



# County of Sonoma

## State of California

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Date: December 9, 2025

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

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4/5 Vote Required

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**Resolution of the Board of Supervisors of the County of Sonoma, State of California, Approving the Request by Dry Creek Rancheria Band of Pomo Indians to Rescind an Existing Prime (Type I) Land Conservation Act Contract and Replace It With a Hybrid Land Conservation Act Contract and Authorize the Chair of the Board to Execute the New Land Conservation Act Contract and Land Conservation Plan, for the Combination of Open Space and Agricultural Land Located at 3152 Hwy 128, Geyserville; APN 131-050-004.**

**Whereas**, a request has been made by Dry Creek Rancheria Band of Pomo Indians, to authorize the Chair of the Board to rescind an existing Prime (Type I) Land Conservation Act Contract and replace it with a new Hybrid Land Conservation Act contract for open space and agricultural uses for the property located at 3152 Hwy 128, Geyserville; APN 131-050-004; Supervisorial District No. 4; and,

**Whereas**, in 1972, the subject property was entered into a Prime (Type I) Land Conservation Act contract for vineyard land (contract #72-055513); and,

**Whereas**, Dry Creek Rancheria Band of Pomo Indians filed for a replacement contract to reflect the current combination of agricultural and open space uses of the site and to bring the parcel in conformance with the Uniform Rules; and,

**Whereas**, on December 13, 2011, the Board of Supervisors adopted the updated *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules)* (Resolution No. 11-0678), which requires that Land Conservation Plans are incorporated into Land Conservation Contracts; and,

**Whereas**, consistent with the *Uniform Rules*, County Counsel has revised the Land Conservation Act Contract form, which now incorporates a Land Conservation Plan identifying the various uses of the contracted land. Future changes to identified land uses require amendment of the Land Conservation Plan. The Board, pursuant to Resolution No. 11-0678, has authorized the Director of PRMD to approve amendments to executed Land Conservation Plans; and,

**Whereas,** Sonoma County's Land Conservation Act program has four contract-types available: a) Prime contracts for crop agriculture with a 10 acre minimum parcel size requirement; b) Non-Prime contracts for grazing with a 40 acre minimum; c) Open Space contracts with a 40- acre minimum, and d) Hybrid contracts with a mix of agricultural and open space also with a 40-acre minimum; and,

**Now, Therefore, Be It Resolved,** that the Board of Supervisors finds that the project described in this Resolution is exempt from the requirements of the California Environmental Quality Act by virtue of Section 15317 Class 17 of Title 14 of the California Code of Regulations (CEQA Guidelines) which provides that executing a new Land Conservation Act Contract is exempt from the California Environmental Quality Act.

IF ADDING LAND TO CONTRACT/EXPANDING AGRICULTURAL PRESERVE INCLUDE **AGRICULTURAL PRESERVE FINDINGS 1 – 5** FROM 'WA NEW CONTRACT RESOLUTION TEMPLATE'.

**Be It Further Resolved,** that the Board of Supervisors hereby grants the request by Dry Creek Rancheria Band of Pomo Indians to mutually rescind and replace a Prime (Type I) Land Conservation Act contract with a Hybrid Land Conservation Act contract for the combination of open space and agricultural land on 310 acres within an existing Agricultural Preserve (1-303), and authorizes the Chair of the Board to sign the new Hybrid Land Conservation Act Contract for APN 131-050-004. The Board makes the following specific findings concerning the requirements for a hybrid Land Conservation Act Contract ("Contract") in granting the request:

1. Land is within an Agricultural Preserve: The 310 acre parcel is located within established Agricultural Preserve Area Number 1-303.
2. Single Legal Parcel Requirement: The land proposed for the contract is comprised of a single legal parcel with the following Assessor's Parcel Number: 131-050-004.
3. Minimum Parcel Size: The land must be at least 40 acres in size for a Hybrid Land Conservation Act Contract. The 310 acre parcel exceeds the 40-acre minimum parcel size for a new Hybrid Land Conservation (Williamson) Act Contract.
4. Agricultural Use Requirement: Parcels under Hybrid Land Conservation (Williamson) Act Contracts must devote at least 50 percent of the land to agricultural and open space land uses. **Prime Agricultural Land** is defined as land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and meets the minimum income requirements. **Open Space Land** means the land is used or maintained in a manner that preserves its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide habitat for wildlife, or for the solar evaporation of seawater in the course of salt production, if the land is within any of the following: a scenic highway corridor; a wildlife habitat area, a saltpond, a managed wetland area; a submerged area; or an area enrolled in the USDA Conservation Reserve Program of Conservation Reserve Enhancement Program.

The parcel is 310 acres in size, with 138 acres (45%) planted in vineyard and 170 acres (54%) devoted to qualifying open space uses which exceeds the 50% threshold and has produced the required income for the last five years. Therefore the land meets the definition of Prime/Non-prime Agricultural Land.

A wildlife habitat area is defined at Uniform Rule 2.0 as “land or water area designated by the Board of Supervisors, after consulting with and considering the recommendation of the California Department of Fish and Game, as an area of importance for the protection or enhancement of the wildlife resources of the state. Wildlife habitat includes any land area designated in the General Plan as a biotic habitat area or riparian corridor.”

Sonoma County has identified protected wildlife resources through the Riparian Corridor Ordinance and Oak Woodland Ordinance. The subject property has 170 acres of protected wildlife resources per these designations. This concludes the property presents the open space qualities and wildlife resources consistent with an Open Space contract.

The attached Land Conservation Plan requires the landowner to implement management practices that will enhance and maintain the wildlife habitat values identified by Sonoma County’s Oak Woodland and Riparian Corridor Ordinances.

These findings were provided to the California Department of Fish and Wildlife (formerly Department of Fish and Game) along with a request for consultation and recommendation, but no response has been forthcoming. Based on the biological resource survey and Department of Fish and Wildlife’s non-response, staff recommends that the Board find sufficient evidence to support an open space designation for the subject parcel by approving the present contract based on the parcel’s 170+ acres of open space uses.

5. Minimum Income Requirement: For vineyard land, the minimum income requirement is \$1,000.00 per planted acre gross total annual income. The vineyard averages \$1,213,744 per year which results in an average of \$8,795 per acre per year thus exceeding the required minimum income.
6. Compatible Uses for Hybrid Land: Compatible uses of the land must be listed in the Uniform Rules as compatible uses and collectively, cannot occupy more than 15 percent or 5 acres of the total parcel size, whichever is less, excluding public roads, private access roads, and driveways. For this parcel, the 5-acre threshold would apply. The parcel has one single family dwelling, one agricultural employee housing unit, a barn, horse coral and cell tower; the total acres of compatible uses is less than 0.5 acres.

**Be It Further Resolved** that the Board of Supervisors hereby grants the request by Dry Creek Rancheria Band of Pomo Indians by approving a new Hybrid Land Conservation Act Contract and attached Land Conservation Plan, to restrict the 310 acre parcel located at 3152 Hwy 128, Geyserville; APN 131-050-004.

**Be It Further Resolved** that the Board of Supervisors authorizes the Chair of the Board of Supervisors to execute the Land Conservation Act Contract and attached Land Conservation Plan.

**Be It Further Resolved** that the Clerk of the Board of Supervisors is hereby instructed to record within 20 days and no later than December 31, 2025 (1) this Resolution and Attachment A (the Agricultural Preserve Map) and (2) the associate Land Conservation Act Contract and attached Land Conservation Plan with the Office of the Sonoma County Recorder.

**Be It Further Resolved,** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based, including the original executed Contract and Land Conservation Plan. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

Hermosillo:

Coursey:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**