

Resolution No. 2025-08

A RESOLUTION OF THE FOX CANYON GROUNDWATER MANAGEMENT AGENCY BOARD OF DIRECTORS ESTABLISHING A NEW FRAMEWORK FOR RESUMING THE PROCESSING OF VARIANCE APPLICATIONS UNDER THE OPV ALLOCATION ORDINANCE

WHEREAS, the Fox Canyon Groundwater Management Agency (Agency) was created with the Legislature's enactment of the Fox Canyon Groundwater Management Agency Act to manage the groundwater resources within the Agency's boundaries for the common benefit of water users; and

WHEREAS, in 2014, the Legislature enacted the Sustainable Groundwater Management Act (SGMA) requiring the creation of groundwater sustainability agencies (GSA) and the preparation of groundwater sustainability plans (GSP) to provide for the sustainable management all groundwater basins in the State; and

WHEREAS, SGMA designates the Agency as the exclusive GSA for the groundwater basins with its boundaries responsible for implementing and complying with SGMA's sustainability requirements, including preparation of GSPs for the Las Posas Valley Basin, the Pleasant Valley Basin, and the Oxnard Subbasin within the Agency's boundaries; and

WHEREAS, on December 13, 2019, the Agency passed and adopted Resolution No. 2019-05, adopting GSPs for both the Oxnard Subbasin and the Pleasant Valley Basin (collectively, the Basins); and

WHEREAS, on October 23, 2019, the Agency passed and adopted "An Ordinance to Establish an Allocation System for the Oxnard and Pleasant Valley Groundwater Basins" (OPV Allocation Ordinance) which, among other things, established new extraction allocations throughout the Basins to transition the Agency's then-current groundwater management programs to sustainable groundwater management programs under SGMA and provided for reduction of allocations in the event the sustainable yield of the Basins is less than the total extraction allocations established under the OPV Allocation Ordinance; and

WHEREAS, Section 11 of the OPV Allocation Ordinance authorizes well owners and operators to request, and the Agency and/or the Executive Officer to grant, a variance from the requirements of the OPV Allocation Ordinance (including extraction allocations) subject to the well owner or operator satisfying specified requirement and the Agency making specified findings; and

WHEREAS, on April 22, 2020, the Agency passed and adopted Resolution No. 2020-03 to establish policies and procedures for reviewing and granting variance applications from the initial extraction allocations set under the OPV Allocation Ordinance; and

WHEREAS, Resolution No. 2020-03 established requirements and conditions for the Agency's review and approval of specific types of variance applications and requests and also created a variance review committee consisting of groundwater extractors in the Basins to review and provide the Agency Board of Directors recommendations for their consideration of variance applications and requests; and

WHEREAS, following adoption of the OPV Allocation Ordinance and Resolution No. 2020-03, the Agency received more than 150 variance applications; however, review of variance applications by the Agency and the variance review committee under the OPV Allocation Ordinance and Resolution No. 2020-03 was challenging and burdensome, resulting in only a small number of applications being reviewed; and, due to new work associated with implementation of the Las Posas Valley Adjudication judgment and staff levels at the time, the Agency and variance review committee stopped reviewing variance applications; and

WHEREAS, at the June 13, 2025 Agency meeting, the Board of Directors created the Variance Ad-Hoc Subcommittee to review the requirements and processes established by the OPV Allocation Ordinance and Resolution No. 2020-03 for reviewing variance applications; and on September 12, 2025, the Variance Ad-Hoc Subcommittee held its first meeting to discuss the variance application review process, directed staff to develop recommendations to improve the variance application and review process under the OPV Allocation Ordinance, and recommended the variance review committee requirement of Resolution No. 2020-03 be discontinued; and

WHEREAS, at the October 22, 2025 Agency meeting, the Board of Directors received a presentation from Agency staff on the variance application process under the OPV Allocation Ordinance and Resolution No. 2020-03 and recommendations for development of a framework for resuming review of variance applications under the OPV Allocation Ordinance including the disestablishment of the variance review committee created by Resolution No. 2020-03; and directed staff to prepare a draft framework for consideration at a future Variance Ad-Hoc Subcommittee meeting.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED by the Fox Canyon Groundwater Management Agency Board of Directors as follows:

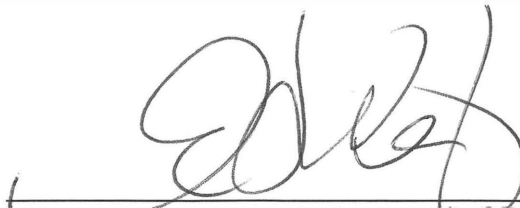
1. The above recitals are true and correct and material to this Resolution.
2. Resolution No. 2020-03 is rescinded.
3. Staff prepared a framework for resuming the review of variance applications submitted pursuant to Section 11 of the OPV Allocation Ordinance, consistent with the recommendations identified within the October 22, 2025, Agency Board letter and presentation attached hereto as Exhibits A and B, respectively.

On motion by Lynn Maulhardt and seconded by Michael Craviotto, the foregoing resolution

was passed and adopted on November 14, 2025, by the following vote:

AYES – 5
NOES –
ABSTAINS –
ABSENT –

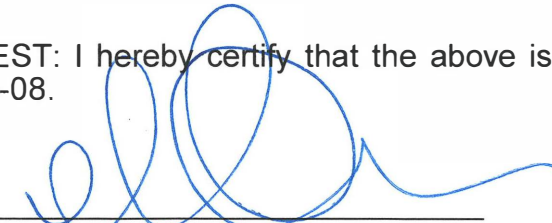
By:



Eugene F. West, Chair, Board of Directors
Fox Canyon Groundwater Management Agency

ATTEST: I hereby certify that the above is a true and correct copy of Resolution No. 2025-08.

By:



Elka Weber, Clerk of the Board

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Eugene F. West, Chair, Director, Camrosa Water District
Kelly Long, Vice Chair, Supervisor, County of Ventura
Michael Craviotto, Farmer, Agricultural Representative
Lynn Maulhardt, Director, United Water Conservation District
Tony Trembley, Councilmember, City of Camarillo

EXECUTIVE OFFICER

John Demers

October 22, 2025

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009-1600

SUBJECT: Presentation on Framework for Review and Processing of Variance Requests Under the OPV Allocation Ordinance – (New Item)

RECOMMENDATIONS: (1) Receive and file a presentation on a framework to review and process variance requests under the OPV Allocation Ordinance; (2) Direct staff to prepare materials to rescind Resolution No. 2020-03 and to prepare a resolution to replace Resolution No. 2020-03; and (3) Provide direction to staff.

BACKGROUND:

Your Board adopted on October 23, 2019, *An Ordinance to Establish an Allocation System for the Oxnard and Pleasant Valley Basins* (OPV Allocation Ordinance)¹. The purpose of this ordinance was to facilitate the transition from the Agency's previous groundwater management programs to sustainable groundwater management as mandated by the Sustainable Groundwater Management Act of 2014 (SGMA) and to improve and protect the quantity and quality of groundwater supplies within the basins.

The OPV Allocation Ordinance specified that the Executive Officer would establish an operator's extraction allocation for each extraction facility (well) located within the basins. This new allocation superseded previous allocations and allocation assignment methodologies. New allocations were then determined and provided to owners and/or operators for each extraction facility within the basins.

Article 11 of the OPV Allocation Ordinance provided for well owners or operators to request a variance from that original allocation. Article 11 also defined the purpose and standards under which a variance can be granted. The applicant had the burden of proving that the standards had been met.

¹ OPV Allocation Ordinance: <https://s42135.pcdn.co/wp-content/uploads/2022/06/Ord-to-Establish-an-Allocation-System-for-the-OPV-Groundwater-Basins-with-Amendments.pdf>

An Ordinance Amending Articles 4 and 6 and Rescinding Section 10.2 of OPV Allocation Ordinance: https://s42135.pcdn.co/wp-content/uploads/2024/04/OPV-Ordinance-Amendment_20240327.pdf

**Res. 2025-08 Exh A – BL Framework for Review and Processing of
OPV Variance Requests**

The following is extracted from the OPV Allocation Ordinance:

11.1 Variance Purpose and Standards The sole purpose of any variance shall be to enable an owner or operator to make reasonable use of groundwater in the same manner as other users of groundwater in the Basins. Before any variance may be granted, the owner or operator must establish, and the Agency must determine that all of the following standards are met:

11.1.1 That there are special circumstances or exceptional characteristics applicable to the owner or operator which do not apply generally to comparable owners or operators in the Basins; and

11.1.2 That granting a variance will not confer a special privilege inconsistent with the limitations upon other owners and operators in the Basins; and

11.1.3 That denial of a variance will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of this ordinance; and

11.1.4 That the granting of a variance will not be inconsistent with the groundwater sustainability plan or the provisions of SGMA or with other regulations or ordinances of the Agency or detrimental to the Agency's ability to improve and protect the quantity or quality of groundwater supplies within the Basins; and

11.1.5 That the granting of a variance will not substantially impede the Agency's ability to achieve sustainable groundwater management or the actual sustainability of groundwater in the Basins.

Subsequently, Resolution No. 2020-03, entitled *A Resolution Establishing Policies and Procedures for Granting Variances from the Initial Extraction Allocation Under the Ordinance to Establish an Allocation System for the Oxnard and Pleasant Valley Groundwater Basins*², was adopted by your Board in April 2020 (amended in February 2022); Resolution No. 2020-03 identified "other variance requests" which would be reviewed by a Variance Review Committee (VRC):

An applicant for a variance seeking additional allocation related to change in crops, change in land use, or receipt of water from a water purveyor shall have the request submitted to a variance review committee representative of the groundwater extractors in the basins. The recommendation of the committee shall be provided to the Board for its consideration of the variance request.

Your Board appointed seven members to the VRC at a meeting on June 24, 2020. Committee members consisted of agricultural and municipal and industrial (M&I) pumpers as well as water purveyors in both the Oxnard and Pleasant Valley Basins.

² Amended Resolution No. 2020-03: <https://s42135.pcdn.co/wp-content/uploads/2022/07/Resolution-2020-03-Amended.pdf>

Res. 2025-08 Exh A – BL Framework for Review and Processing of OPV Variance Requests

DISCUSSION:

After the adoption of the aforementioned ordinances and the appointment of the members to the VRC, the Agency received a substantial number of variance requests, in total numbering more than 150. Despite the detailed language of the ordinances, and extensive effort by both staff and the VRC, review of the requests proved to be unwieldy. The VRC found the process challenging and burdensome, and as a result was able to review only a small number of requests, averaging one per meeting session. Due to several factors, including implementation of the LPV Adjudication, existing workloads and assignments, and staffing levels at the time, the VRC ceased meeting, and Agency staff no longer reviewed or acted upon the variance applications in queue.

On September 12, 2025, the Agency held the first meeting of the Variance Ad-Hoc Subcommittee. During this meeting, numerous stakeholders discussed the application process, historical processes, and the challenges in the approval process for variances. The Subcommittee members gave direction to staff, including to return at this current Board meeting with additional recommendations, and suggested that the VRC requirement for certain “other” requests be discontinued.

Staff review of the backlog of variance requests resulted in the following analysis:

- Approximately 38 of the requests concerned provision of water from sources other than local wells, principally from either Pleasant Valley County Water District (PCVWD) or United Water Conservation District (United). Applicants identified either what they claimed was an inadequate water supply from these providers, or a concern that the providers would be unable to supply sufficient water in the future. In total, these variance requests asked for over 9,000 acre-feet per year in additional extraction allowances.
- Municipal requests constituted 23 of the applications and involved special circumstances and provisions.
- The majority of the requests concerned items that are termed “corrections” and involve periods of non-reporting, periods where a well did not pump due to mechanical or operational issues, transfers between wells, or other concerns that, in general, involve a belief by the applicant that the initial allocation, as determined by the Agency, is inaccurate and should be recalculated with new information.

As a public agency, FCGMA must take special care in reviewing and issuing a determination on variance requests. The evaluation and review process must be rigorous, conducted by personnel with the appropriate expertise, and should be consistently applied. Although the Agency has discretion to implement procedures of its own design for variance approvals, other public agencies review other types of variances, such as zoning, air quality, etc., and from those processes certain general rules can be inferred, including that requests:

- Must be based upon verifiable facts.

Res. 2025-08 Exh A – BL Framework for Review and Processing of OPV Variance Requests

- Must demonstrate that it is addressing a situation that is both unique and unreasonably burdensome, and that is not self-created.
- Must be based on the concept of minimal impact, that is, that the variance is the bare minimum needed to address the problem.
- Must not confer a special privilege that is inconsistent with the conditions placed on comparable situations.
- Is subject to a risk assessment, whereby the potential risks related to the variance are evaluated to determine if the proposed mitigation strategies or compensating controls are sufficient to manage those risks. Requests that create significant risk without robust controls should be denied.

Consistent with staff analysis of the application queue and this general guidance, the following recommendations are made:

- Variance requests designed to compensate for alleged lack of water from PVCWD or United should be denied. Two factors support this. First, the sheer volume of the requested variances is unsupportable. Fairness and equitable treatment demand that all requestors in a similar situation be treated the same, and in this case, requests cannot be granted as the available yields do not support the very sizable amount of combined allocation requests. Second, discussions with both PVCWD and United indicate that water is available, in sufficient quantities, to meet customer needs. In addition, the Agency intends on continuing conversations with those two agencies to allow additional flexibility in the provision of water to help preclude situations whereby adequate water is not available to a parcel.
- Public agency requests must be evaluated case-by-case in collaboration with the other agency to arrive at an acceptable conclusion.
- Any “correction” that is not conclusively based on verifiable facts, is not a unique situation, or is the result of a self-created action, and should be denied.
- Other corrections and other types of requests should be reviewed for uniqueness, minimal impact, special privilege and risk assessment considerations and approved or denied as indicated by the review.

Given the burden and lack of progress that the Variance Review Committee process demonstrated, staff recommend that the VRC be disestablished. To accomplish this, Resolution No. 2020-03 should be rescinded in its entirety and replaced by a new Resolution to accurately reflect the review process, actions that should be accomplished at a future meeting of your Board.

Based upon direction from the Variance Ad-Hoc Subcommittee, staff intend to aggressively work through the backlog of variance applications, evaluating each on its merits within the context of the framework discussed within this letter and direction provided by your Board. Additional feedback and reporting will be presented at the next

FCGMA Board Regular Meeting, October 22, 2025

Res. 2025-08 Exh A – BL Framework for Review and Processing of OPV Variance Requests

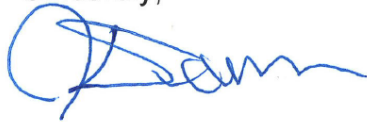
meeting of the Variance Ad-Hoc Subcommittee, currently scheduled for November 13, 2025.

CONCLUSION:

The Agency review of variance requests has not met its intended results and has left stakeholders in an uncertain situation. Staff recommends several actions to streamline the process and provide satisfactory resolution of the request backlog.

This letter has been reviewed by Agency Counsel. If you have any questions, please contact me at (805) 605-4083.

Sincerely,



John Demers
Executive Officer

Framework for Review and Processing of Variance Requests

Item No. 15 – October 22, 2025



John Demers
Executive Officer

Background

- On Oct 23, 2019, the Board adopted “An Ordinance to Establish an Allocation System for the Oxnard and Pleasant Valley Basins” (OPV Allocation Ordinance)
 - Intended to facilitate the transition from the Agency’s previous groundwater management programs to sustainable groundwater management as mandated by SGMA
 - Replaced earlier allocation systems which used efficiency or an irrigation allowance as criteria with a system that capped extractions at a pre-determined level
- Article 11 of the OPV Allocation Ordinance provided for well owners or operators to request a variance from that original allocation and the purpose and standards under which a variance can be granted
- Resolution No. 2020-03, entitled “A Resolution Establishing Policies and Procedures for Granting Variances from the Initial Extraction Allocation Under the Ordinance to Establish an Allocation System for the Oxnard and Pleasant Valley Groundwater Basins,” was adopted by the Board in April 2020
 - Created a Variance Review Committee (VRC) to review certain “other” variance requests
 - Seven people were appointed to the VRC on June 24, 2020

Discussion

- Agency reviewed in excess of 150 variance requests
- Criteria proved to be unworkable and burdensome for both Agency staff and the VRC
 - VRC completed review on only a small fraction of requests
- Agency stopped working on requests due to increased workload and available staff, and VRC was disbanded
- Recent staff review revealed several major categories of requests, alleging:
 - Insufficient supply from PVCWD and/or United. In total, these requests looked for an additional 9,000 + AF of allocation.
 - A Municipal agency with a special circumstance
 - A “correction” to account for reporting discrepancies, inoperable wells or other factors which led to an incorrect determination of the initial allocation

Discussion

- Public agencies, such as FCGMA, must review requests rigorously, with appropriate expertise, and above all, fairly and consistently
- Application of general public agency standards for variances from standards, such as for zoning, air quality etc., to the Agency's written variance guidance yields the following review guidelines:
- A request must be:
 - Based on verifiable facts
 - Must demonstrate that it is addressing a situation that is both unique and unreasonably burdensome, and that is not self-created.
 - Must be based on the concept of minimal impact
 - Must not confer a special privilege that is inconsistent with the conditions placed on comparable situations.
 - Is subject to a risk assessment

Discussion

- These factors, when applied consistently and fairly, would allow staff to resume evaluation of pending requests, with clearer guidelines and more certain outcomes.
- The Agency cannot, in general, approve any of the requests that state that either PVCWD and/or United cannot or will not supply water due to the sheer volume of the requested allocations, over 9,000 acre-feet. Unless special situations are present, any approval of a variance in this category would subject the Agency to approval of all in this category, an unsustainable and indefensible practice.
- Requests by municipal agencies present unique situations that must be addressed on a case-by-case basis in cooperation with the other agency.
- All other requests should be reviewed for uniqueness, minimal impact, special privilege and risk assessment considerations and approved or denied as indicated by the review.
- The VRC is redundant to staff review, and given the operational challenges from the previous efforts, should not be reinstated.

Recommendations

- Approve the framework presented.
- Direct staff to rescind Resolution No. 2020-03.
- Direct staff to evaluate the need for a new Resolution to codify the review and approval process and to draft procedures, as necessary.
- Direct staff to begin work on a flexible allocation system for extractors who also receive water from another system.