

Chairman

Andrew Vanderlaan
Public Member

September 8, 2014

8

Vice Chairman

John Ingalls
Santa Fe
Irrigation District

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
San Marcos Fire Protection District: MSR13-89; SR13-89

Dianne Jacob
County Board of
Supervisors

EXECUTIVE SUMMARY

Bud Pocklington
South Bay
Irrigation District

The attached report and recommendations concern the sphere of influence for San Marcos Fire Protection District (FPD). The San Marcos FPD provides structural fire protection and emergency medical services in unincorporated northern San Diego County. The District's sphere is being evaluated as part of a comprehensive *Sphere of Influence and Service Review* program required by State Law and San Diego LAFCO Policy; the *Review* will sequentially address all local agency spheres in San Diego County. This report concludes with a recommendation to affirm the *transitional* sphere for the San Marcos FPD.

Lorie Zapf
Councilmember
City of San Diego

Jim Janney
Mayor
City of Imperial Beach

Sam Abed
Mayor
City of Escondido

Alternate Members

SPHERE of INFLUENCE BACKGROUND

Greg Cox
County Board of
Supervisors

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.

Sherrri Lightner
Councilmember
City of San Diego

Jo MacKenzie
Vista Irrigation District

Lorraine Wood
Councilmember
City of Carlsbad

Harry Mathis
Public Member

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

Executive Officer

Michael D. Ott

Counsel

Thomas Bosworth

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/SR13-89: San Marcos 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 (commencing with Section 1797); and (6) any other services relating to the protection of lives and property.

San Marcos Fire Protection District MSR13-89; SR13-89

Services: The San Marcos Fire Protection District (FPD) is a subsidiary district of the City of San Marcos. Pursuant to State Law, 70% or more of the area of land and 70% or more of the number of registered voters within the district must also be within the boundaries of a city. In the case of the San Marcos FPD, LAFCO established the FPD as a subsidiary district of the City of San Marcos in 1987. Today, 74% of the land area (15,574 acres) and 70.4% of the voters (39,452 registered voters) are located within the City of San Marcos. The 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 (EOA). In 2011, the City of San Marcos and the City of Escondido entered into a contractual relationship to create a new "Cooperate Emergency Medical Services Division" that provides joint management and coordination of both cities' emergency medical transportation programs. San Marcos FPD is a member of the "North Com" Joint Powers Authority (JPA) for emergency dispatch services.

Governance: San Marcos FPD is a dependent (subsidiary) special district governed by an elected five—member Board of Directors (City Council).

ISO Rating: Class 2

District area: Approximately 33 square miles

Population: 94,962 (SANDAG 2012)

Abstract: The San Marcos Fire Protection District (FPD) was established in the unincorporated area in 1936. When the City of San Marcos incorporated in 1963, the FPD provided services within the City as well as the surrounding areas. Unincorporated territory within the FPD continued to annex into the City until 1987 when the percentage of FPD constituents, which were also residents of the City of San Marcos, were sufficient to meet State Law requirements for transforming the FPD into a subsidiary district of the City.

San Marcos FPD is a subsidiary district to the City of San Marcos. The District provides the service within the City of San Marcos; unincorporated territory adjacent to the cities northern boundary; discontinuous unincorporated areas between the City of San Marcos and the City of Escondido and the community of Lake San Marcos, which is an unincorporated island within the City of San Marcos. The FPD is an “All Hazards” emergency response agency whose primary function includes structural fire protection and advanced life support 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 EOA. San Marcos FPD provides service from four paid fire stations and operates a regional training facility. The Stations are shown on the attached sphere map.

Revenue source: Property tax, voter—approved assessment

Sphere: LAFCO approved a transitional sphere of influence for the San Marcos FPD in 1984 to reflect the District’s status as a subsidiary of the City of San Marcos.

Sphere status: The *transitional* sphere for San Marcos FPD 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. On August 4, 2014, the Commission action approved a detachment of approximately 57 acres with an annexation to County Service Area No. 107 (Elfin Forest / Harmony Grove). No sphere changes are proposed at this time.

RECOMMENDATION: It is recommended that the *transitional* sphere of influence and the municipal service review on file for the San Marcos FPD be affirmed.

CONCLUSION AND RECOMMENDATIONS

Approval of staff recommendations to affirm the *transitional* sphere and municipal service review on file for San Marcos FPD bringing this local agency 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, the sphere affirmation is 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 affirm a *transitional* sphere for San Marcos 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

Sphere Map




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

San Marcos FPD

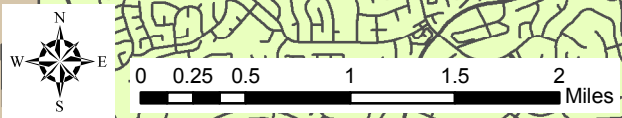
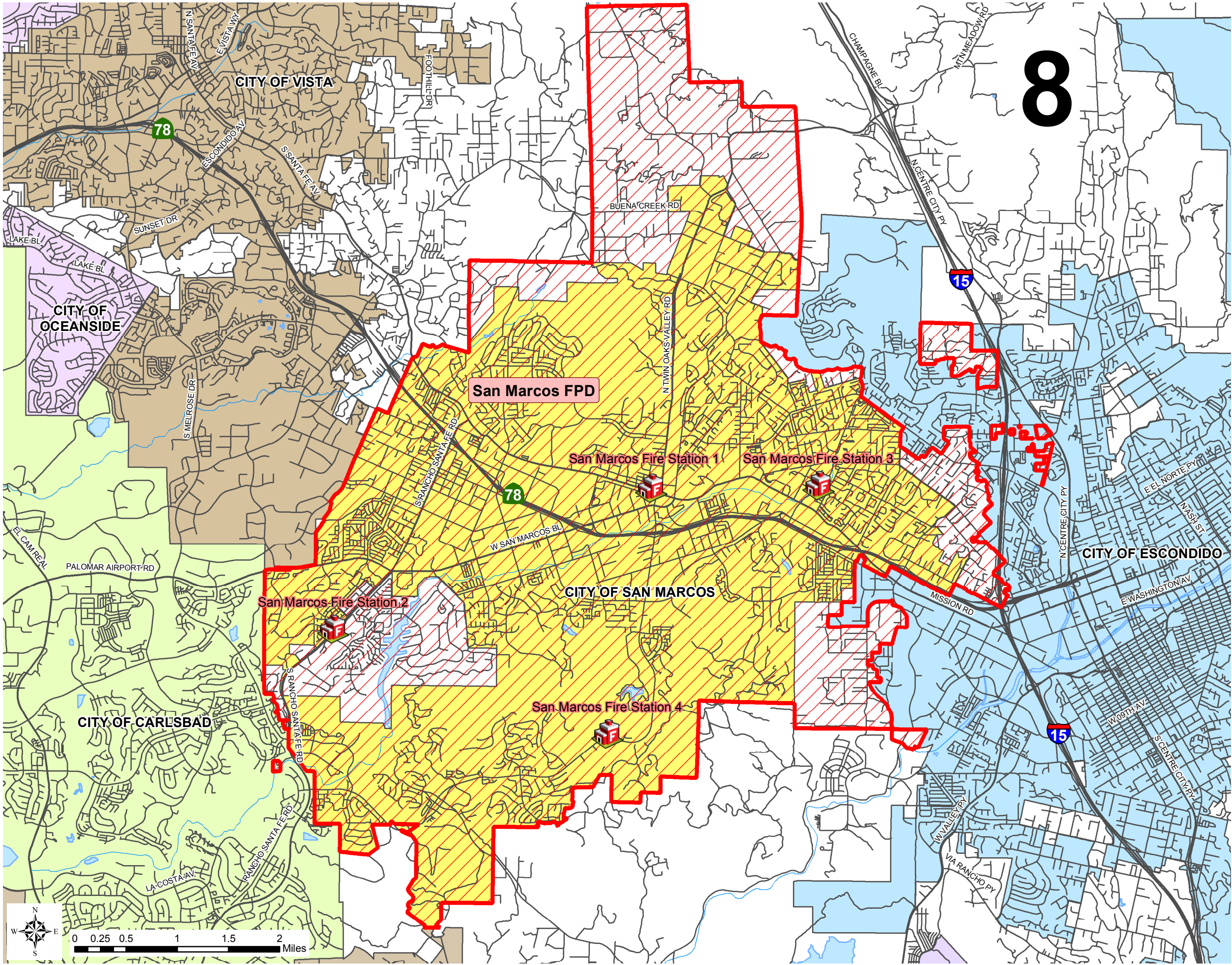
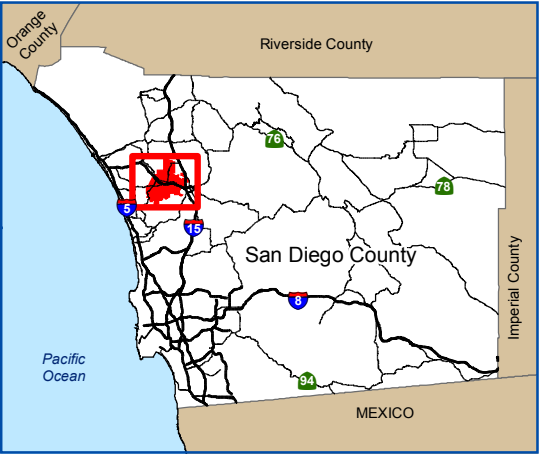
MSR/SR 13-89

8

LEGEND

-  San Marcos FPD
-  City of San Marcos
-  San Marcos Fire Stations

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



SAN DIEGO LAFCO



This map is provided without warranty of any kind, either express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. Copyright SanGIS. All Rights Reserved. This product may contain information from the SANDAG Regional Information System which cannot be reproduced without the written permission of SANDAG. This product may contain information which has been reproduced with permission granted by Thomas Brothers Maps.

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

File: G:/GIS/Vicinity maps/legendmaps2013/
 13-89 FPD_San_Marcos.mxd
 Printed August 2014.

**RECOMMENDED STATEMENT OF DETERMINATIONS
PROPOSED AFFIRMATION OF A TRANSITIONAL SPHERE OF INFLUENCE FOR
THE SAN MARCOS FIRE PROTECTION DISTRICT
SR13-89**

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 transitional sphere of influence for San Marcos 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 in the unincorporated area of the District while the City of San Marcos has jurisdiction within the incorporated city area of the FPD; all land use decisions concerning sphere territory would be guided by the County General Plan and the City 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 San Marcos FPD covers approximately 33 square miles; structural fire protection and emergency medical services are provided district-wide. The District has experienced a large population change in the past 20 years, requiring the expansion district services. The 2012 population estimate of 94,962 is a moderate increases from 2009 estimates. The probable need for increased public facilities and services are determined by the zoning and land use designations adopted by the County of San Diego and the City of San Marcos.

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

The San Marcos FPD responds to emergency incidents within the district including the incorporated area of the City of San Marcos. Agreements for reciprocal automatic and mutual aid are in place with neighboring jurisdictions. The current facilities are adequate for the services that are provided.

- (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 San Marcos Fire Protection District.

**RECOMMENDED STATEMENT OF DETERMINATIONS
MUNICIPAL SERVICE REVIEW
SAN MARCOS FIRE PROTECTION DISTRICT
MSR13-89**

8

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 San Marcos 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 San Marcos Fire Protection District have increased moderately since the transitional 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 San Marcos 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 San Marcos Fire Protection District.

(4) Financial ability of agencies to provide services.

Property tax revenue funds the largest source of the San Marcos FPD General Fund; voter-approved special assessment and other revenues provide the remaining source of revenue.

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

The San Marcos 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 San Marcos Fire Protection District conducts regularly scheduled public meetings on the second and fourth Tuesdays of each month. The District maintains a website with access to Board/Council 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 MSR13-89 for the San Marcos FPD.