

December 2, 2013

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TO: Local Agency Formation Commission

FROM: Executive Officer
Local Governmental Consultant

SUBJECT: Five-Year Sphere of Influence and Service Review:
MSR13-50; SR13-50: Bonita-Sunnyside Fire Protection District
MSR13-52; SR13-52: Lower Sweetwater Fire Protection District

EXECUTIVE SUMMARY

The attached report and recommendations concern spheres of influence for two Fire Protection Districts (FPD) that provide structural fire protection and emergency medical services within unincorporated communities in southern 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) affirm a *larger-than-district* sphere for Bonita-Sunnyside FPD; and (2) affirm a *transitional* sphere for the Lower Sweetwater FPD.

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 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 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 Sections 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 determinations relative to DUCs when conducting Municipal Service Reviews and updating spheres of influence.

On March 4, 2013, San Diego LAFCO accepted provisions to comply with SB 244; therefore, MSR/SR13-50: Bonita-Sunnyside Fire Protection District; and MSR/SR13-52: Lower Sweetwater Fire Protection District will not need to address SB 244.

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. Bonita-Sunnyside Fire Protection District MSR13-50; SR13-50

Services: The Bonita-Sunnyside Fire Protection (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 service in the Bonita Sunnyside FPD area is provided by American Medical Response (AMR).

Governance: Elected three-member Board of Directors

District area: Approximately 7 square miles

ISO Rating: 4 (Dec. 2006)

Population: 13,303 (SANDAG 2012)

Abstract: The Bonita-Sunnyside Fire Protection District was formed in 1950 to establish governmental structure for the Upper Sweetwater Valley Volunteer Fire Company that had provided emergency services in the unincorporated Bonita area since 1939. The District is a member of the Heartland Communications Facility Authority JPA for emergency dispatch services, the Heartland Fire Training Facility JPA for firefighter skills and safety training and a founding member of the Regional Cooperative Care Partnership, a consortium of

emergency service agencies, which provides administrative oversight for ALS and paramedic ambulance transport services. Emergency ambulance transport service in the Bonita Sunnyside area is provided by American Medical Response (AMR).

Revenue source: Property tax and voter-approved special assessment

Sphere: LAFCO approved a larger-than-district sphere of influence for the Bonita-Sunnyside FPD in 1985. The sphere is essentially coterminous to the district's western boundary but includes significant additional territory to the east of the District. The additional sphere territory represents one of several unserved islands in the unincorporated area that are not within any fire protection agency. Annexation of the island areas is problematic because no revenue to support emergency services is identified with unserved areas. The unserved island area in the Bonita-Sunnyside FPD sphere is uninhabited, conservation land overseen by the U.S. Fish and Wildlife Services in collaboration with the Sweetwater Unit of the San Diego National Wildlife Refuge. Respond to rescue situations and medical emergencies in the unserved island refuge area is provided by surrounding agencies without reciprocal agreements.

Sphere status: The larger-than-district Bonita-Sunnyside FPD sphere was adopted July 1, 1985, affirmed in May 2007 as part of the *Structural Fire Protection and Emergency Medical Services and Sphere of Influence Review* and re-affirmed 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. District responses to the *2012 Sphere of Influence and Service Review* indicate that no proposals for a sphere change or jurisdictional change are anticipated.

RECOMMENDATION: It is recommended that the existing *larger-than-district* sphere of influence for the Bonita-Sunnyside Fire Protection District be affirmed.

1. Lower Sweetwater Fire Protection District MSR13-52; SR13-52

Services: The Lower Sweetwater Fire Protection District (FPD) is responsible for fire protection services for the unincorporated south county community of Lincoln Acres. The District provides an "All Hazards" emergency response agency thru a "Contract for Service" with the City of National City Fire Department. National City Fire Department's 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 service in the Lower Sweetwater FPD area is provided by American Medical Response (AMR).
Governance:	Elected three-member Board of Directors
District area:	Approximately 0.46 square miles
ISO Rating:	3 (2006)
Population:	2,609 (SANDAG 2012)
Abstract:	<p>The Lower Sweetwater Fire Protection District was formed in 1944 to provide emergency services within the unincorporated community of Lincoln Acres located between the Cities of San Diego, National City, and Chula Vista. The District diminished over time as unincorporated parcels in Lincoln Acres annexed to surrounding cities and detached from the FPD. In 1982, with only 298 acres remaining, the FPD began contracting for fire protection and EMS services from the City of National City; the contract between the District and the City has run uninterrupted for the past 31 years.</p> <p>In 2002, Lower Sweetwater FPD voters defeated a ballot measure to reorganize the District by dissolving the FPD and concurrently forming a County Service Area (CSA) to assume responsibility for providing emergency services in Lincoln Acres. The contract for service between the FPD and the City of National City was not interrupted by the proposed, and subsequently defeated, reorganization.</p> <p>The contract for service between the District and the City of National City is effective as of October 1, 2010 and will continue in full force and effect until September 1, 2020, or until either party exercises the right to terminate.</p>
Revenue source:	Property tax
Sphere:	LAFCO approved a transitional sphere of influence for the Lower Sweetwater FPD in 1985. In a related action, the FPD service area was placed within the sphere for the City of National City. The district and city spheres reflect a position that the City is the most efficient service provider for Lincoln Acres. The FPD sphere was affirmed in May 2007 as part of the <i>Structural Fire Protection and Emergency Medical Services and Sphere of Influence Review</i> and again in August 2007 during review of spheres for all special districts in San Diego County.
Sphere status:	<p>No sphere change has occurred since the 2007 affirmations of the transitional sphere and no new information that would warrant a sphere change has been presented. District responses to the <i>2012 Sphere of Influence and Service Review</i> indicate that no proposals for a sphere change or jurisdictional change are anticipated.</p> <p>RECOMMENDATION: It is recommended that the existing transitional sphere for the Lower Sweetwater FPD be affirmed.</p>

CONCLUSION AND RECOMMENDATIONS

Approval of staff recommendations to: (1) affirm a larger-than-district sphere for the Bonita Sunnyside FPD; and (2) affirm a *transitional* sphere for the Lower Sweetwater 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. 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 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) affirm a *larger-than-district* sphere for the Bonita-Sunnyside FPD; and (2) affirm a *transitional* sphere for the Lower Sweetwater FPD; and
- (4) Adopt the written Statements of Determinations as shown in Exhibit A.

Respectfully submitted,

MICHAEL D. OTT
Executive Officer

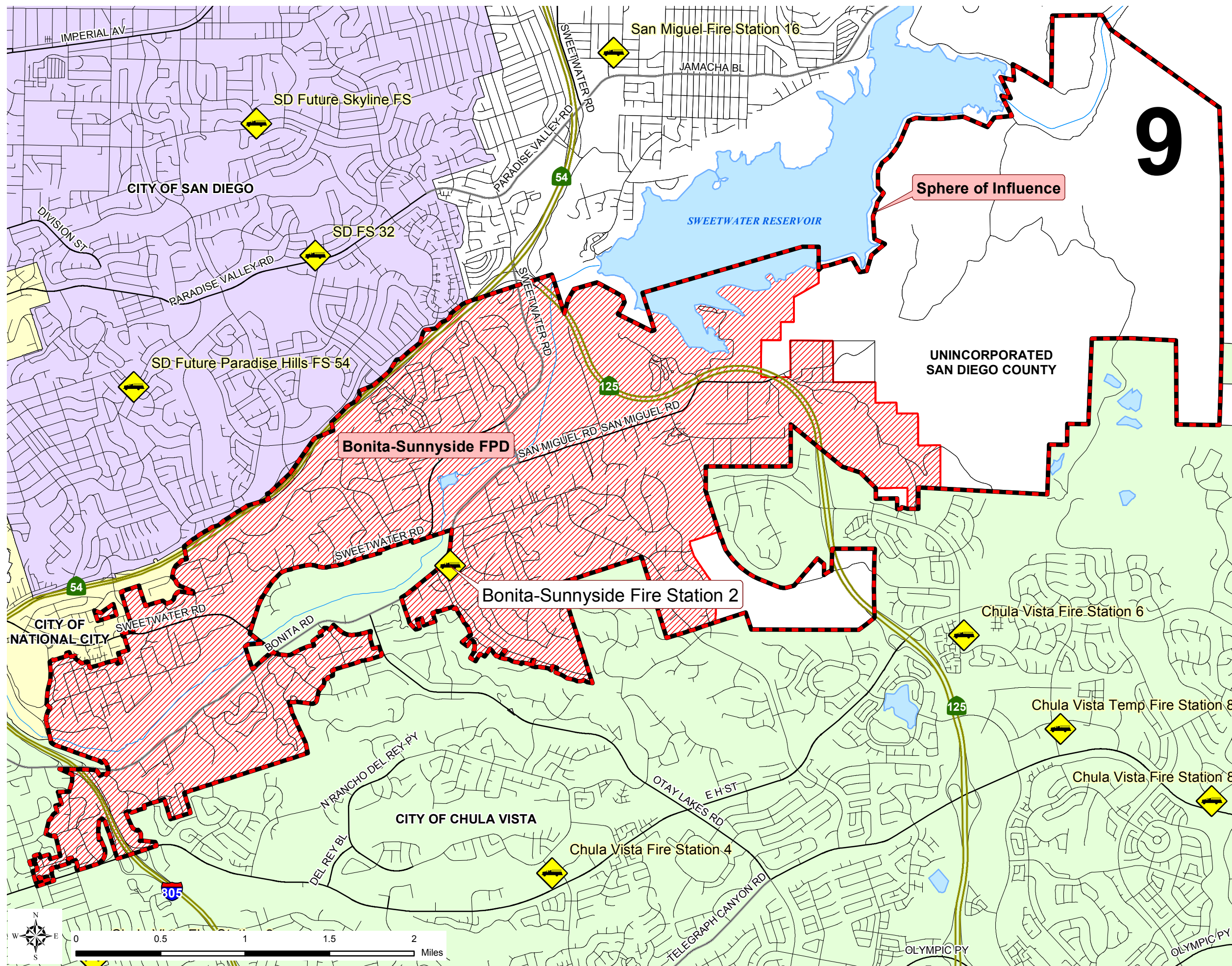
E. JOHN TRAYLOR
LAFCO Consultant

MDO:EJT:trl

Attachments

Vicinity Maps

Exhibit A: Statements of Determinations



Bonita-Sunnyside FPD

MSR/SR 13-50

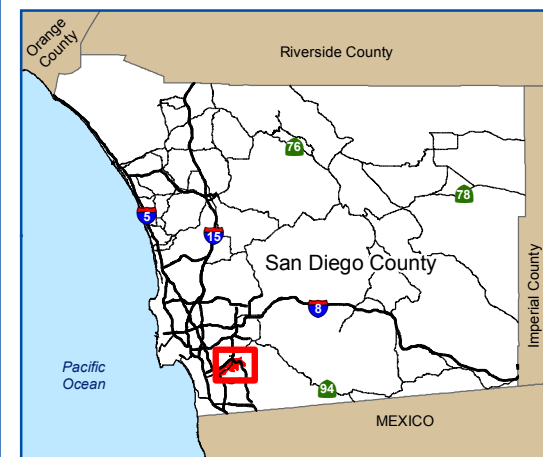
LEGEND

- Bonita-Sunnyside FPD
- Sphere of Influence (SOI)
- Fire Stations

SOI Adopted: 7 / 1 / 85

SOI Affirmed: 5 / 7 / 07

SOI Affirmed: 8 / 6 / 07



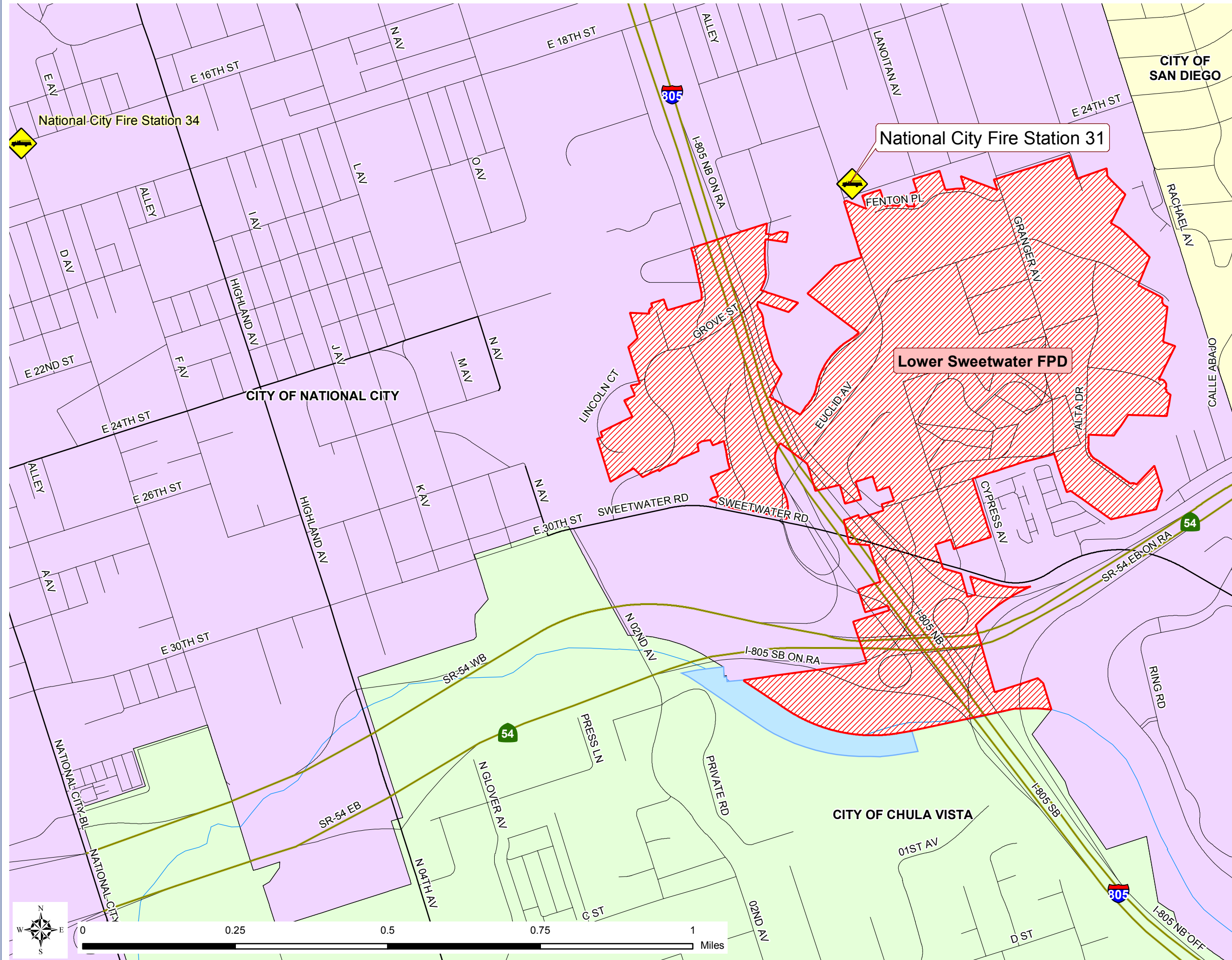
SAN DIEGO **LAFCO**



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/13-50 FPD_Bonita_Sunnyside.mxd
Printed Nov 2013.



Lower Sweetwater FPD

MSR/SR 13-52

LEGEND

Lower Sweetwater FPD

Fire Stations

Zero SOI Adopted: 2 / 4 / 85
Zero SOI Affirmed: 5 / 7 / 07
Zero SOI Affirmed: 8 / 6 / 07

Note: All territory in National City's SOI



SAN DIEGO LAFCO



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Printed Nov 2013.

**ADOPTED STATEMENT OF DETERMINATIONS
MUNICIPAL SERVICE REVIEW
BONITA-SUNNYSIDE FIRE PROTECTION DISTRICT
MSR13-50**

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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 Bonita-Sunnyside 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 Bonita-Sunnyside Fire Protection District have declined approximately three percent 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 Bonita-Sunnyside 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 Bonita-Sunnyside Fire Protection District.

(4) Financial ability of agencies to provide services.

Property tax revenue funds approximately 96 percent of the Bonita-Sunnyside FPD General Fund; voter-approved special assessment provides approximately 4 percent.

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

The Bonita-Sunnyside Fire Protection District participates in joint power authority agreements for communications-dispatch and for training. A lease agreement to house a private transport ambulance 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 Bonita-Sunnyside 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 MSR13-50 for the Bonita-Sunnyside FPD.

**ADOPTED STATEMENT OF DETERMINATIONS
FOR AFFIRMATION OF A LARGER-THAN-DISTRICT SPHERE OF INFLUENCE
FOR THE BONITA-SUNNYSIDE FIRE PROTECTION DISTRICT
SR13-50**

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 Bonita-Sunnyside 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 Bonita-Sunnyside 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 Bonita-Sunnyside FPD covers approximately 7 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 13,303 is an approximate three percent decline 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 Bonita-Sunnyside 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 Bonita-Sunnyside Fire Protection District.

**ADOPTED STATEMENT OF DETERMINATIONS
MUNICIPAL SERVICE REVIEW
LOWER SWEETWATER FIRE PROTECTION DISTRICT
MSR13-52**

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 Lower Sweetwater 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 Lower Sweetwater Fire Protection District have increased approximately twenty one percent since the transitional sphere was affirmed in 2007. The district does not anticipate significant additional 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 Lower Sweetwater 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 Lower Sweetwater Fire Protection District.

(4) Financial ability of agencies to provide services.

Property tax revenue funds 100 percent of the Lower Sweetwater FPD General Fund. Revenue is sufficient to fund contract service to the City of National City for fire and emergency medical services within the district.

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

Fire and Emergency Medical Service to the Lower Sweetwater Fire Protection District is provided by the City of National City by contract which extends through September 2020. The Fire District Board shares meeting space with the community library.

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

The Lower Sweetwater Fire Protection District conducts quarterly meeting. The District does not have a website with access to Board meeting agendas. Agendas are posted at the community library.

(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 MSR13-52 for the Lower Sweetwater FPD.

**ADOPTED STATEMENT OF DETERMINATIONS
FOR AFFIRMATION OF A TRANSITIONAL SPHERE OF INFLUENCE FOR THE
LOWER SWEETWATER FIRE PROTECTION DISTRICT
SR13-52**

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 Lower Sweetwater 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 Lower Sweetwater 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 Lower Sweetwater FPD covers approximately 0.46 square miles; structural fire protection and emergency medical services are provided district-wide by the City of National City through contract for service agreement which runs through September 2020. 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 2609 is an approximate twenty percent increase 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. The District has no plans to provide public facilities.

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

The Lower Sweetwater FPD's service provider (City of National City) responds to emergency incidents in all areas inside the district boundary. The National City Fire Department is an "All Hazards" response agency. The district has no equipment or infrastructure of its own. The District deeded its property over to the County of San Diego for expansion of the community library. The District Board has a dedicated office and access to meeting space within the community library by written agreement with the County of San Diego.

(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 Lower Sweetwater Fire Protection District.