



# COUNTY OF SONOMA

575 ADMINISTRATION  
DRIVE, ROOM 102A  
SANTA ROSA, CA 95403

## SUMMARY REPORT

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**Agenda Date:** 4/7/2026

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**To:** Sonoma County Board of Supervisors

**Department or Agency Name(s):** County Executive's Office, Permit Sonoma

**Staff Name and Phone Number:** M. Christina Rivera, Christel Querijero, 707-565-2431, Scott Orr, 707-565-1900

**Vote Requirement:** Majority

**Supervisorial District(s):** Countywide

**Title:**

Second Amendment to the Memorandum of Agreement with Lytton Rancheria

**Recommended Action:**

- A) Authorize the Chair to execute the Second Amendment to the Memorandum of Agreement with the Lytton Rancheria of California.
- B) Authorize the Director of Permit Sonoma to prepare and execute an agreement with the Lytton Rancheria of California to receive credit for tribal housing units toward the County's obligation under the Regional Housing Needs Assessment (RHNA).

**Executive Summary:**

The County and the Lytton Rancheria of California entered into a Memorandum of Agreement (MOA) in 2015 to establish a framework for intergovernmental relations and ensure off-site impacts of trust land development were appropriately mitigated. The MOA was amended in 2018, under which the Tribe agreed to a permanent prohibition on gaming in Sonoma County in exchange for the County's continued support for legislation to take lands outside the Town of Windsor into trust. The Tribe currently has approximately 623 acres in trust and has completed Phase 1 of its residential development project.

This item seeks the Board's approval of the proposed Second Amendment to the MOA that would: (1) allow new construction in the form of 35 additional town homes offset by reducing planned Phase 2 residential units and community center buildings to be developed as part of Phase 1, (2) exempt tribal government buildings from property assessments and mitigation payments, (3) add a new trust parcel to the MOA and require development be consistent with the County's general plan and zoning, and (4) include a commitment to prepare and finalize an agreement for the County to apply tribal housing units toward its housing obligation under the Regional Housing Needs Assessment (RHNA).

**Discussion:**

Originally recognized by the United States with land in the area north of Healdsburg in the 1930's, the tribe now known as the Lytton Rancheria of California was dissolved in 1958 and the land was sold. In 1991, the Tribe was fully restored as a federally recognized tribe. As a part of the 1991 settlement that restored the tribe, some steps were established for the process of taking various lands into trust and the County made a commitment to assist in helping the tribe find suitable lands for tribal housing and economic development. In 2007, the Tribe applied to the federal government to have 124 acres taken into trust and began the

environmental review process under the National Environmental Protection Act (NEPA) to identify any necessary mitigation for the project. Negotiations over appropriate mitigations to address off-reservation environmental impacts led to the development and execution of the Memorandum of Agreement on March 10, 2015 (2015 MOA). The MOA makes mitigation measures enforceable, requires direct mitigation payments to the County, restricts the uses of certain trust parcels, and establishes rules for governing intergovernmental relations and disputes.

After executing the MOA, the Tribe began pursuing legislation to take their lands into trust. In 2018, the MOA was amended to expand the gaming prohibitions in exchange for the County's continued support of their fee-to-trust legislation (First Amendment). On December 20, 2019, the provisions of the Lytton Rancheria Homelands Act were enacted and approximately 511 acres outside of the Town of Windsor were taken into trust for the benefit of the Tribe. Fee-to-trust legislation does not require NEPA review and so the Final Environmental Assessment (EA) was not adopted, but its provisions are instead contractual obligations under the MOA.

### **Summary of Memorandum of Agreement**

The 2015 MOA as amended by the First Amendment includes the following key provisions:

- *Phase 1 Residential Development Project:* Allows up to 147 residential units (with specifics on types and sizes), 18,809 sf community center, 2,500 sf round house, and 2,707 sf retreat on certain parcels south of Windsor River Road. Requires compliance with mitigation measures identified in the EA.
- *Phase 2 housing development:* Allows 214 residential units and 60,000 sf of community buildings on parcels within the Town of Windsor Urban Growth Boundary, subject to environmental analysis consistent with the NEPA Guidelines.
- *Winery and resort:* Allows winery and resort development on specified parcels, subject to preparation of an environmental impact statement consistent with NEPA and agreement to mitigate identified off-trust land impacts.
- *Other parcels:* For all other identified parcels, requires compliance with Sonoma County General Plan and zoning, environmental review of proposed development, and mitigation of identified off-site impacts.
- *Mitigation payments:*
  - One-time payment of \$6 million to mitigate environmental impacts when the 511 acres were taken into trust;
  - One-time payment of \$100,000 for administrative expenses of preparing and implementing the MOA;
  - Annual payments equal to 30% of 1% of the assessed market valuation of the trust properties, reassessed every five years.
  - Fee in-lieu of transient occupancy tax for hotel rooms and vacation rentals.
- *Fee-to-trust commitments:*
  - County commitment to support taking certain parcels into trust, legislatively or through the administrative process.
  - County agreement not to challenge the fee-to-trust process for parcels that must comply with general plan and zoning, up to 800 acres.
- *No gaming:* Permanent commitment to not engaging in gaming in Sonoma County.
- Framework for *intergovernmental relations*, including Tribal-County meetings at least once a year and

as often as necessary to discuss items of mutual interest, maintain a mutually beneficial government-to-government relationship, and identify ways to work together to serve the community.

- Framework for *dispute resolution* and waiver of sovereign immunity for enforcing arbitration decisions.

### **Proposed Second Amendment to the MOA**

The proposed Second Amendment to the MOA includes the following provisions:

- *Allows townhomes and additional community center adjacent to Phase 1 Residential Development Project:* Construction of the Phase 1 residential development project has been completed. Instead of proceeding with the full Phase 2 housing development at this time, the Tribe prefers to construct 35 townhomes and an additional 70,000 sf of community buildings on a parcel adjacent to Phase 1. The proposed amendment would allow for this development and reduce Phase 2 residential units by the number constructed. The parcel identified for the town homes is in the middle of the Tribe's trust lands and was previously developed in vineyard and farmworker housing. The Tribe submitted a biological assessment and environmental analysis in reliance on the prior EA. Permit Sonoma, County Executive's Office, County Counsel, and Clerk-Record-Assessor staff have reviewed these and determined that no additional mitigation measures are needed to mitigate off-site impacts.
- *Adds one new trust parcel to MOA:* 13 additional parcels totaling 112 acres were taken into trust for the Tribe on April 21, 2025. All but one of those parcels is already included in the MOA, some allowing for the winery and resort development and others limited to compliance with the General Plan and zoning on the effective date of the MOA. The Amendment would add the one parcel not otherwise included to the MOA and require development to be consistent with the County's General Plan and zoning. The parcel is currently an agricultural parcel developed with vineyard.
- *Exempts government and community buildings from property assessment and annual payment:* In 2025, the County conducted the first reassessment since completion of the Phase 1 residential development project. Following the assessment, the Tribe requested that the MOA be amended so that the payment not include assessments of tribal government buildings, mirroring treatment of government buildings generally. Whether these facilities would be included was not considered during execution of the 2015 MOA. The proposed amendment would exempt the tribal offices, community center, recreation center/retreat, water and wastewater treatment plant, and the solar array. These facilities account for approximately 9% of the property's recent total assessed value and would reduce the annual payment owed by Lytton Rancheria for the next five years from approximately \$557,000 to \$507,000. The exemption would similarly apply to future tribal development of the same type as the facilities listed, for example, the planned community center. The facilities that would be exempted are also the most difficult and time-consuming to assess. If the amendment is approved, staff would save administrative time by not assessing these facilities and exempting them also reduces the potential for assessment-related disputes in the future.
- *Regional Housing Needs Allocation (RHNA):* RHNA is the state-mandated process to determine how much housing must be planned for each jurisdiction in its housing element to meet projected and existing housing needs at a variety of affordability levels. Sonoma County's assigned RHNA share is 3,824 units. The County meeting its RHNA obligation is critical to maintaining a compliant housing element and remaining eligible for funding for transportation, housing, and land use planning. SB 507, effective January 1, 2026, makes it much easier for tribes to agree to allow the local jurisdiction to get

RHNA credit for tribal units approved or constructed during the housing element cycle. Under the proposed amendment, the Tribe would agree to work with the County on developing an agreement with supporting documentation that is acceptable to the California Department of Housing and Community Development (HCD). Staff recommends delegating authority to the Permit Sonoma to prepare and execute that agreement.

Staff recommends authorizing the Chair of the Board to execute the attached Second Amendment to the MOA, and delegating authority to the Permit Sonoma Director to prepare and execute an agreement for RHNA credit.

**Strategic Plan:**

N/A

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

**Prior Board Actions:**

8/7/2018 - Board authorized the Chair to execute an Amendment to the MOA with Lytton Rancheria to impose a permanent prohibition on gaming activities in Sonoma County upon the enactment of H.R. 597, the Lytton Rancheria Homelands Act.

3/10/2015 - Board adopted Resolution Authorizing Memorandum of Agreement with the Lytton Rancheria of California regarding the development of tribal homelands within Sonoma County.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY25-26 Adopted</b>	<b>FY26-27 Projected</b>	<b>FY27-28 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Funding Sources</b>			
General Fund/WA GF	\$407,000	\$407,000	\$407,000
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
<b>Total Sources</b>	<b>\$407,000</b>	<b>\$407,000</b>	<b>\$407,000</b>

**Narrative Explanation of Fiscal Impacts:**

The proposed amendment would increase Lytton Rancheria's annual property assessments and mitigation payment to the County from \$100,000 to \$557,000 over the next five years-an increase of \$457,000. However, exemptions for government and community buildings would reduce this amount by \$50,000, resulting in a net increase of \$407,000.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

Attach A - Second Amendment to the Memorandum of Agreement with Lytton Rancheria

Attach B - Resolution of the Tribal Council of the Lytton Rancheria of California

**Related Items "On File" with the Clerk of the Board:**

None.