDINANCE NO. 1562

**AN ORDINANCE APPROVING THIRD AMENDMENT TO  
DEVELOPMENT AGREEMENT NO. 07-275**

WHEREAS, the County of Yolo (“County”) entered into a development agreement (“Development Agreement”) with Emerald Homes LT, LLC (“Emerald Homes”) on or around October 23, 2007, regarding the approval of Tentative Subdivision Map No. 4755 and related approvals to develop the E. Parker residential subdivision project (“Project”); and

WHEREAS, on or around September 20, 2017, the County and Emerald Holmes agreed to the First Amendment to the Development Agreement to extend the expiration date of the Development Agreement to November 21, 2019; and

WHEREAS, the Yocha Dehe Wintun Nation (“Tribe”) acquired the E. Parker subdivision property (“E. Parker Property”) from Emerald Homes, and Emerald Homes assigned its interests in the Project, including the Development Agreement, to the Tribe; and

WHEREAS, on or around March 12, 2019, the County and the Tribe agreed to the Second Amendment to the Development Agreement to extend the expiration date of the Development Agreement to December 31, 2022; and

WHEREAS, the Parties wish to extend the expiration of the Development Agreement to allow additional time for the Tribe to engage the community of Esparto to revise plans for the E. Parker Property; and

WHEREAS, Section 8-5.401 of the County Code allows amendment to development agreements by mutual consent of the parties, and Section 8-5.402 requires such amendments to be adopted using the same procedure as for entering into the development agreement in the first instance; and

WHEREAS, County and Tribe have consented to an amendment to Development Agreement No. 07-275; and

WHEREAS, Section 8-5.303 of the County Code declares that development agreements are legislative acts subject to referendum and requires development agreements to be approved by ordinance, which shall refer to and incorporate the text of the development agreement.

NOW, THEREFORE, the Board of Supervisors of the County of Yolo, State of California, ordains as follows:

SECTION 1. Agreement No. 23-58 between the County of Yolo and the Yocha Dehe Wintun Nation, attached hereto and incorporated herein by this reference, is hereby approved.

SECTION 2. This Ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption and prior to the expiration of fifteen days from the passage thereof, shall be

published by title and number only in the Davis Enterprise together with the names of the members of the Board of Supervisors voting for and against the same.

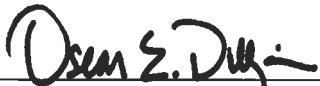
I HEREBY CERTIFY that the foregoing Ordinance was adopted by the Board of Supervisors of the County of Yolo, at the regular meeting of the Board of Supervisors of said County, held on the 7<sup>th</sup> day of March, 2023, by the following vote:

AYES: **Frerichs, Sandy, Provenza, Barajas, Villegas.**

NOES: **None.**

ABSENT: **None.**

ABSTAIN: **None.**

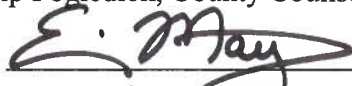
  
\_\_\_\_\_  
Oscar Villegas, Chair  
Yolo County Board of Supervisors

ATTEST:  
Julie Dachtler, Senior Deputy Clerk of the Board

By: \_\_\_\_\_  
Deputy  
(Seal)

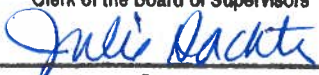


APPROVED AS TO FORM:  
Philip Pogledich, County Counsel

By:   
\_\_\_\_\_  
Eric May, Senior Deputy

Attachment: Agreement

The foregoing is a correct copy of the document  
adopted by the Board of Supervisors,  
Yolo County, California  
Clerk of the Board of Supervisors

By:   
\_\_\_\_\_  
Deputy  
Date: June 14, 2023

JUN 14 2023

BY Julie Rackets  
DEPUTY CLERK OF THE BOARD

**AGREEMENT NO. 23 - 58**

(Third Amendment to Development Agreement No. 07-275)

This Third Amendment to Development Agreement No. 07-275 ("Agreement") is made and entered into this 7<sup>th</sup> day of March, 2023, by and between the County of Yolo, a political subdivision of the State of California ("County"), and the Yocha Dehe Wintun Nation, a federally recognized Indian Tribe ("Tribe").

WHEREAS, the County of Yolo ("County") entered into a development agreement ("Development Agreement") with Emerald Homes LT, LLC ("Emerald Homes") on or around October 23, 2007, regarding the approval of Tentative Subdivision Map No. 4755 and related approvals to develop the E. Parker residential subdivision project ("Project"); and

WHEREAS, on or around September 20, 2017, the County and Emerald Holmes agreed to the First Amendment to the Development Agreement to extend the expiration date of the Development Agreement to November 21, 2019; and

WHEREAS, the Yocha Dehe Wintun Nation ("Tribe") acquired the E. Parker subdivision property ("E. Parker Property") from Emerald Homes, and Emerald Homes assigned its interests in the Project, including the Development Agreement, to the Tribe; and

WHEREAS, on or around March 12, 2019, the County and the Tribe agreed to the Second Amendment to the Development Agreement to extend the expiration date of the Development Agreement to December 31, 2022; and

WHEREAS, the Parties wish to extend the expiration of the Development Agreement to allow additional time for the Tribe to engage the community of Esparto to revise plans for the E. Parker Property; and

WHEREAS, Section 8-5.401 of the County Code allows amendment to development agreements by mutual consent of the parties, and Section 8-5.402 requires such amendments to be adopted using the same procedure as for entering into the development agreement in the first instance; and

WHEREAS, County and Tribe have consented to an amendment to Development Agreement No. 07-275; and

WHEREAS, Section 8-5.303 of the County Code declares that development agreements are legislative acts subject to referendum and requires development agreements to be approved by ordinance, which shall refer to and incorporate the text of the development agreement.

NOW, THEREFORE, County and Tribe agree to amend the Development Agreement as follows:


**I. Article 1, Section 1.02 shall be amended as follows:**

Section 1.02. Term. The term of this Agreement (the "Term") shall commence upon the Effective Date and shall continue until December 31, 2022 2024. In the event the Developer does not complete construction of the Project in

accordance with all Project Approvals, and all Subsequent Approvals, with the understanding that the nature or scope of the Project may hereinafter change consistent with all legally required environmental and regulatory permitting processes, this Agreement shall automatically terminate, with the exception of those provisions that impose post-termination obligations upon Developer.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first set forth above.

**YOCHA DEHE WINTUN NATION**

By   
Anthony Roberts  
Tribal Chairman

**COUNTY OF YOLO**

By \_\_\_\_\_  
Oscar Villegas, Chair  
Board of Supervisors

Attest:  
Julie Dachtler, Senior Deputy Clerk  
Board of Supervisors

By \_\_\_\_\_  
Deputy (Seal)

Approved as to Form:  
Philip J. Pogledich, County Counsel

By:   
Eric May, Senior Deputy County Counsel


accordance with all Project Approvals, and all Subsequent Approvals, with the understanding that the nature or scope of the Project may hereinafter change consistent with all legally required environmental and regulatory permitting processes, this Agreement shall automatically terminate, with the exception of those provisions that impose post-termination obligations upon Developer.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first set forth above.

**YOCHA DEHE WINTUN NATION**

By \_\_\_\_\_  
Anthony Roberts  
Tribal Chairman

**COUNTY OF YOLO**

By   
Oscar Villegas, Chair  
Board of Supervisors

Attest:  
Julie Dachtler, Senior Deputy Clerk  
Board of Supervisors

By   
Deputy (Seal)



Approved as to Form:  
Philip J. Pogledich, County Counsel

By:   
Eric May, Senior Deputy County Counsel

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Yolo

On April 12, 2023 before me, Karina Perez-Martin Notary Public

personally appeared Anthony Roberts who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Karina Martin (Seal)

