

March 3, 2014

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TO: Local Agency Formation Commission

FROM: Executive Officer
Local Governmental Consultant

SUBJECT: Five-Year Sphere of Influence and Service Review
MSR13-64; SR13-64: Deer Springs Fire Protection District
MSR13-95: SR13-95 Valley Center Fire Protection District

EXECUTIVE SUMMARY

The attached report and recommendations concern spheres of influence for the Deer Springs and Valley Center Fire Protection Districts (FPD). The two Districts provide structural fire protection and emergency medical services in unincorporated communities located north of the City of Escondido. The district spheres are being evaluated as part of a comprehensive *Sphere of Influence and Service Review* that is required by State Law and San Diego LAFCO Policy; the *Review* will sequentially address all local agency spheres in San Diego County. The report concludes with recommendations to affirm the smaller-*than-district* spheres for the Deer Springs and Valley Center Fire Protection Districts.

SPHERE of INFLUENCE BACKGROUND

Over thirty years ago, the State Legislature instructed LAFCOs to establish a sphere of influence for each local governmental agency under LAFCO jurisdiction. Spheres—which are defined in State Law as...*a plan for the probable physical boundaries and service areas of a local agency*—promote logical and orderly development and coordination of local agencies; inhibit duplication of services; and support efficient public service delivery. Inclusion in an agency' sphere

is a prerequisite—but not a guarantee—of annexation, as spheres are only one of several factors that must be considered in reviewing proposals for jurisdictional changes.

San Diego LAFCO maintains spheres of long standing for each special district and city in San Diego County; nevertheless, every sphere must be periodically reevaluated to ensure that it reflects current conditions and remains a credible planning tool. In 1990, San Diego LAFCO adopted Policy L-109, which coupled with implementing procedures, requires spheres to be revisited at five-year intervals. And commencing in 2008 and every five years thereafter, State Law requires that LAFCOs shall, as necessary, review and update each sphere of influence [Government Code 56425(g)]. San Diego LAFCO Policy L-102 discourages major amendments to a sphere that has been adopted, affirmed, or updated—with noteworthy exceptions to accommodate: (1) a public health or safety risk such as septic system failure; (2) a proposal involving property split by a sphere boundary; (3) a reorganization between two consenting districts; and (4) situations where the sphere review failed to anticipate a need for public services—and conditions have significantly changed.

Since your Commission initiated its first sphere review and MSR program in 2001, all local agency spheres have been included in at least one cycle of review and affirmation or update. Selected categories of local agencies, such as Fire Protection Districts, or County Sanitation Districts have been addressed in multiple reviews. MSRs have been prepared for numerous complex projects and, when warranted, sphere updates have been approved. The chronology of sphere review and MSR activity is annually updated and made available in the Commission's *Summary of Sphere of Influence Actions and Municipal Service Reviews*. The current *Five-Year Sphere of Influence and Service Review Program* was initiated by sending a service-specific questionnaire to the 100 local agencies under San Diego LAFCO's jurisdiction. Every agency responded. The response is being analyzed and LAFCO data bases updated. All spheres will be reviewed and recommendations for affirmation, minor adjustment, or comprehensive update will be presented to the Commission as groups of agencies are reviewed.

2013 FIVE-YEAR SPHERE OF INFLUENCE AND SERVICE REVIEW

Disadvantaged Unincorporated Communities: Senate Bill 244 (Wolk) requires LAFCO's to evaluate the present and probable need for public facilities and services within *disadvantaged unincorporated communities* (DUC), which are within or contiguous to the sphere of influence of cities or special districts that provide wastewater, municipal or industrial water, or structural fire protection services. LAFCOs must make determinations relative to DUCs when conducting Municipal Service Reviews (MSR) and updating spheres of influence.

San Diego LAFCO has previously accepted provisions to comply with SB 244; therefore, MSR/SR13-64: Deer Springs Fire Protection District; and MSR/SR13-95 Valley Center Fire Protection District will not address SB 244 issues.

FIRE PROTECTION DISTRICTS

Fire Protection Districts formed under Health and Safety Code § 13800—13970 are empowered to provide: (1) fire protection services; (2) rescue services; (3) emergency medical services; (4) hazardous material emergency response; (5) ambulance services pursuant to Division 2.5 (commencing with Section 1797); and (6) any other services relating to the protection of lives and property.

1. Deer Springs Fire Protection District MSR13-64; SR13-64

Service: Deer Springs Fire Protection District (FPD) is an "All Hazards" emergency response agency whose primary function includes structural fire protection and first responder advanced life support (ALS) emergency medical services. Additional non-emergency fire and life safety services are provided including, fire prevention and public fire and life safety education. Emergency ambulance transport is provided by Mercy Medical Transportation Inc.

Governance: Elected five-member Board of Directors that meets on the 2nd Tuesday each month.

District area: Approximately 44.16 square miles

ISO Rating: 5 and 9 (2012)

Population: 12,039 (SANDAG 2012)

Abstract: The Deer Springs FPD was formed in 1981 to establish governmental structure and access to public funds for a volunteer organization, which provided fire protection services in the unincorporated area generally north of the City of Escondido and northeast of the City of San Marcos. As a post-Proposition 13 agency, the Deer Springs FPD was unable to levy property

tax; nonetheless, the San Diego County Board of Supervisors voluntarily transferred an increment of county property tax revenue to the new FPD. District voters subsequently approved special assessments to fund increased levels of service; special assessments currently contribute approximately 72 percent of district revenue.

Deer Springs FPD stations were staffed by a combination of career and volunteer personnel until the late 1990s when a CAL FIRE Schedule A Agreement to staff district stations with state firefighters was implemented. The District also contracts with the State to extend the operational season of a CAL FIRE station within the District. The FPD is within neither the boundary of the San Diego County Fire Authority (SDRFA) nor the CSA No. 135 latent powers area for fire protection; nevertheless, the approximately \$655,000 annual cost of the District's CAL FIRE Schedule A Agreement is subsidized by the SDCFA. The SDCFA subsidy represents approximately 16 percent of the district's annual revenue.

Revenue source: Property tax, voter-approved special assessments, and SDCFA subsidy

Sphere: LAFCO approved a sphere of influence for the Deer Springs FPD in 1983. In areas where the spheres for the Cities of San Marcos and Escondido overlie the Deer Springs FPD, the Deer Springs sphere is smaller than the FPD boundary. In 1984, the Deer Springs FPD sphere was further contracted; when approximately two square miles were removed from the Deer Springs FPD sphere and placed in the adjacent Vista FPD sphere. The realignment of spheres was approved to facilitate future reorganizations between the two Districts.

Sphere status: The smaller-than-district sphere was affirmed in May 2007 as part of the *Structural Fire Protection and Emergency Medical Services and Sphere of Influence Review* and again in August 2007 during review of spheres for all special districts in San Diego County. The Deer Springs FPD sphere was amended in October 2011 to exclude 15.55 acres; the amendment area was detached from the Deer Springs FPD and annexed to the City of Escondido as a condition of development plans. There also are discussions between the Deer Springs FPD and Vista FPD for a reorganization of 221 acres involving detachment from Deer Springs FPD and annexation to Vista FPD (Panoramic Estates). The discussions are preliminary and the sphere of the two districts can be amended in the future to accommodate this reorganization. No further sphere changes have been proposed and district responses to the *2012 Sphere of Influence and Service Review* indicate that no proposals, which would involve changes to the Deer Springs FPD sphere, are anticipated.

RECOMMENDATION: It is recommended that the existing *smaller-than-district* sphere of influence for the Deer Springs Fire Protection District be affirmed.

2. Valley Center Fire Protection District MSR 13-95; SR13-95

Service: Valley Center Protection District (FPD) is an “All Hazards” emergency response agency whose primary function includes structural fire protection and first responder advanced life support (ALS) emergency medical services. Additional non-emergency fire and life safety services are provided including, fire prevention and public fire and life safety education. Emergency ambulance transport is provided by Mercy Medical Transportation Inc.

Governance: Elected five-member Board of Directors that meets on the 3rd Thursday each month.

District area: Approximately 84.5 square miles

ISO Rating: 6 and 9 by area (2012)

Population: 16,732 (SANDAG 2012)

Abstract: The Valley Center Springs Fire Protection District provides emergency services in the unincorporated north county community of Valley Center. The District was formed in 1982 to provide public governance and access to public funding for a volunteer fire protection organization. As a post-Proposition 13 agency, the Valley Center FPD was not entitled to a share of property tax revenue; nonetheless, an increment of county property tax revenue was voluntarily transferred to the newly-formed District by the Board of Supervisors. District voters subsequently approved special assessments to fund increased levels of service. The majority of the District’s annual revenue is generated from voter-approved special assessments.

Valley Center FPD stations were initially staffed with a combination of district career personnel and volunteers; however, in the late 1990s the District began contracting with CAL FIRE to staff Station 73 on North Wohlford Road with state firefighters. The FPD also contracted with the State to extend the operational season of a CAL FIRE station through the Amador Plan. In 2006, the District and the County of San Diego entered into an Agreement to improve fire protection and emergency response services and the County began subsidizing the Schedule A cost. Although the Valley Center FPD was not included within the boundary of either the San Diego County Fire Authority (SDCFA) when created by the Board of Supervisors in 2008, or the fire protection latent powers area of CSA No. 135, the annual cost of the Schedule A Agreement has been subsidized through the SDCFA.

The District did not renew the Schedule A Agreement for FY13/14. Commencing September 1, 2013, the Valley Center FPD has contracted with the San Pasqual Band of Mission Indian’s Fire Department to staff the two FPD stations augmented with District Firefighters. CAL Fire continues its presence at the state-funded station on Vesper Road. Because the County

Agreement specifically underwrote costs for the CAL FIRE Schedule A, the County Agreement has also expired.

Revenue source: Property tax, voter-approved special assessment

Sphere: LAFCO approved a sphere of influence for the Valley Center FPD in 1984. The Valley Center FPD sphere is smaller than the District in areas where the City of Escondido sphere overlays the FPD. The smaller-than-district sphere was amended in 1993, to exclude additional 438 and 456-acre parcels, which were concurrently added to the City of Escondido sphere.

Sphere status: The *smaller-than-district* sphere was affirmed in May 2007 as part of the *Structural Fire Protection and Emergency Medical Services and Sphere of Influence Review* and again in August 2007 during review of spheres for all special districts in San Diego County. No subsequent sphere changes have been proposed and district responses to the *2012 Sphere of Influence and Service Review* indicate that no proposals, which would involve changes to the Valley Center FPD sphere, are anticipated.

RECOMMENDATION: It is recommended that the existing *smaller-than-district* sphere of influence for the Valley Center Fire Protection District be affirmed.

CONCLUSION AND RECOMMENDATIONS

Approval of staff recommendations to: (1) affirm a *smaller-than-district* sphere for the Deer Springs FPD; and (2) affirm a *smaller-than-district* sphere for the Valley Center FPD will bring these local agencies into compliance with State Law [Government Code § 56425(g)] and San Diego LAFCO Policy L-102, which require review of all spheres at five-year intervals, as necessary. It is therefore,

RECOMMENDED: That your Commission

- (1) Find in accordance with the Executive Officer's determination that pursuant to Section 15061(b)(3) of the State CEQA Guidelines, sphere affirmations are not subject to the environmental impact evaluation process because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to CEQA.
- (2) Find in accordance with the Executive Officer's determination that pursuant to Section 15306 of the State CEQA Guidelines, the service review is not subject to the environmental impact evaluation process because the service review consists of basic data collection, research, management, and resource evaluation activities that will not result in a serious or major disturbance to an environmental resource. This project is strictly for information gathering purposes as part of a study leading to an action which has not yet been approved, adopted, or funded.

- Respectfully submitted,




Attachments: Vicinity Maps
Exhibit A: Statements of Determinations

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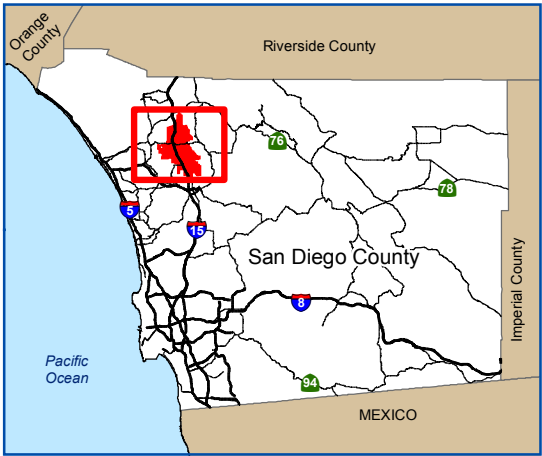
Deer Springs FPD

MSR/SR 13-64

LEGEND

-  Deer Springs FPD
-  Sphere of Influence (SOI)
-  Fire Stations

SOI Adopted: 11 / 7 / 83
SOI Affirmed: 5 / 7 / 07
SOI Affirmed: 8 / 6 / 07



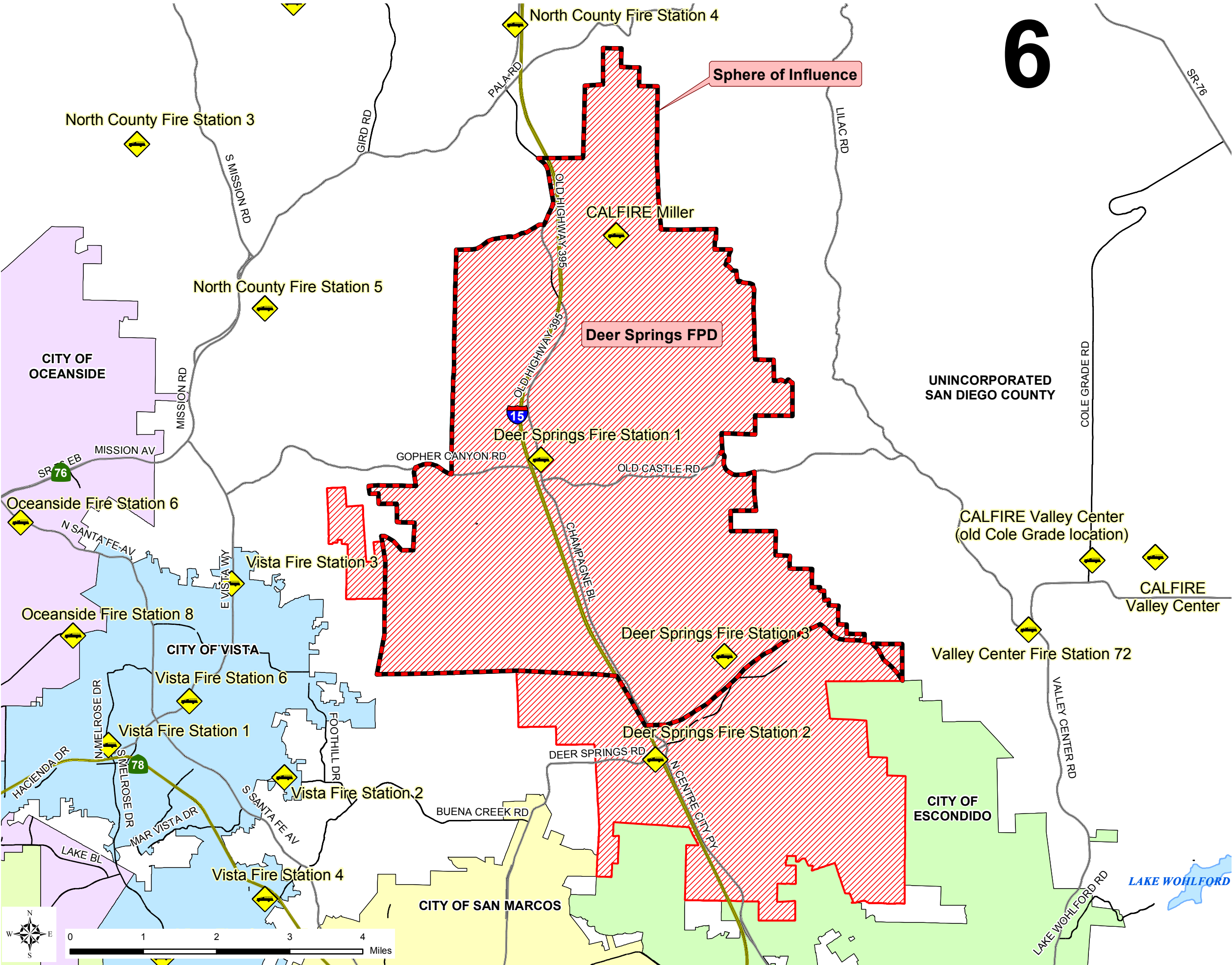
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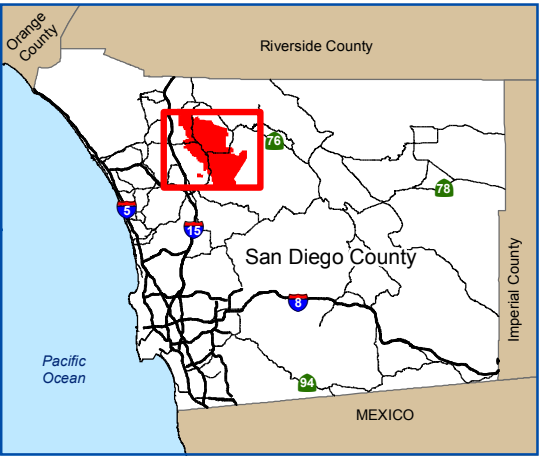
Valley Center FPD

MSR/SR 13-95

LEGEND

-  Valley Center FPD
-  Sphere of Influence (SOI)
-  Fire Stations

SOI Adopted: 11 / 5 / 84
SOI Affirmed: 5 / 7 / 07
SOI Affirmed: 8 / 6 / 07



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This map has been prepared for descriptive purposes only and is considered accurate according to the GIS and LAFCO data.

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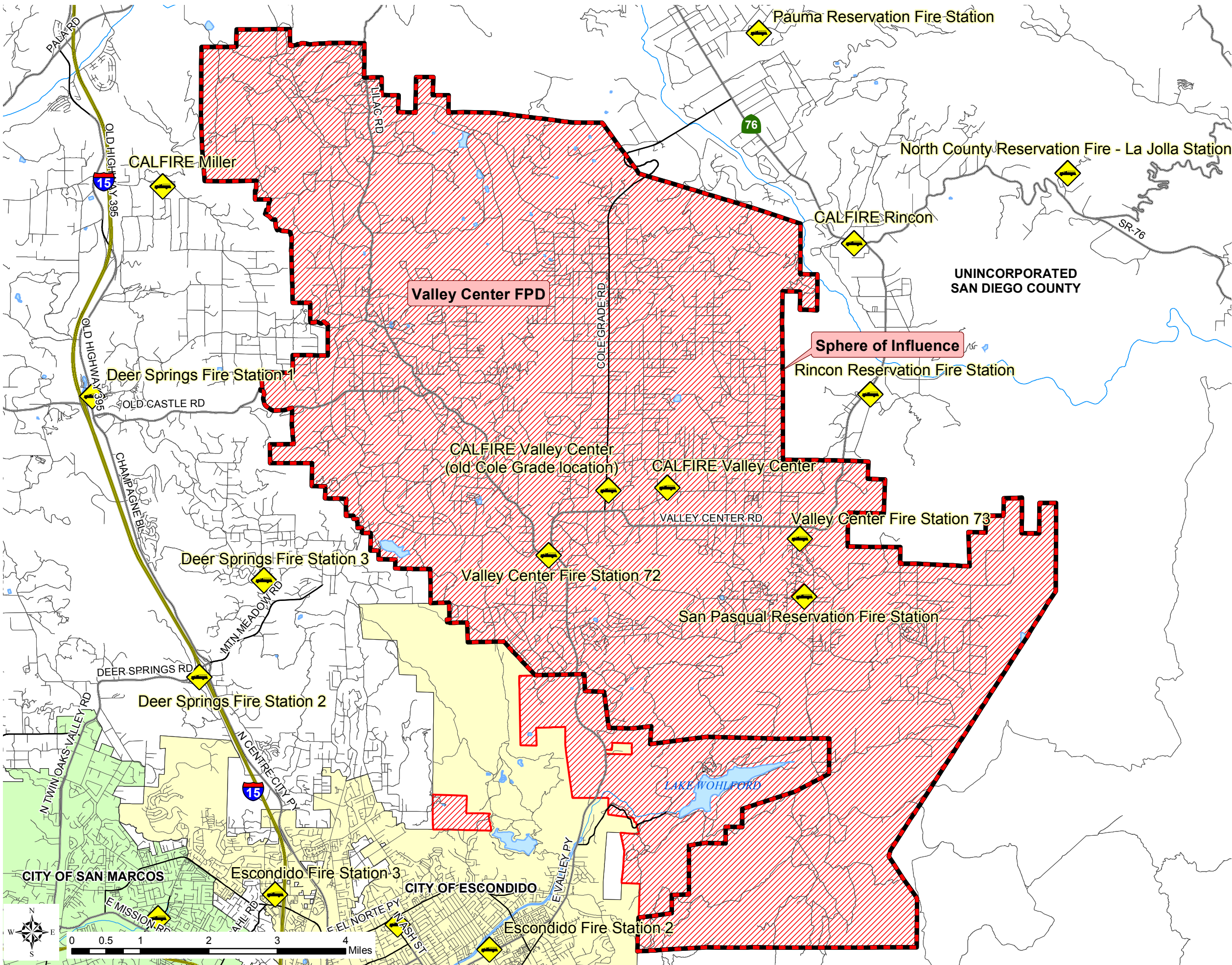


EXHIBIT A

STATEMENT OF DETERMINATIONS

**(Deer Springs FPD (MSR/SR13-64);
Valley Center FPD (MSR/SR13-95))**

**ADOPTED STATEMENT OF DETERMINATIONS
MUNICIPAL SERVICE REVIEW
DEER SPRINGS FIRE PROTECTION DISTRICT
MSR13-64**

The following statement of determinations is prepared pursuant to section 56430 of the Government Code and fulfills LAFCO requirements regarding a sphere review and sphere affirmation for the Deer Springs Fire Protection District. A written statement specifying the functions or classes of services provided by the District and establishing the nature, location, and extent of the functions or classes of district services is on file with the San Diego Local Agency Formation Commission.

(1) Growth and population projections for the affected area.

Population estimates for the Deer Springs Fire Protection District have increased slightly since the larger-than-district sphere was affirmed in 2007. The district does not anticipate significant growth within the next five years.

(2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

Refer to the *SB244 Staff Report* approved by the San Diego Local Agency Formation Commission on March 4, 2013 for the status of disadvantaged unincorporated communities and the Deer Springs Fire Protection District.

(3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

Refer to the *SB244 Staff Report* approved by the San Diego Local Agency Formation Commission on March 4, 2013 for the status of disadvantaged unincorporated communities and the Deer Springs Fire Protection District.

(4) Financial ability of agencies to provide services.

Property tax revenue funds approximately 5 percent of the Deer Springs FPD General Fund; voter-approved special assessment and other revenue provide approximately 95 percent.

(5) Status of, and opportunities for, shared facilities.

The Deer Springs Fire Protection District contracts with State for Cal Fire to staff district stations. The contract includes communications-dispatch and required training. A lease agreement to house a private transport ambulance (Mercy Medical) in district facilities supports the presence of a transport vehicle in the community.

(6) Accountability for community service needs, including governmental structure and operational efficiencies.

The Deer Springs Fire Protection District conducts regularly scheduled public meetings on the second Tuesday of each month. The District maintains a website with access to Board meeting agendas.

(7) Any other matter related to effective or efficient service delivery, as required by commission policy.

Additional matters related to effective or efficient service delivery as required by commission policy are not relevant in considering MSR13-64 for the Deer Springs FPD.

**ADOPTED STATEMENT OF DETERMINATIONS
FOR AFFIRMATION OF A SMALLER-THAN-DISTRICT SPHERE OF INFLUENCE
FOR THE DEER SPRINGS FIRE PROTECTION DISTRICT
SR13-64**

The following statement of determinations is prepared pursuant to section 56425 of the Government Code for affirmation of the areas shown on the attached map as the smaller-than-district sphere of influence for Deer Springs Fire Protection District (FPD). A written statement specifying the functions or classes of services provided by the District and establishing the nature, location, and extent of the functions or classes of District services is on file with the San Diego Local Agency Formation Commission.

(1) The present and planned land uses in the area, including agricultural and open space lands.

The County of San Diego has jurisdiction over land use and planning matters within the Deer Springs FPD and surrounding unincorporated areas; all land use decisions concerning sphere territory would be guided by the County General Plan. Affirmation of a sphere of influence would not affect agricultural and open space land uses.

(2) The present and probable need for public facilities and services in the area.

The Deer Springs FPD covers approximately 44.16 square miles; structural fire protection and emergency medical services are provided district-wide. The District has experienced very modest population change in the past 20 years, which minimizes pressure to expand district services. The 2012 population estimate of 12,039 is a slight increase from 2009 estimates. The probable need for increased public facilities and services is determined by the zoning and land use designations adopted by the County of San Diego.

(3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

The Deer Springs FPD responds to emergency incidents within the district and in areas outside the district boundary where the only access is through the FPD. Agreements for reciprocal automatic and mutual aid are in place with neighboring jurisdictions.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

Social and economic communities of interest are not relevant in considering affirmation of this sphere of influence.

(5) For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

Refer to the *SB244 Staff Report* approved by the San Diego Local Agency Formation Commission on March 4, 2013 for the status of disadvantaged unincorporated communities and the Deer Springs Fire Protection District.

**ADOPTED STATEMENT OF DETERMINATIONS
MUNICIPAL SERVICE REVIEW
VALLEY CENTER FIRE PROTECTION DISTRICT
MSR13-95**

The following statement of determinations is prepared pursuant to section 56430 of the Government Code and fulfills LAFCO requirements regarding a sphere review and sphere affirmation for the Valley Center Fire Protection District. A written statement specifying the functions or classes of services provided by the District and establishing the nature, location, and extent of the functions or classes of district services is on file with the San Diego Local Agency Formation Commission.

(1) Growth and population projections for the affected area.

Population estimates for the Valley Center Fire Protection District have increased approximately fifteen percent since the smaller-than-district sphere was affirmed in 2007. The district does not anticipate significant growth within the next five years.

(2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

Refer to the *SB244 Staff Report* approved by the San Diego Local Agency Formation Commission on March 4, 2013 for the status of disadvantaged unincorporated communities and the Valley Center Fire Protection District.

(3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

Refer to the *SB244 Staff Report* approved by the San Diego Local Agency Formation Commission on March 4, 2013 for the status of disadvantaged unincorporated communities and the Valley Center Fire Protection District.

(4) Financial ability of agencies to provide services.

Property tax revenue funds approximately 5 percent of the Valley Center FPD General Fund; voter-approved special assessment and other revenues provide approximately 95 percent.

(5) Status of, and opportunities for, shared facilities.

The Valley Center Fire Protection District contracts with Cal Fire for communications-dispatch. The Valley Center FPD has contracted with San Pasqual Band of Mission Indian's Fire Department to staff and manage the two FPD stations augmented with District Firefighters.

(6) Accountability for community service needs, including governmental structure and operational efficiencies.

The Valley Center Fire Protection District conducts regularly scheduled public meetings on the third Wednesday of each month. The District maintains a website with access to Board meeting agendas.

(7) Any other matter related to effective or efficient service delivery, as required by commission policy.

Additional matters related to effective or efficient service delivery as required by commission policy are not relevant in considering MSR13-95 for the Valley Center FPD.

**ADOPTED STATEMENT OF DETERMINATIONS
FOR AFFIRMATION OF A SMALLER-THAN-DISTRICT SPHERE OF INFLUENCE
FOR THE VALLEY CENTER FIRE PROTECTION DISTRICT
SR13-95**

The following statement of determinations is prepared pursuant to section 56425 of the Government Code for affirmation of the areas shown on the attached map as the smaller-than-district sphere of influence for Valley Center Fire Protection District (FPD). A written statement specifying the functions or classes of services provided by the District and establishing the nature, location, and extent of the functions or classes of District services is on file with the San Diego Local Agency Formation Commission.

- (1) The present and planned land uses in the area, including agricultural and open space lands.**

The County of San Diego has jurisdiction over land use and planning matters within the Valley Center FPD and surrounding unincorporated areas; all land use decisions concerning sphere territory would be guided by the County General Plan. Affirmation of a sphere of influence would not affect agricultural and open space land uses.

- (2) The present and probable need for public facilities and services in the area.**

The Valley Center FPD covers approximately 84.5 square miles; structural fire protection and emergency medical services are provided district-wide. The District has experienced very modest population change in the past 20 years, which minimizes pressure to expand district services. The 2012 population estimate of 16,732 is an approximate 15% percent increase from 2009 estimates. The probable need for increased public facilities and services is determined by the zoning and land use designations adopted by the County of San Diego.

- (3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**

The Valley Center FPD responds to emergency incidents within the district and in areas outside the district boundary where the only access is through the FPD. Agreements for reciprocal automatic and mutual aid are in place with neighboring jurisdictions.

- (4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.**

Social and economic communities of interest are not relevant in considering affirmation of this sphere of influence.

- (5) For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.**

Refer to the *SB244 Staff Report* approved by the San Diego Local Agency Formation Commission on March 4, 2013 for the status of disadvantaged unincorporated communities and the Valley Center Fire Protection District.