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May 5, 2014

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TO: Local Agency Formation Commission  
FROM: Executive Officer  
Local Governmental Consultant

**Members**

Bill Horn  
County Board of  
Supervisors

SUBJECT: Five-Year Sphere of Influence and Service Review  
North County Fire Protection District: MSR13-53; SR13-53  
Vista Fire Protection District: MSR13-54; SR13-54

Dianne Jacob  
County Board of  
Supervisors

Bud Pocklington  
South Bay  
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**EXECUTIVE SUMMARY**

The attached report and recommendations concern spheres of influence for two Fire Protection Districts (FPDs) that provide structural fire protection and emergency medical services in unincorporated communities in northern San Diego County. 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: (1) amend and affirm a *larger-than-district* sphere for the North County FPD; and (2) affirm a *large-than-district* sphere for the Vista FPD.

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**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 within an agency’s 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

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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 a septic system failure; (2) a proposal involving property split by a sphere boundary; (3) a reorganization between two consenting district; and (4) situations where the sphere review did not 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:** Enactment of Senate Bill 244 (Wolk) resulted in changes to Government code Section 56425 and 56430 and 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 additional determinations relative to DUCs when conducting Municipal Service Reviews (MSR) and updating spheres of influence.

On March 4, 2013, San Diego LAFCO has previously accepted provisions to comply with SB 244; therefore, MSR/SR13-53: North County FPD; and MSR/SR13-54: Vista FPD will not need to 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 (commending with Section 1797); and (6) any other services relating to the protection of lives and property.

#### 1. North County Fire Protection District MSR13-53; SR13-53

**Services:** The North County Fire Protection District (FPD) is an “All Hazards” emergency response agency whose primary function includes structural fire protection and advanced life support (ALS) emergency medical services. Additional non-emergency fire and life safety services are provided including, fire prevention and life safety education. Under contract with the County of San Diego, the District provides emergency ambulance transport within a County Exclusive Operating Area. North County Fire Protection FPD is a member of the “North Com” Joint Powers Authority (JPA) for emergency dispatch services.

**Governance:** North County FPD is an independent special district governed by an elected five-member Board of Directors.

**ISO Rating:** 3 and 9 by area (2013)

**District area:** Approximately 85.9 square miles

**Population:** 50,431 (SANDAG 2012)

**Abstract:** The North County Fire Protection District (NCFPD) emerged from a 1986 reorganization that dissolved the Fallbrook FPD and County Service Area No. 7 (Rainbow) and concurrently formed the North

County FPD to assume the service responsibilities of both agencies. The antecedent Fallbrook FPD was formed in 1961 to establish public governance and provide access to public funding for a volunteer fire protection company that had operated in the unincorporated Fallbrook and Bonsall areas since 1947. CSA No. 7 was formed in 1967 to likewise establish public governance for a volunteer operation in Rainbow Valley. The newly established NCFPD was exempt from contributing to a Special District Augmentation Fund (SDAF) (rescinded in 1993); moreover, NCFPD was able to retain the property tax revenue that both former fire protection agencies would have transferred to the SDAF.

North County FPD provides service from five paid fire stations and one volunteer station. The stations are shown on the attached map. The County Office of Emergency Services contracts with the District to provide ALS ambulance transport services within a County Exclusive Operating Area.

Revenue source: Property tax, fees and EOA ambulance transport contract revenue.

Sphere: LAFCO approved a sphere of influence for NCFPD in conjunction with the 1986 reorganization of Fallbrook FPD and CSA No. 7 (Rainbow) into NCFPD. The NCFPD sphere replicated the spheres of the two former agencies and produced a sphere that was larger than the NCFPD boundary. The sphere generally extended into unincorporated areas that were not served by a *public* fire protection agency; a volunteer organization provided emergency services in the unincorporated community of De Luz, which is in the NCFPD sphere to the northwest.

In 2008—when County Supervisors established the San Diego County Fire Authority (SDCFA) zone over much of the unincorporated area and received LAFCO authorization to provide fire protection services as a latent power of CSA No. 135 within approximately 60 percent of the SDCFA—both the SDCFA Zone and the CSA latent powers area overlay the NCFPD sphere. The NCFPD sphere was not amended to reflect the presence of the CSA No.135 latent power area; however, areas with overlying jurisdictions were designated *special study areas*.

The SDCFA contracted with the De Luz volunteers and CAL FIRE to provide services within the De Luz portion of the NCFPD sphere; nonetheless, the greater part of the overlying NCFPD sphere/CSA No. 135 latent powers area is essentially unserved. If development were proposed that would require a mandatory level of emergency

response, the development planning process should include conclusions regarding which of the two agencies could provide the appropriate level of service. The presence of the NCFPD sphere is a planning tool for guiding these future decisions.

Sphere status: The *larger-than-district* North County FPD 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 sphere changes have occurred since the 2007 affirmations, or since the sphere was approved 27 years ago. The proposed *Meadowood Reorganization* removed approximately 390 acres from the structural fire/EMS *special study area* of CSA No. 135 sphere and latent powers area and annexed the territory to NCFPD; however, the reorganization is consistent with the NCFPD sphere of influence and a sphere amendment is not a prerequisite for reorganization. The County is responsible for removing the reorganization area from the SDCFA fire/EMS zone.

- **Request to amend sphere:** The NCFPD is requesting that the district sphere be amended to remove approximately 2,815 acres that is inaccessible to the District (see Area A on Map 1). The request stresses that because it is unlikely that Area A could ever be served by the FPD the 2,815 acres is not a component of the district's operational or capital planning.

Spheres are primarily planning tools to provide guidance for decisions about efficient service delivery and to prevent duplication of services. Retaining Area A in the NCFPD sphere—irrespective of the District's inability to provide service to the area—would obstruct rational planning and is not consistent with the intended purpose of spheres of influence. Area A is already included in the boundary of the SDCFA and is also within the fire protection latent powers area of CSA No. 135. Removing Area A from the NCFPD sphere would clarify that NCFPD is not considered a future service provider and would eliminate confusion regarding what agency should include Area A in planning for future service.

**RECOMMENDATION:** It is recommended that the sphere of influence for the North County FPD be amended to exclude approximately 2,815 acres identified as Area A on Map 1 and the resulting *larger-than-district* sphere be affirmed.

## 2. Vista Fire Protection District MSR13-54; SR13-54

**Services:** The Vista Fire Protection District (FPD) provides “All Hazards” emergency response by agreement with the City of Vista. The primary function includes structural fire protection and advanced life support (ALS) emergency medical services. Additional non-emergency fire and life safety services are provided that includes fire prevention and life safety education. Advanced Life Support and emergency ambulance transport service to the district are also provided by the City of Vista operating within their Exclusive Operating Area (EOA) agreement with the County of San Diego.

**Governance:** The Vista FPD is an independent special district governed by an elected five–member elected board.

**ISO Rating:** 3 and 9 by area including the City of Vista (2011)

**District area:** Approximately 31.05 square miles

**Population:** 18,736 (SANDAG 2012)

**Abstract:** The Vista FPD was formed in 1944 to establish governmental structure for a volunteer fire protection organization that operated in an unincorporated community east of the cities of Oceanside and Carlsbad. The District service area was significantly diminished in 1963, when the City of Vista incorporated and twelve square miles, which became part of the new City, were detached from the District to prevent duplication of responsibility.

The District and the City entered into a joint powers agreement (JPA) for fire protection services in 1970; assets were merged and proportionate city and district ownerships established. The City was assigned lead role and the city fire department provided services to both jurisdictions. In 2005, the City purchased the District’s JPA assets and the JPA was replaced with an *Agreement for Fire Suppression, Fire Prevention, and Emergency Medical Services*. The city fire department provides identical levels of emergency services to City and District residents. Each agency is responsible for a proportionate share of costs based on a ratio of individual agency to combined agency assessed valuations. The City of Vista fire department is the contract ambulance transport provider within the County Exclusive Operating Area that includes the City, the Vista FPD, and surrounding area.

**Revenue source:** Property tax

Sphere: LAFCO approved a *larger-than-district* sphere of influence for the Vista FPD in 1984.

Sphere status: The *larger-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 sphere or jurisdictional changes have occurred since the 2007 affirmations and no new information that would warrant a sphere change has been presented. However, there are discussions between the Vista FPD and the Deer Springs FPD for a reorganization of 221 acres involving a detachment from Deer Springs FPD and an 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.

**RECOMMENDATION:** It is recommended that the existing *larger-than-district* sphere of influence for the Vista Fire Protection District be affirmed per Map 2.

#### **CONCLUSION AND RECOMMENDATIONS**

Approval of staff recommendations to: (1) amend and affirm the *larger-than-district* sphere for North County FPD; and (2) affirm a *larger-than-district* sphere for the Vista FPD bringing 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. Therefore, it is

**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 amendments and 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.
- (3) For the reasons set forth in the *2012 Five-Year Sphere of Influence and Service Review*, adopt the written statements on file specifying the functions and classes of

services and (1) amend and affirm a *larger-than-district* sphere for North County FPD: and (2) affirm a *larger-than-district* sphere for the Vista FPD.

(4) Adopt the written Statements of Determinations as shown in Exhibit A.

Respectfully Submitted,

MICHAEL D. OTT  
Executive Officer

E. JOHN TRAYLOR  
Local Governmental Consultant

MDO:EJT:trl

**Attachments**

Map 1: North County Fire Protection District

Map 2: Vista Fire Protection District

Exhibit A: Municipal Service Review and Sphere Review Statements of Determinations



# Map 1

Riverside County

# 6

Sphere of Influence



North County FPD

Area A

## North County FPD

### MSR/SR 13-53

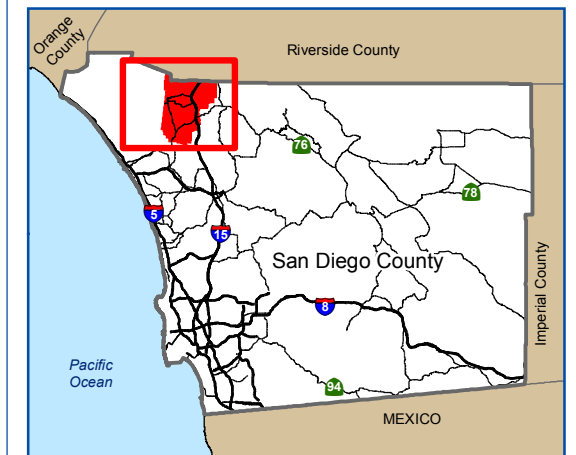
#### LEGEND

-  North County FPD
-  Sphere of Influence (SOI)

SOI Adopted: 11 / 17 / 86

SOI Affirmed: 5 / 7 / 07

SOI Affirmed: 8 / 6 / 07



## SAN DIEGO LAFCO



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File: G:/GIS/Vicinity Maps/Agendamaps2013/13-53 FPD\_North\_County.mxd  
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0 1 2 3 4 5 Miles

CITY OF OCEANSIDE

MISSION AV

GOPHER CANYON RD

OLD CASTLE RD

LILAC RD

SR-76

PALA RD

N OLD HIGHWAY 395

S OLD HIGHWAY 395

OLD HIGHWAY 395

RECHE RD

GIRD RD

LIVE OAK PARK RD

E MISSION RD

S MISSION RD

S MISSION RD



E FALLBROOK ST

DEGRIFT BL

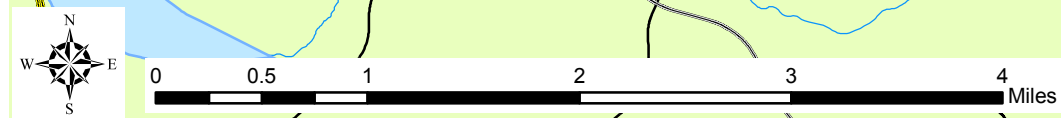
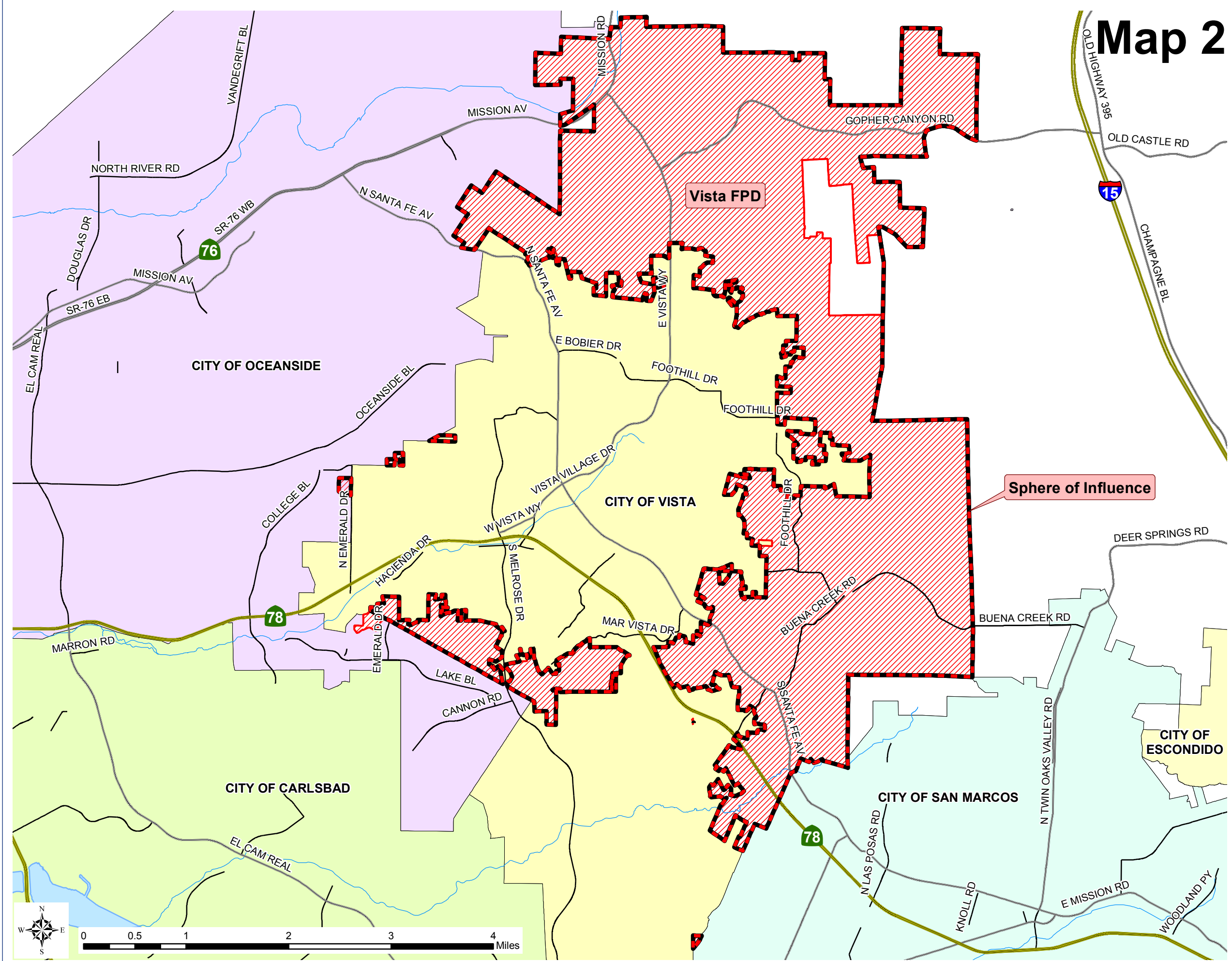
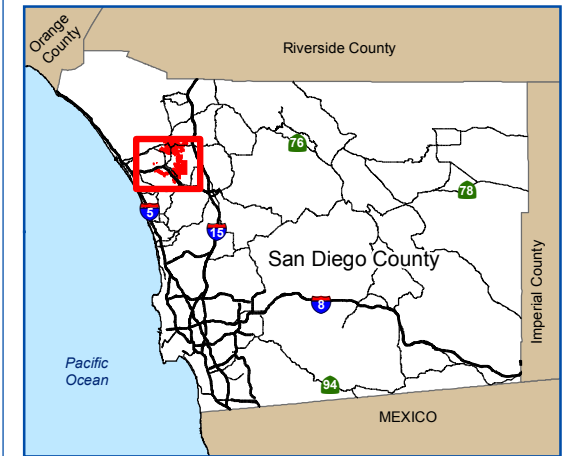
# Map 2

## Vista Fire Protection District MSR/SR 13-54

### LEGEND

-  Vista FPD
-  Sphere of Influence (SOI)

SOI Adopted: 6 / 4 / 84  
 SOI Affirmed: 5 / 7 / 07  
 SOI Affirmed: 8 / 6 / 07



SAN DIEGO **LAFCO**



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**RECOMMENDED STATEMENT OF DETERMINATIONS  
MUNICIPAL SERVICE REVIEW  
NORTH COUNTY FIRE PROTECTION DISTRICT  
MSR13-53**

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 North County 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 North County Fire Protection District have increased moderately since the larger-than-district sphere was affirmed in 2007. The district anticipates continued 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 North County 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 North County Fire Protection District.

**(4) Financial ability of agencies to provide services.**

Property tax revenue funds approximately 84 percent of the North County Fire Protection District General Fund; voter-approved special assessment and other revenues provide approximately 16 percent.

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

The North County Fire Protection District is a member agency of "North Com." JPA for emergency communications-dispatch.

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

The North County 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 MSR13-53 for the North County Fire Protection District.

**RECOMMENDED STATEMENT OF DETERMINATIONS  
FOR AMENDMENT AND AFFIRMATION OF A LARGER-THAN-DISTRICT  
SPHERE OF INFLUENCE FOR THE NORTH COUNTY FIRE PROTECTION DISTRICT  
SR13-53**

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 larger-than-district sphere of influence for North County 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 North County 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 North County FPD covers approximately 85.9 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 50,431 is less than 1 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 North County 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. The sphere of influence has been amended to exclude approximately 2,815 acres. The area was inaccessible to the FPD and was not a component of the district's operational or capital planning. The area is already in the boundary of the San Diego County Fire Authority and is also within the fire protection latent powers area of County Service Area 135.

**(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 North County Fire Protection District.

**RECOMMENDED STATEMENT OF DETERMINATIONS  
MUNICIPAL SERVICE REVIEW  
VISTA FIRE PROTECTION DISTRICT  
MSR13-54**

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 Vista 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) Growth and population projections for the affected area.**

Population estimates for the Vista 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 Vista 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 Vista Fire Protection District.

**(4) Financial ability of agencies to provide services.**

Property tax revenue funds approximately 84 percent of the Vista FPD General Fund; District adopted City of Vista fees for service schedule and other revenue provides approximately 16 percent of the budget revenue.

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

The Vista Fire Protection District is served by contractual agreement with the City of Vista. The contract is for "All Hazards" emergency response including structural fire protection and Advanced Life Support (ALS) first responder and ambulance transport. Additional non-emergency service includes; fire prevention and fire and life safety education services.

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

The Vista Fire Protection District conducts regularly scheduled public meetings on the second 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 MSR13-54 for the Vista FPD.

**RECOMMENDED STATEMENT OF DETERMINATIONS  
FOR AFFIRMATION OF A LARGER-THAN-DISTRICT SPHERE OF INFLUENCE  
FOR THE VISTA FIRE PROTECTION DISTRICT  
SR13-54**

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 larger-than-district sphere of influence for Vista 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 Vista 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 Vista FPD covers approximately 31.05 square miles; "All Hazards" emergency service including structural fire protection and emergency medical services are provided district-wide by agreement with the City of Vista. 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 18,736 is a slight increase from 2009 estimates. However, there are discussions between the Vista FPD and the Deer Springs FPD for a reorganization of 221 acres involving a detachment from Deer Springs FPD and an 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 the reorganization. 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.**

By agreement, the City of Vista Fire Department responds to emergency incidents within the Vista FPD boundary 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 Vista Fire Protection District.