



San Diego County Flood Control District

GOVERNING BODY

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First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

MONICA MONTGOMERY STEPPE
Fourth District

JIM DESMOND
Fifth District

AGENDA ITEM

DATE: June 10, 2026 and June 24, 2026

FL01

TO: Flood Control Board of Directors

SUBJECT

ADOPT AN ORDINANCE TO DELEGATE SIGNATORY AUTHORITIES FOR ENCROACHMENT AGREEMENTS AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)

OVERVIEW

The San Diego County Flood Control District (District) owns and maintains real property across the unincorporated areas of the County. The San Diego County Board of Supervisors acts as the Board of Directors for the District. The District also works with the City of Chula Vista and National City to maintain part of the Sweetwater River Channel for flood control and protection. District real property includes land; structures such as linear storm drain pipes and channels; and other real property interests, including drainage and flowage easements. These easements can extend for hundreds of feet through developed areas. They may support underground pipes, open channels, and other flood control facilities, and often include surrounding areas that are only occasionally needed for access or maintenance. In some cases, easements simply provide open space for surface water drainage. When appropriate, District property can also be used productively by other property owners, utilities, and organizations, as long as that use does not interfere with the drainage purposes for which the District acquired the property.

A current section of the San Diego County Flood Control District Act (The Act) authorizes the District's Board of Directors (Board) to permit the use of District property when the Board determines that the use serves the public interest and does not interfere with the purposes for which the property was originally acquired. The Act grants the Board broad authority to carry out its responsibilities, including adopting ordinances and resolutions. These ordinances may be enacted using the same procedures the County of San Diego follows to enact its ordinances. When the District has not taken specific action on a matter, the authorities and procedures that apply to the County generally apply to the District. Through taking this action, the Board provides a standardized process with clear, uniform application by delegating authority to Director of Public Works, County of San Diego, or designees on routine encroachment permits.

Today's request is to adopt an ordinance that allows for the use of District real property through an encroachment permit. The permit will contain provisions that specify the use right is a revocable license and requires such things as defense and indemnity from the permittee. Allowing use of

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District property under these conditions is in the public interest because it allows for the more productive use of unneeded District property interests in an expedient manner that will not jeopardize the purposes for which the property was obtained. These requirements are consistent with the terms imposed by the County for the issuance of encroachments permits into County highways. The ordinance delegates authority to the Director of Public Works, County of San Diego, or designees, acting on behalf of the District, to issue and condition the permits, collect a deposit for the issuance of the permits, and to enforce the permit requirements.

**RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER**

On June 10, 2026:

1. Find that adoption of the proposed ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because there is no possibility for the activity to cause a significant effect on the environment.
2. Approve the introduction of the following Ordinance (first reading):

AN ORDINANCE ESTABLISHING AN ENCROACHMENT PERMIT PROCESS BY WHICH USE OF DISTRICT REAL PROPERTY MAY BE ALLOWED.

If, on June 10, 2026, the Board takes action as recommended, then on June 24, 2026:

1. Adopt the following Ordinance (second reading):

AN ORDINANCE ESTABLISHING AN ENCROACHMENT PERMIT PROCESS BY WHICH USE OF DISTRICT REAL PROPERTY MAY BE ALLOWED.

EQUITY IMPACT STATEMENT

Authorizing signatory authority promotes equity by ensuring that all residents and businesses have a standardized and transparent process to obtain encroachment agreements with uniform application fees. It also limits the financial burden on applicants who would otherwise have to seek more costly avenues to obtain the permits/licenses.

SUSTAINABILITY IMPACT STATEMENT

The proposed action has social, health and well-being, and environmental sustainability benefits. This action will contribute to the County sustainability goal of protecting the health and well-being of everyone in the region by regulating how private and public entities use the District's flowage and drainage easements.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

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BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

The Department of Public Works' Flood Control staff presented this item to the Flood Control District Advisory Commission (Commission) on April 9, 2026 and the Commission expressed support for the adoption of the ordinance.

BACKGROUND

The San Diego County Flood Control District (District) was established by the California State Legislature in 1966 to manage regional flood risk within the County's unincorporated region. Governed by the San Diego County Board of Supervisors, acting as the District's Board of Directors, the District is responsible for the maintenance of existing stormwater drainage facilities, construction of new district facilities, flood warning, hydrologic data collection and ensuring private development projects meet Flood Control objectives and compliance with Federal Emergency Management Association (FEMA) guidelines.

The District's powers and responsibilities are detailed in the San Diego County Flood Control District Act, Water Code Append. section 105-1, et seq. (Act). Section 105-43 of the Act gives the Board of Directors of the District the authority to allow for the use of District real property by permit where it has been determined by the Board that the use is in the public interest and will not interfere with the use of the property by the District for the purpose for which the property was obtained.

The District owns drainage and flowage easements, and other easements and property interests throughout the unincorporated County. These property interests typically follow drainage paths and were obtained to facilitate the safe and efficient drainage of surface waters. Many of the property interests contain buried pipes, culverts, and other engineered structures that require only a portion of the District property interest. The remainder of the property interest is necessary for occasional access and can be used by adjacent property owners, utilities, and others to support private development and enhance the utility of private property without interfering with the purpose for which the property was obtained by the District where certain conditions are met.

It is in the public interest to allow for the use of District property interests where use can support private development and the more efficient use of private property. The proposed action would establish an encroachment permit process that includes specific terms that allow the Board to find permits issued pursuant to this process will not interfere with the District's property rights. A similar process has been used by the County of San Diego to allow for encroachments in County maintained streets. (See, Title 7, Division 1, San Diego County Code of Regulatory Ordinances.) The encroachment permit process to be adopted by the District is modeled after the County process.

The ordinance would authorize the Director, Department of Public Works, of the County, or designee, acting on behalf of the District, to issue permits for the use of District property. A deposit

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similar to the deposit charged by the County for the issuance of encroachment permits would be charged to allow for full cost recovery. Encroachments would be permitted as a type of license, meaning they will have to be removed, relocated, or modified at the owner's expense if necessary to allow for District use of its property. The owners would also be required to provide defense and indemnity from any liability that may be incurred by the District as a result of the placement and maintenance of the encroachment on District property. These required terms help ensure that the private use will not unreasonably interfere with District property rights in accordance with the Act.

Since the proposed action is being implemented by ordinance, it requires two hearings. The first hearing will introduce an ordinance and includes a required environmental finding. Following the introduction of the ordinance, it would be adopted at a second hearing and become operative 30 days thereafter.

ENVIRONMENTAL STATEMENT

Section 15061(b)(3) of the CEQA Guidelines exempts from CEQA review those projects where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment". The proposed activity is the adoption of an ordinance to designate signatory authority to County staff. The approval of the ordinance does not commit the County or Flood Control District to a particular project or guarantee that any funding for such a project will be sought or obtained. The proposed activity will not, accordingly, have any significant effect on the environment and is exempt from CEQA review by Section 15061(b)(3) of the CEQA Guidelines.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support the Empower (Workforce), Equity (Economic Opportunity), and Community (Safety) initiatives of the County of San Diego's 2026-2031 Strategic Plan by supporting our workforce and ensuring continuity of operations; removing barriers to expanding opportunities in traditionally underserved communities; while supporting community safety, including preparedness and regional readiness to respond to a disaster.

Respectfully submitted,



DAHVIA LYNCH
Deputy Chief Administrative Officer

ATTACHMENT(S)

Attachment A - Ordinance Establishing an Encroachment Permit Process by Which Use of District Real Property May Be Allowed (Clean)