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VIA ELECTRONIC MAIL

Yolo County Board of Supervisors
625 Court Street, Room 204
Woodland, CA 95695

Clerk of the Yolo County Board of Supervisors
625 Court Street, Room 204
Woodland, CA 95695
clerkoftheboard@yolocounty.gov

Re: C. Mondavi and Family Comments re Agenda Item No. 31 – Extension of Urgency Ordinance No. 1576 (Agricultural Well Moratorium)

Dear Yolo County Board of Supervisors:

I am writing on behalf of C. Mondavi and Family (“Mondavi”) regarding the Board of Supervisors’ (the “Board”) consideration of Agenda Item No. 31 at the October 7, 2025 Board meeting, which concerns extending the existing moratorium on agricultural well permits (“Moratorium”). As described in the Staff Report, the Moratorium is intended to address potential groundwater impacts relating to “conversions to perennial crops on agriculturally-zoned properties.” County Staff is recommending that the Board extend the existing Moratorium by an additional ten months and fifteen days.

For the reasons discussed in detail below, we oppose the Moratorium in its current form. We do, however, support minor revisions to the Moratorium that ensure the Moratorium is narrowly tailored to only prohibit the issuance of well permits that could support conversions to perennial crops.¹ I am attaching, for the Board’s consideration, a draft of the Moratorium containing what we deem to be acceptable and reasonable revisions to the Moratorium. If the Board adopts the Moratorium extension, we ask that the changes depicted in the attached Moratorium be adopted as well.

I. THE MONDAVI FAMILIES CONTRIBUTE TO THE COUNTY AND ARE SENSITIVE TO ISSUES PERTAINING TO GROUNDWATER

As you know, agricultural production is a foundational component of the County and the larger region, and contributes significantly to California’s annual economy and identity. Within this framework, Mondavi has been a fixture of the region’s agricultural and cultural identity through

¹ While we fundamentally disagree with the Moratorium and believe it is entirely unnecessary as the County can study the relevant issues while also issuing new permits, we understand that the Board is committed to adopting some form of a moratorium on well permits.

its economic, educational, and philanthropic contributions. To support its operations within the region, Mondavi employs approximately 100 part-time employees each year, and maintains a staff of approximately 140 full-time employees. These seasonal and full-time employees generally reside in the region and spend their money at local businesses.

Like most farmers in the region, Mondavi appreciates the importance of groundwater that is necessary to sustain agricultural operations. For this reason, Mondavi has incorporated best management practices into its operations to maximize groundwater recharge while also minimizing drawdown of water tables. For example, Mondavi utilizes drip irrigation for its agricultural operations for the primary purpose of conserving groundwater. These practices effectively mitigate the potential impacts associated with farming practices.

Mondavi has several well applications currently pending with the County. Mondavi will not convert the lands identified within the permit applications to perennial crops. Nevertheless, the Moratorium will effectively prevent these permits from being issued while the Moratorium is in effect.

With this background in mind, we emphasize that Mondavi understands the importance of groundwater sustainability and appreciates the County's efforts. Mondavi does not, however, support the overly broad approach the County has taken in addressing a very specific issue concerning groundwater consumption as it relates to "conversions to perennial crops on agriculturally-zoned properties."

Mondavi has significant concerns regarding the Moratorium's expansive scope and broad application, the inflexible nature of its exemptions, and the lack of environmental review it has undergone. Mondavi's proposed revisions to the Moratorium (reflected in the attached document) allow the County to study the potential impacts on groundwater relating to conversions of agricultural land to perennial crops, while ensuring farmers can obtain needed well permits to maintain their livelihoods. Mondavi's proposed revisions also maintain that any new wells permitted while the Moratorium is in effect could still be subject to regulations later adopted by the County as a result of the study.

II. THE MORATORIUM IS OVERLY BROAD AND MUST BE NARROWLY TAILORED

Within an expansive geographic area of the County, the Moratorium prohibits the issuance of *any* new well permits, including replacement wells. This catch-all approach is unnecessary and impacts unintended property owners. For this reason, it is overly broad, cumbersome, and violates fundamental principles of due process.

The Moratorium makes clear that it was adopted to address potential groundwater impacts relating to "conversions to perennial crops on agriculturally-zoned properties." However, as written, the prohibitions set forth in the Moratorium have nothing to do with the stated purpose. Specifically, the Moratorium does not differentiate between wells that only serve annual crops

(e.g., corn, tomatoes, etc.), mere replacement wells, and new wells that will support conversions to perennial crops. They are all equally prohibited. The consequences of this over-inclusiveness are substantial: the Moratorium stifles agricultural activity that is entirely unrelated to conversions of agricultural land from annual crops to perennial crops, and prevents necessary water infrastructure improvements or replacements.

The Moratorium's unreasonably broad breadth is exacerbated by the rigid and narrow exemptions. As proposed, the Moratorium contains two exemptions: few types of wells specifically listed as "exempt" and the catchall "hardship exemption." These exemptions are too narrow and too few, which makes the sweeping and over inclusive effect of the Moratorium more pronounced.

As an initial matter, it is critical to note that the previously adopted Moratorium that has been in place for nearly 45 days required that any person seeking a hardship exemption must prove that a Constitutional taking occurred. As a matter of law, there is virtually no scenario where a property owner could prove a regulatory taking due to the County's Moratorium. Although we are pleased to see that the County has decided to remove the requirement relating to Constitutional takings as a result of our discussions with County Counsel, it is disturbing that for 45 days, no one could have qualified for a hardship exemption. To be clear, we do not believe the County deliberately deceived the public by including an exemption that is universally inapplicable. Instead, we believe that Moratorium was flawed, for this reason and others, due to the County's failure to fully vet the Moratorium before hastily adopting it.

Putting this issue to the side, the list of exempt wells is too rigid and does not take into account the practical needs of farmers within the County. This is evidenced by the fact that there is no explicit exemption for replacement wells in the Moratorium. Instead, property owners seeking replacement wells are required to complete an application, which requires justifications to be provided and could even require studies to be submitted (there are no parameters defining when studies may be required, so this requirement will presumably be enforced arbitrarily on a case-by-case basis). The land owners seeking a replacement well are then required to wait until a Planning Commission hearing before the exemption can even be considered. This onerous and time-consuming hardship exemption process is also applicable in other scenarios where wells are needed and time is of the essence. I am sure the Board can appreciate that a farmer cannot afford to spend critical time waiting for a Planning Commission hearing when a replacement well, or any other well, is truly needed.

The issues referenced above concerning the overly broad application of the Moratorium and the too few and too narrow exemptions clearly demonstrate, from a policy and common-sense perspective, why the Moratorium cannot be adopted as written.

Mondavi's proposed revisions to the Moratorium, which are attached hereto, achieve the County's goal of minimizing the potential impacts associated with converting agriculturally-zoned land to perennial crops, while the County conducts studies.

The proposed revisions allow well permits to be issued while the Moratorium is in effect, but only if the applications were pending at the time the County first adopted the Moratorium. Notably, there are only 11 pending well permit applications within the Focus Area. In addition, the proposed revisions would require that any well permit approved by the County while the Moratorium is in effect contain an express condition prohibiting the wells from servicing agriculturally-zoned land that is being converted from annual crops to perennial crops.

To the extent the County adopts regulations concerning well permits as a direct result of the studies contemplated in the Moratorium, the proposed revisions expressly provide that such permits could be subject to such regulations. This provision was added not for the benefit of property owners, but instead is based solely on conversations we have had with County Staff and is intended to minimize the County's concerns. Lastly, the proposed revisions include an exemption for replacement wells. We note that this exemption was expressly supported by proponents of the Moratorium, but was not included for unknown reasons.²

In short, the Moratorium, as proposed by Staff, has significant shortcomings. The revisions proposed by Mondavi are limited in scope, directly relate to the purpose of the Moratorium, and provide measures favorable to the County. These revisions are reasonable and effectively balance the interests of the County and property owners. We respectfully ask that, if the Board decides to adopt the Moratorium, the Board adopts Mondavi's proposed revisions as well.

III. THE ENVIRONMENTAL EFFECTS OF THE MORATORIUM WERE NOT ADEQUATELY ANALYZED

The Staff Report represents that the Moratorium Extension is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2), 15061(b)(3), and 15306. This, however, presupposes that the Moratorium will cause no environmental impacts. This is simply not true.

CEQA Guidelines Section 15306 exempts basic data collection and research activities from CEQA review. We concede that this exemption is applicable, but only with respect to the studies that are being conducted pursuant to the Urgency Ordinance while the Moratorium is in effect. Importantly, however, there is a clear distinction between the actions proposed by the Urgency Ordinance: (1) research and data gathering activities, and (2) the Moratorium itself, which imposes a binding prohibition on any new well permits. This exemption does not apply to the potential environmental impacts (discussed below) that could be caused by the County's prohibition on any new well permits within the Focus Area.

The other two CEQA exemptions relied on by Staff are entirely inapplicable. CEQA Guidelines Section 15062(c)(2) provides that "[a]n activity is not subject to CEQA if ... [t]he activity will not result in a direct or reasonably foreseeable indirect physical change in the environment"

² See Comment Letter from Annie Main dated August 19, 2025, regarding Agenda Item No. 37 at the August 26, 2025 Board Meeting.

Similarly, CEQA Guidelines Section 15061(b)(3) exempts activities from CEQA “[w]here it can be seen with **certainty** that there is **no possibility** that the activity may have a significant effect on the environment ...” (Emphases added.) Staff merely concludes, without providing any analysis or justification, that these exemptions apply, and forces the public and decision makers to surmise Staff’s reasoning. These conclusions, with no meaningful justification, are likewise recited in the Notice of Exemption.

Contrary to Staff’s assumptions and unsubstantiated conclusions, the Moratorium may (and likely will) have potentially significant environmental impacts. The Moratorium will preclude new wells and replacement wells from being permitted, which will diminish agricultural production within the County, push agricultural development outside the Moratorium boundaries, and shift demand to other water sources. Each of these could cause significant environmental impacts.

Critical to the present issue, the Moratorium could force agricultural producers within the Focus Area, especially those who need replacement wells, to procure water from other areas of the County. This shift to other water resources could overburden surface water and groundwater resources in other areas of the County. In addition, the water procured from other areas would then need to be transported, which would cause environmental impacts in the form of increased traffic on undersized roadways and emission of excessive greenhouse gases.

Based on the foregoing, it simply cannot be stated with *any* certainty that there is no potential for the Moratorium to result in any physical changes in, or impacts to, the environment. The CEQA exemptions relied on by County Staff are therefore inapplicable. For this reason, **the County must conduct a more comprehensive environmental review pursuant to CEQA prior to adopting the Moratorium.** Even a precursory environmental review will allow the County and its constituents to meaningfully evaluate the Moratorium in light of all its potential impacts. Given the County’s noble desire to study potential environmental impacts relating to the conversion of agriculturally-zoned properties to perennial crops, we assume the County will have no qualm studying the potential impacts the Moratorium may have on the environment.

Lastly, we note that the Notice of Exemption included in the Staff Report is deficient for reasons aside from the misapplication of CEQA exemptions. Specifically, the Notice of Exemption incorrectly states that “[t]he 45-day moratorium will not result in any significant adverse direct or indirect physical changes to the environment.” Like the other issues identified in this letter, we suspect that this error is largely due to the County’s haste to adopt and extend the Moratorium.

IV. RECOMMENDATIONS

In summary, Mondavi appreciates the County’s desire to study groundwater levels. We believe, however, that the following errors, among others, have occurred due to the County’s steadfast desire to immediately implement the Moratorium:

- 1) The Moratorium is overly broad and impacts individuals that are engaged in agricultural practices that are not at issue;
- 2) The exemptions are too narrow and do not allow uses that will not negatively impact groundwater supplies;
- 3) The hardship exemption included in the previously adopted Moratorium could never be granted due to the requirement that a Constitutional take be demonstrated by applicants, which cannot be demonstrated under applicable law;
- 4) The CEQA exemptions relied on by the County are inapplicable and the currently proposed Notice of Exemption incorrectly states that the Moratorium is for 45 days; and
- 5) Properties that are not located within the Focus Areas were subject to the adopted Moratorium, presumably due to a surveying error.

Fortunately, Items 3 and 5 were identified by third parties, and the County has corrected these issues as a result of collaborative discussions with such third parties. However, we are compelled to note that these errors had a significant impact on landowners for the 45 days the first-adopted Moratorium was in place. Again, these errors could have been easily avoided if the County took additional time to fully consider and vet the Moratorium. We ask that the County does not repeat its past mistakes, and seriously consider the issues raised herein.

While we do not agree that any moratorium should be in place while the County studies concerns relating to groundwater, we understand that the County may not have an appetite to refuse the Moratorium. As a compromise, we respectfully request that the Board revise the Moratorium to incorporate the revisions proposed by Mondavi, which are depicted as redlines in the document attached hereto. These revisions address the County's concerns with respect to conversions to perennial crops, while also minimizing collateral damage to the agricultural community.

We appreciate the opportunity to comment on this matter, and will make ourselves available to discuss any of the contents herein.

Sincerely,

MITCHELL CHADWICK LLP

Ryan W. Thomason

Ryan W. Thomason

ec: County Counsel

Revisions to Urgency Ordinance

ORDINANCE NO. _____

AN INTERIM URGENCY ORDINANCE OF THE YOLO COUNTY BOARD OF SUPERVISORS EXTENDING THE TEMPORARY MORATORIUM ON THE APPROVAL OF NEW AGRICULTURAL WATER WELL PERMITS IN THE YOLO SUBBASIN GROUNDWATER MANAGEMENT AGENCY'S FOCUS AREAS THROUGH AUGUST 25, 2026, WITH SPECIFIED EXEMPTIONS, PENDING THE COUNTY'S STUDY AND CONSIDERATION OF WELL PERMIT AND CROP CONVERSION REGULATIONS

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

Section 1. Findings and Purpose.

A. Pursuant to Article XI, section 7 of the California Constitution, the County may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. Pursuant to Government Code section 65858, to protect the public safety, health, and welfare, the County may, as an urgency measure, adopt an interim ordinance temporarily prohibiting land uses that may be in conflict with contemplated land use regulations that the County is studying and considering or intends to study within a reasonable time. Such interim ordinances may be effective immediately upon a four-fifths vote of the Board of Supervisors. *See* Gov. Code § 25123(d).

C. In accordance with California Constitution, article XI, section 7, Government Code section 25123(d), and Government Code section 65858, the Board of Supervisors finds that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional well permits for agricultural uses without any additional review of conversions to perennial crops on agriculturally-zoned properties and requirements for additional groundwater monitoring measures, such as meters, within the Focus Areas defined herein would result in a threat to public health, safety, or welfare. This legislative finding is based upon the following factual findings and declarations, as well as the record before the Board of Supervisors, in support of this interim urgency ordinance ("Urgency Ordinance"):

1. SGMA and Creation of the Yolo Subbasin Groundwater Agency

Groundwater is a vital resource and essential to the health and safety of the many areas in the County. On September 16, 2014, Governor Jerry Brown signed three bills into law that are collectively known as the Sustainable Groundwater Management Act ("SGMA"). SGMA provides for local control of groundwater while requiring the sustainable management of groundwater resources. SGMA was adopted, in part, because:

- Groundwater provides a significant portion of California's water supply and accounts for more than one-third of the water used by Californians in an average year and more than

one-half of the water used by Californians in a drought year when other sources are unavailable.

- Excessive groundwater extraction can cause overdraft, failed wells, deteriorated water quality, environmental damage, and irreversible land subsidence that damages infrastructure and diminishes the capacity of aquifers to store water for the future.
- When properly managed, groundwater resources will help protect communities, farms, and the environment against prolonged dry periods and climate change, preserving water supplies for existing and potential beneficial use.

(AB 1739 (2014), uncodified Legislative findings and declaration.)

SGMA required the establishment of local groundwater sustainability agencies with the authority to develop, adopt, and implement a Groundwater Sustainability Plan (“GSP”).

Further, SGMA required the California Department of Water Resources to classify groundwater basins throughout California as “high,” “medium,” or “low” priority. The Yolo Subbasin, which covers nearly all of Yolo County, is classified as a high priority basin. Through the creation of a joint powers agency, of which Yolo County is a member, the Yolo Subbasin Groundwater Agency (“YSGA”) was formed and is the recognized groundwater sustainability agency for the entire Yolo Subbasin and responsible for developing and implementing a GSP. The YSGA adopted a GSP in January 2022. The intent of the GSP is to ensure that groundwater use in the Yolo Subbasin is sustainable and to work within the framework of the GSP and SGMA to ensure a sustainable future for all beneficial users of groundwater in each management area of the Yolo Subbasin.

2. County Well Permits

While the YSGA is responsible for the sustainability of the groundwater basin, the County’s Environmental Health Division (also known as “Yolo County Environmental Health” or “YCEH”) is the local enforcement agency responsible for issuing permits for groundwater wells in the County, including new wells, alterations to existing wells, and replacement wells. YCEH reviews well permits for consistency with the Yolo County Code and other regulatory requirements to protect the quality of groundwater via public health and safety construction standards.

3. Drought & Changes to the Well Permit Process to Comply with the Governor’s Executive Order

On July 27, 2021, the Board of Supervisors adopted Resolution No. 21-98 proclaiming the existence of a local drought emergency. On October 19, 2021, Governor Newsom issued a proclamation extending the drought emergency statewide and further urging Californians to step up water conservation efforts.

Following the third consecutive dry winter, Governor Newsom issued Executive Order (“EO”) N-7-22 on March 28, 2022. The Governor has issued various other executive orders related to the State’s drought conditions, including Executive Order N-3-23 (“EO N-3-23”), which reissued

and modified components of the EO and other orders. Recognizing that “coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater, the EO included a provision that required additional review and analysis of applications for groundwater well permits in medium and high priority groundwater basins. As a high priority basin, wells in the Yolo Subbasin, and thus throughout the County were subject to the EO.

Domestic wells and public water supply system wells are exempt from the EOs, so the primary impact of the EOs has been on agricultural, non-domestic well applications.

Section 9a of EO N-7-22, now set forth in Paragraph 4a of EO N-3-23, requires the County to obtain a written verification from YSGA that the proposed well is not inconsistent with any sustainable groundwater management program established in the applicable Groundwater Sustainability Plan adopted by YSGA and will not decrease the likelihood of achieving a sustainability goal for the Yolo Subbasin.

Section 9b of EO N-7-22, now set forth in Paragraph 4b of EO N-3-23, requires that YCEH also determine that the proposed agricultural well is:

- not likely to interfere with the production and functioning of existing nearby wells, and
- not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

On March 24, 2023, as drought conditions eased with record-setting snow and rainfall, Governor Newsom rolled back some provisions of the drought emergency but maintained certain measures to protect lingering water supply effects of the drought with EO N-5-23. Among the emergency provisions that remain are the well permit requirements set forth in paragraph 4 of EO N-3-23. As stated in paragraph 4 of EO N-3-23, “to protect health safety and the environment,” the County is prohibited from issuing well permits subject to the EO without the appropriate verification from the YSGA and determination that the proposed well is not likely to interfere with the production and functioning of existing nearby wells and not likely to cause subsidence.

4. Identification of Focus Areas

Following the issuance of EO N-7-22, County staff collaborated with staff from the YSGA on implementation processes. The YSGA Board adopted Resolution No. 23-01 to formalize the YSGA’s process of completing the GSP consistency review for compliance with the EO’s written verification requirements required for new wells, i.e., that the groundwater extraction by the proposed well would not be inconsistent with the Yolo GSP and will not decrease the likelihood of achieving the YSGA’s sustainability goals for the Yolo Subbasin.

The YSGA, working with hydrogeologists from West Yost, further identified areas of the County called “Focus Areas” that may be sensitive to groundwater pumping and warrant additional information and analysis. The Focus Area Map (the current version of which is attached hereto as **Exhibit A** and incorporated herein) identifies those sites in the Yolo Subbasin where local hydrogeology, data gaps, monitoring trends, or other considerations make it prudent

for the agency to collect additional information from applicants prior to issuing a verification under the EOs. Specifically, YSGA’s Focus Areas boundaries were identified based on the following factors:

- Groundwater levels in Spring 2023 were below the minimum thresholds (MTs) defined in the Yolo Subbasin Groundwater sustainability Plan (GSP).
- Groundwater levels have declined more than 25 feet over 10 years (Spring 2013 – Spring 2023).
- Dry wells and citizen concerns are reported.
- Domestic well densities are high. A 2,000-foot buffer which corresponds to the County’s maximum setback distance requirement (Table 1) was added around areas of high domestic well density.
- Small water systems are present.
- Permeability and recharge potential is low.
- Groundwater data are limited.

(See West Yost, Technical Memorandum, March 14, 2024, to YSGA Board of Directors re *Delineation of Focus Areas Map and Guidelines and Evaluation Criteria for Hydrogeologist Reports*, Appendix I (Technical Data and Methods for Delineating Focus Areas).)

The YSGA Board of Directors approved the final Focus Area map and developed a tiered review process on March 18, 2024 for its review of the wells within these Focus Areas that may be used to provide further direction for the YSGA and the County in establishing long-term well permitting procedures that will maintain sustainable groundwater use.

YCEH also worked with a hydrogeologist from Luhdorff & Scalmanini, Consulting Engineers (“LSCE”), to develop temporary well permit processing procedures to address the new EO requirements, which were most recently updated on March 28, 2024 and approved by the Board of Supervisors for non-exempt wells (primarily agricultural wells) on April 9, 2024. LSCE’s updated Technical Memorandum (the “TM”) required well separation distances based on the data studied by LSCE that would demonstrate a proposed well is unlikely to interfere with the function and operation of existing nearby wells. Alternatively, a well applicant could submit a report prepared by a professional geologist or hydrogeologist (licensed in the State of California) analyzing whether a proposed well is unlikely to interfere with nearby wells. Additionally, the TM outlined the GSA verification review process required by the EO.

5. Lifting of EO Requirements and Adoption of Interim Urgency Ordinance No. 1569

On September 5, 2024, Governor Newsom issued a new Executive Order N-3-24, which ended the drought state of emergency in 19 counties while maintaining it in the remaining 39 counties, including Yolo County, where it continues to support long-term recovery from the driest three-year period on record. As part of EO N-3-24, however, the Governor rescinded certain provisions of prior EOs related to the drought, including the well permitting procedures required by EO N-3-23 (Paragraph 4).

Recognizing the important progress and protections reflected in the EO process developed for new agricultural wells in the County, particularly within the Yolo Subbasin, the Board of Supervisors adopted an interim urgency ordinance, Ordinance No. 1569, on October 22, 2024 to extend the well permitting procedures enacted in compliance with the EOs in the unincorporated areas of the County to protect the public health, safety, and welfare while considering long-term revisions to well permitting regulations. In adopting Ordinance No. 1569, the Board of Supervisors found that the EOs' interim well permit review process provided additional analysis resulting in the identification of well separation distances to minimize interference with nearby wells and further resulted in the identification of the Focus Areas to ensure new wells are consistent with the adopted GSP and do not exceed sustainable management criteria established in the GSP.

6. Implementation of the Urgency Ordinance and Continued Concerns in Focus Areas

Since the YSGA adopted its tiered review procedures in March 2024 for new wells in the Focus Areas, it has verified 27 well permits, of which 14 were in the Focus Areas. Of those in the Focus Areas, four permits were verified after a Tier 1 review and six were verified following a Tier 2 review. However, four of the Tier 2 review permits were issued on a single parcel located in Hungry Hollow for olive orchards. Additionally, another replacement well was approved to replace a prior well but the use of the prior well raised questions that resulted in an appeal before this Board regarding the conversion of the property on which the replacement well was to be relocated from dry farming uses to olive orchards.

Such changes in agricultural use to perennial crops (e.g., almonds, pistachios, and olives) represented by the recent Focus Area well permit approvals are representative of larger changes observed in the unincorporated areas of the County, and are of particular concern in Focus Areas because the perennial crops have resulted in a hardening of demand for groundwater resources, particularly in dry years when less surface water is available to meet crop demands. As explained in the Yolo Subbasin GSP:

- The Yolo Subbasin GSP includes future projections based on various climate change model simulations to estimate the potential impacts of climate changes to groundwater resources. An important element of the future projections are land use changes. Recently, in the Yolo Subbasin, there has been an increase in total irrigated acres and total perennial acres. This type of land use change can result in an increase and “hardening” of irrigation demand. Unfortunately, due to budget and time constraints, the future model simulations for the Yolo Subbasin GSP did not include land use change forecasts but held the 2016 land use patterns constant into the future. It is important that we invest in future scenario simulations to consider the impact to the overall water budget given the continued land use changes, increases in agricultural development, and new demand on groundwater. We intend to conduct this analysis during the implementation of the GSP and to incorporate the results in the first 5-year update [2027 update] to the Yolo Subbasin GSP. (GSP, Preface, p. ii.)
- An important feature of land use changes in the Subbasin is an increasing acreage of perennial crops (deciduous, subtropical, and vines), which have partly replaced field

crops, and brought previously uncultivated area into production in some regions. The Future Baseline and Historical scenarios have the same climate, but different land use inputs; Future Baseline holds 2016 land use constant, while the Historical scenario relies on the historical land use datasets in Table 2-23. Comparing the Future Baseline scenario to Historical demonstrates the impact of the increased perennial acreage in 2016 relative to historical land use data. Perennial acreage is generally associated with more efficient irrigation practices. Because these crops are permanent, they also decrease the flexibility of water demand (“demand hardening”). (GSP, Sec. 2.3.2.)

- The Future Baseline scenario predicts less deep percolation than historically and slightly more outflow than inflow, reflecting increased perennial acreage and changing irrigation management (GSP, Sec. 2.3.5 [explaining key finding for the future average groundwater budgets].)
- Groundwater extraction increases over the past decade were driven by the extended drought and acceleration of perennial acreage. (GSP, Sec. 2.3.6.)
- In the last 15 years in the Dunnigan Hills Management Area (a significant portion of which is within the Focus Areas), many thousands of acres olives, grapes, and almonds have been planted. Many new wells have been drilled to service these new plantings.” (GSP, Sec. 2.4.1.)

In the 2025 Annual Yolo Subbasin Report, YSGA noted with respect to the accuracy of water use estimates that the “largest source of uncertainty is land use data and irrigation applications” and that “[m]odeled water use estimates are highly sensitive to changes in land use and to assumptions about whether crops are fully irrigated or not.”

The YSGA continues to improve and enhance its groundwater model to better estimate the total annual groundwater extracted from the Yolo Subbasin, including enhancements to better forecast land use changes and the impact on the annual water budget. However, the land use model enhancements will not occur until after the 5-year GSP update (2027 update). The YSGA is currently working on developing a water budget and prioritizing projects and management actions for the Hungry Hollow area. Nor do any limitations exist currently in the County’s Zoning Regulations with respect to crop conversions on agricultural zoned-lands. (See, e.g., Yolo County Code, Sec. 8-2.302.) An understanding of the impact of land use conversions and hardening of demand, is critical to determine if further regulations should be implemented with respect to such changes to protect against unsustainable groundwater impacts.

While the 2025 Annual Report indicated groundwater conditions in many areas of the County have continued to display significant recovery and stabilization since the 2020-22 drought, that is not the case throughout the Focus Areas. In the northwestern portion of the area near Dunnigan, some wells are showing a longer-term negative trend. In the areas around Winters and along the western edge of the Management Area lacked the same recovery and some wells are showing a longer-term negative trend. (See Yolo Subbasin GSP: Annual Report 2025, pgs. 21-22.)

There are continued concerns from stakeholders regarding groundwater level declines in Focus Areas where unique hydrogeologic conditions exist, and stakeholders are requesting additional analyses as the County reviews applications for new ag wells. The Board has received substantial correspondence from small farms and rural residents who have experienced dropping groundwater levels in the Focus Areas, particularly in Dunnigan Hills and Hungry Hollow. According to Hungry Hollow residents who have been collecting groundwater data, of 20 landowners, 17 have had to lower their pumps and four have had to replace dry wells in the last 10 years. However, there are currently 19 permits in the application review queue, 11 of which are within the Focus Areas. The conditions in these particular areas and data gaps support the necessity of gathering additional information to better inform YSGA and the County's evaluation of proposed new ag wells in the Focus Areas without jeopardizing the sustainability of groundwater resources. YSGA is currently working on developing a water budget and prioritizing projects and management actions for the Hungry Hollow area with a working group that is expected to result in release of a White Paper in April/May 2026.

Additional requirements on new well permits in the Focus Areas will also be reviewed during the moratorium period. Such requirements may include meters on new agricultural wells, updating the well separation distance tables currently in place under Ordinance No. 1569 to better account for potential pumping capacity based on the proposed well casing diameter, requiring a pump test prior to these wells being placed into production and consideration of use permits, or other such discretionary review of conversions of land use in agricultural zones to perennials crops or other crops that may increase groundwater demands. These potential changes in the permitting process stem from suggestions raised by residents and farmers in the Focus Areas as well as a review of recent well permit approvals, which reflected that actual well characteristics may change some from the initial application, such as depth and pump size, that may impact the well separation distances necessary to protect against impacts to neighboring wells. Such measures will assist with better understanding of pumping demands to minimize the chronic lowering of groundwater levels, avoids land subsidence, and minimize impacts on neighboring wells.

Section 2. Moratorium Extension.

On August 26, 2025, the Board of Supervisors adopted Urgency Ordinance No. 1576 imposing a temporary 45-day moratorium on the approval or issuance of well permits for new agricultural, non-exempt wells located within the YSGA's designated Focus Areas of the Yolo Subbasin. Urgency Ordinance No. 1576 expires on October 10, 2025, unless the Board of Supervisors extends the moratorium. Pursuant to Government Code section 65858, the Board of Supervisors may extend the moratorium for up to an additional 10 months and 15 days, or through August 25, 2026.

The report required by Government Code section 65858(d) prior to considering an extension was approved by the Board of Supervisors on September 23, 2025, and notice of the October 7, 2025 public hearing was published in accordance with Government Code section 65858(a) and 65090.

The intent and purpose of this Urgency Ordinance is to extend Urgency Ordinance No. 1576's temporary pause, as modified herein, on the issuance of new agricultural water well permits sited in the denoted Focus Areas. While efforts are underway to address the concerns that led to the adoption of Urgency Ordinance No. 1576, those concerns remain and require more detailed

analysis that require more time and extension of the moratorium. This moratorium will maintain the status quo through August 25, 2026, to enable the County to study and develop policies and regulations and implement other recommended actions for well permits within the Focus Areas. This Urgency Ordinance does not prohibit agricultural uses, nor does it prohibit conversion of agricultural lands to perennial crops, but well permits will not be issued while this moratorium is in effect, except as provided herein. Absent this Urgency Ordinance, applicants could continue to obtain agricultural water well permits that might exacerbate conditions in the Focus Areas without the appropriate analysis regarding the potential impacts of such additional wells and implementation of measures to address the potential impacts with such increased demands on groundwater.

The Board of Supervisors hereby enacts this interim Urgency Ordinance to California Constitution, article XI, section 7, Government Code section 25123(d), and Government Code section 65858, which authorize adoption and extension of an interim urgency ordinance for the immediate preservation of the public peace, health, or safety. The moratorium prohibits the approval or issuance of well permits for new agricultural, non-exempt wells located within the Focus Areas of the Yolo Subbasin, as shown on the map attached hereto as **Exhibit A**, through August 25, 2026, unless this Urgency Ordinance is rescinded or extended by the Board of Supervisors prior to August 25, 2026. This moratorium only applies to new and pending well permits applications and shall not apply to well permits already approved by the County or non-exempt well permit applications submitted to the County prior to the date on which this Urgency Ordinance is adopted; provided, however, that the issuance of a well permit for applications submitted prior to the adoption of this Urgency Ordinance shall include conditions prohibiting the conversion of agriculturally-zoned properties to perennial crops while this Urgency Ordinance is in effect. It is expressly understood that any well permit issued for pending well permit applications while the Urgency Ordinance is in effect may be subject to regulations adopted by the Board of Supervisors within three months from the expiration date of this Urgency Ordinance to the extent such regulations are adopted as a direct result of studies contemplated herein.

Section 3. Exempt Wells.

A. Exempt Wells

The following wells are exempt from the temporary moratorium:

- Wells producing less than two acre-feet per year for individual domestic water use on the same parcel as the well. Domestic water uses include those non-commercial uses associated with a residential dwelling and related yard, garden, and barnyard uses, and small personal crops within the same parcel as the residential dwelling;
- Public supply system wells as defined in Health & Safety Code § 116275;
- Monitoring wells or other wells not intended for extraction of groundwater;
- Minor alterations of production wells that do not increase the discharge rate for the well or significantly alter the depth interval from which groundwater is extracted with the well. Minor alterations may include activities such as installing casing liners, patches, or other work although such work must not modify the well in a manner that increases the total groundwater pumping capacity;

- Wells located on parcels located entirely outside of the boundaries of the Focus Areas.
- Wells that replace an existing well; provided, however, that the replacement well shall not result in an increase in the consumptive use of groundwater while this moratorium is in effect.

Exempt wells and wells not subject to the temporary moratorium remain subject to Urgency Ordinance No. 1569, as that Urgency Ordinance may be amended, extended, or replaced by further well permit ordinance updates.

B. Hardship Exemption

Any person may apply for an exemption from the provisions of this Urgency Ordinance on the grounds of economic or health and safety hardship. Such application shall state the nature of the hardship and the reasons why an exception to this Urgency Ordinance is warranted. The application shall explain the need for the well, whether surface water is an available alternative, and the impact the proposed well may have on surrounding groundwater levels. The application shall state why the delay in pursuing the use until the County completes its evaluation of the regulations, and makes those amendments, revisions, or modifications to the regulations as the Board deems appropriate, would constitute a taking in contravention of the law or an economic or health and safety hardship. The application shall also explain whether there are alternatives to the proposed well that have been investigated and the applicant's opinion of such alternatives. Such explanation shall, ~~may if appropriate,~~ be accompanied by technical information to support the explanation. The application for a hardship exemption shall be heard by the Planning Commission pursuant to the procedures established in Section 8-2.225 of the Yolo County Code of Ordinances. The Planning Commission's decision may be appealed to the Board of Supervisors upon payment of the customary appeal fees established for appeals of Planning Commission actions.

Section 4. Savings Clause.

The provisions of this Urgency Ordinance do not apply to the extent that their application would result in a taking requiring compensation, would deprive any person of constitutional or statutory rights or privileges, or would otherwise be inconsistent with State or federal law.

Section 5. Severability.

The provisions of this Urgency Ordinance are separate and severable. If any provision of this Urgency Ordinance is for any reason held by a court to be unconstitutional or invalid, the Board declares that it would have passed this Urgency Ordinance irrespective of the invalidity of the provision held to be unconstitutional or invalid. Such unconstitutionality or invalidity shall therefore not affect the remaining provisions of this Urgency Ordinance, or the validity of its application to other persons or circumstances.

Section 6. CEQA

The Board of Supervisors finds and determines that this Urgency Ordinance is exempt from the California Environmental Quality Act ("CEQA") because it is not a project under CEQA as the temporary moratorium on the issuance of well permits will not result in a direct or reasonably foreseeable indirect change in the environment. (CEQA Guidelines, Section 15060(c)(2).) It is further exempt from CEQA pursuant to Section 15306 of the CEQA Guidelines (Class 6

categorical exemption) as an action taken to collect data for research and for information gathering that may lead to an action not yet approved, adopted, or funded. The basis for this determination is that this Urgency Ordinance establishes a temporary moratorium on the approval of permits for certain water supply wells in the Focus Areas to maintain the status quo pending review of potential changes to well permitting procedures and land use regulations related to certain crop conversions. This 45-day moratorium will not result in any significant adverse direct or indirect physical changes to the environment. In addition, this Urgency Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that this Urgency Ordinance may have a significant effect on the environment. The Director of Community Services or the Director's designee is directed to file a Notice of Exemption.

Section 7. Effective Date and Term of Temporary Moratorium.

This uncodified Urgency Ordinance shall take effect immediately as an interim urgency ordinance upon its passage by a 4/5 or greater vote of the Board of Supervisors and is applicable to pending well and renewal permit applications, in addition to any new well permit applications received after the effective date of this Urgency Ordinance, except as provided herein. This Urgency Ordinance does not apply to any well for which a well permit has been issued by the County prior to the effective date of this Urgency Ordinance. This Urgency Ordinance shall expire on August 25, 2026, without further action by the Board of Supervisors, unless rescinded or extended by the Board of Supervisors prior to expiration and may only be extended, following notice and public hearing, for up to one additional year.

Section 8. Applications

The County may continue to accept applications for non-exempt well permits in Focus Areas while this Urgency Ordinance is in effect to the extent required by State law. Applications for non-exempt wells within the Focus Areas pending as of the effective date of this Urgency Ordinance will be processed in accordance with the Yolo County Code and Urgency Ordinance No. 1569, as that Urgency Ordinance may be amended, extended, or replaced by further well permit ordinance updates. However, all non-exempt well applications received shall only be accepted and processed with the applicant's acknowledgment and understanding that no permit for a non-exempt well permit located in a Focus Area may be issued and no drilling may occur while this temporary moratorium or any extension thereof is in effect, except as provided herein. All new and pending well permit applications will further be subject to any new procedures or regulations adopted by the Board of Supervisors governing non-exempt well permits.

Section 9. Written Report.

At least 10 days before this Urgency Ordinance or any extensions expires, the Community Services Director or the Director's designee shall issue a written report describing the measures taken to alleviate the conditions which led to the adoption of this Urgency Ordinance.

Section 10. Publication.

This Urgency Ordinance or a summary thereof shall be published once within 15 days of its passage or as may otherwise be required by State law.

PASSED AND ADOPTED by the Yolo County Board of Supervisors at its regular meeting on October 7, 2025, by the following vote:

AYES:

NOES:

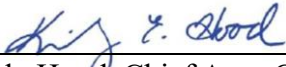
ABSENT:

ABSTENTION:

Mary Vixie Sandy, Chair
Yolo County Board of Supervisors

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

Attest: Julie Dachtler, Senior Deputy Clerk
Yolo County Board of Supervisors

By: 
Kimberly Hood, Chief Asst. County Counsel

By: _____
Deputy (Seal)