San Diego County
Local Agency Formation Commission
Regional Service Planning | Subdivision of the State of California

# 6b

**AGENDA REPORT**
Public Hearing

June 1, 2020

**TO:** Commissioners

**FROM:** Keene Simonds, Executive Officer

**SUBJECT:** **Sphere of Influence Update for County Service Area No. 135**

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## SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider approving a sphere of influence update for County Service Area (CSA) No. 135 and its active service functions: public safety radio communications and integrated fire protection and emergency medical. The update is being presented as part of the Commission's five-year study requirement to review and – as needed – make changes to spheres in step with designating cities and special districts' appropriate and near-term service areas. This update draws on information included in a recently completed municipal service review and recommends the Commission proceed to affirm the existing sphere (primary and secondary designations) without changes and ahead of considering an anticipated reorganization proposal to transition the fire and emergency medical function into a separate fire protection district.

## BACKGROUND

### Spheres of Influence

LAFCOs establish and maintain spheres of influence for all cities and most special districts to designate the territory it independently believes represents the appropriate and probable future service areas and jurisdictional boundaries of the affected agencies. Importantly, all jurisdictional changes, such as annexations and detachments, must be consistent with the

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Jo MacKenzie, Vista Irrigation
Barry Willis, Alpine Fire Protection
Erin Lump, Alternate, Rincon del Diablo MWD
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Harry Mathis, Alternate, General Public

spheres of the affected local agencies with limited exceptions. Recent legislation also now requires LAFCOs to review all local agencies' spheres every five years and update as appropriate and based on information generated as part of municipal service reviews.

## Informing Document to Sphere Update | Municipal Service Review on CSA No. 135

San Diego LAFCO recently completed an agency-specific municipal service review on CSA No. 135 consistent with the adopted workplan. The municipal service review serves as the Commission's independent evaluation of the availability and adequacy of CSA No. 135's active service functions relative to current and future needs. A final report on the municipal service review was accepted by the Commission at its May 4, 2020 meeting and recommended the Commission proceed to affirm the sphere and its two distinct designations without change. It also – pertinently – recommended the County partner with LAFCO and pursue a reorganization of CSA No. 135 to bifurcate and transition fire protection and emergency medical services to a new dependent fire protection district for reasons detailed.

## DISCUSSION

This item is for San Diego LAFCO to consider a formal sphere of influence update for CSA No. 135. The update draws on germane information collected and analyzed as part of a recently completed municipal service review on CSA No. 135 and as proposed by staff would affirm the existing sphere of influence and its primary and secondary designations. Additional context on the primary and secondary designations follow.

- The original and primary sphere of influence designation for CSA No. 135 was established by the Commission in 1994 as part of the formation approval process. The primary designation is specific to the public safety radio communication function and presently includes all of San Diego County and its approximate 2.726 million acres. The primary designation includes 333,180 non-jurisdictional acres that collectively comprise the nine local cities – Chula Vista, Coronado, El Cajon, Escondido, La Mesa, Oceanside, National City, San Diego, and Santee – that elected not to be included in the District at the time of formation. This latter amount equals 13.9% of CSA No. 135's jurisdictional boundary. There have been no changes to the primary designation to date.

- The secondary sphere of influence designation for CSA No. 135 was established in 2008 specific to approving the latent power activation of the District's fire protection and emergency medical service internal zone. The secondary designation is coterminous to the active service zone and spans 1.597 million acres. There are also 29 distinct special study areas assigned to the secondary designation. These study areas collectively total 45,487 acres and represent 2.8% of the secondary designation size. Nine of these study areas were approved for annexation into CSA No. 135 and other fire protection districts in 2019 pending the completion of terms. The other study areas are unincorporated islands surrounded by cities.

## ANALYSIS

Proceeding with an update to affirm CSA No. 135's sphere of influence and its primary (public safety radio communication) and secondary (fire protection and emergency medical function) designations is appropriate and serves to maintain baseline expectations regarding current and future service areas. Most notably, maintaining the baseline at this time is warranted and advantageous given the anticipated proposal filing by the County of San Diego to formally request reorganization and transition fire protection and emergency medical into a new dependent fire protection district. This anticipated reorganization – notably – provides the Commission the opportunity to revisit the sphere and its designations should additional consideration arise during the administrative review and public comment period.

## RECOMMENDATION

It is recommended San Diego LAFCO approve an update to CSA No. 135' sphere of influence and its primary and second designations as detailed in the preceding section. This recommendation is consistent with Alternative One as outlined in the succeeding section.

## ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished through a single-approved motion.

Alternative One (recommended):
Adopt the draft resolution provided as Attachment One approving an update to affirm CSA No. 135's sphere of influence and its existing primary and secondary designations along with current study areas.

Alternative Two:
Continue the item and request additional information from staff as needed.

## PROCEDURES FOR CONSIDERATION

This item has been placed on San Diego LAFCO's agenda for action as part of a noticed public hearing. The following procedures are recommended in the consideration of this item:

1) Receive verbal presentation from staff unless waived.
3) Open the hearing and invite comments.
4) Discuss item and consider the staff recommendation.

Respectfully,



Keene Simonds
Executive Officer

Attachment:

1) Draft Resolution Approving a Sphere Update for CSA No. 135
   - Map Shown as Exhibit B

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**RESOLUTION NO.**

**RESOLUTION OF THE**
**SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION**
**MAKING DETERMINATIONS**

**SPHERE OF INFLUENCE UPDATE**
**COUNTY SERVICE AREA NO. 135**

**WHEREAS,** the San Diego County Local Agency Formation Commission, hereinafter referred to as the "Commission", is a political subdivision of the State of California with regulatory and planning responsibilities to facilitate orderly growth and development under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, the Commission is responsible under Government Code Section 56425 to establish spheres of influence for all local agencies under Commission oversight with the added statutory directive that all jurisdictional changes must be consistent with the affected agencies' spheres with limited exceptions; and

**WHEREAS,** the Commission is also responsible under Government Code Section 56425 to review and update all local agencies' spheres of influence every five years as necessary; and

**WHEREAS**, the Commission recently completed a municipal service review on County Service Area No. 135 and its active service functions: public safety radio communications and integrated fire protection and emergency medical; and

**WHEREAS**, the municipal service review on County Service Area No. 135 was accepted by the Commission on May 4, 2020 and serves as the informing document for the Commission to proceed with a sphere of influence update; and

**WHEREAS**, the Executive Officer's written report and recommendations on a sphere of influence update for County Service Area No. 135 was presented to the Commission in a manner provided by law; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a public meeting concerning the sphere of influence update for County Service Area No. 135 on June 1, 2020;

**WHEREAS,** as part of the sphere of influence update process, the Commission is required pursuant to Government Code Section 56425(e) to make a statement of written determinations with regards to certain factors.

**NOW, THEREFORE, BE IT RESOLVED**, the Commission hereby finds, determines, and orders the following:

1. The Commission determines the sphere of influence update for County Service Area No. 135 represents a project under the California Environmental Quality Act, but exempt from further review under the "general rule" provided under State Guidelines 15061(b)(3). This exemption appropriately applies given it can be seen with certainty spheres of influence are planning policies and any amendments or updates do not make any changes to the environment or authorize any new uses or services.

2. The Commission has considered the Executive Officer's written report on the sphere of influence update and recommendations therein.

3. The Commission makes the statements set forth in Exhibit "A" in determining the sphere of influence for County Service Area No. 135.

4. The Commission APPROVES an update to the existing sphere of influence for County Service Area No. 135 and its two distinct designations therein involving a primary (public safety radio communication function) and secondary (fire protection and emergency medical function) with no changes.

5. The existing special study areas assigned to County Service Area No. 135 and specific to the secondary designation (fire protection and emergency medical function) are also retained.

6. The updated sphere of influence for County Service Area No. 135 is shown as Exhibit "B".

PASSED AND ADOPTED by the Commission on June 1, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

ATTEST:

_____
TAMARON LUCKETT
Executive Assistant

**EXHIBIT A**

**STATEMENT OF DETERMINATIONS**
**GOVERNMENT CODE SECTION 56425**

1. With respect to present and planned land uses in the area as required under Section 56425(e)(1), the Commission independently determines the following.

    a) Most land within the sphere of influence and its two distinct designations is unincorporated and largely consist of low to moderate residential uses.

2. With respect to present and probable need for public facilities and services in the area as required under Section 56425(e)(2), the Commission independently determines the following.

    a) The sphere of influence and its two distinct designations appropriately demark services areas for County Service Area and its public safety radio communication and integrated fire protection and emergency medical functions.

3. With respect to present capacity of public facilities and adequacy of public services the agencies' provide or are authorized to provide as required under Section 56425(e)(3), the Commission independently determines the following.

    a) A comprehensive evaluation of County Service Area No. 135 and its active service functions adequacy therein has been separately prepared by the Commission as part of a municipal service review. The Commission relies on the municipal service review in making all related sphere of influence determinations for County Service Area No. 135.

4. With respect to the existence of any relevant social or economic community of interest in the area as required under Section 56425(e)(4), the Commission independently determines the following.

    a) The sphere of influence and its two distinct designations appropriately reflect existing and relevant social and economic communities of interests between County Service Area No. 135, its active service functions, and the affected residents and landowners.

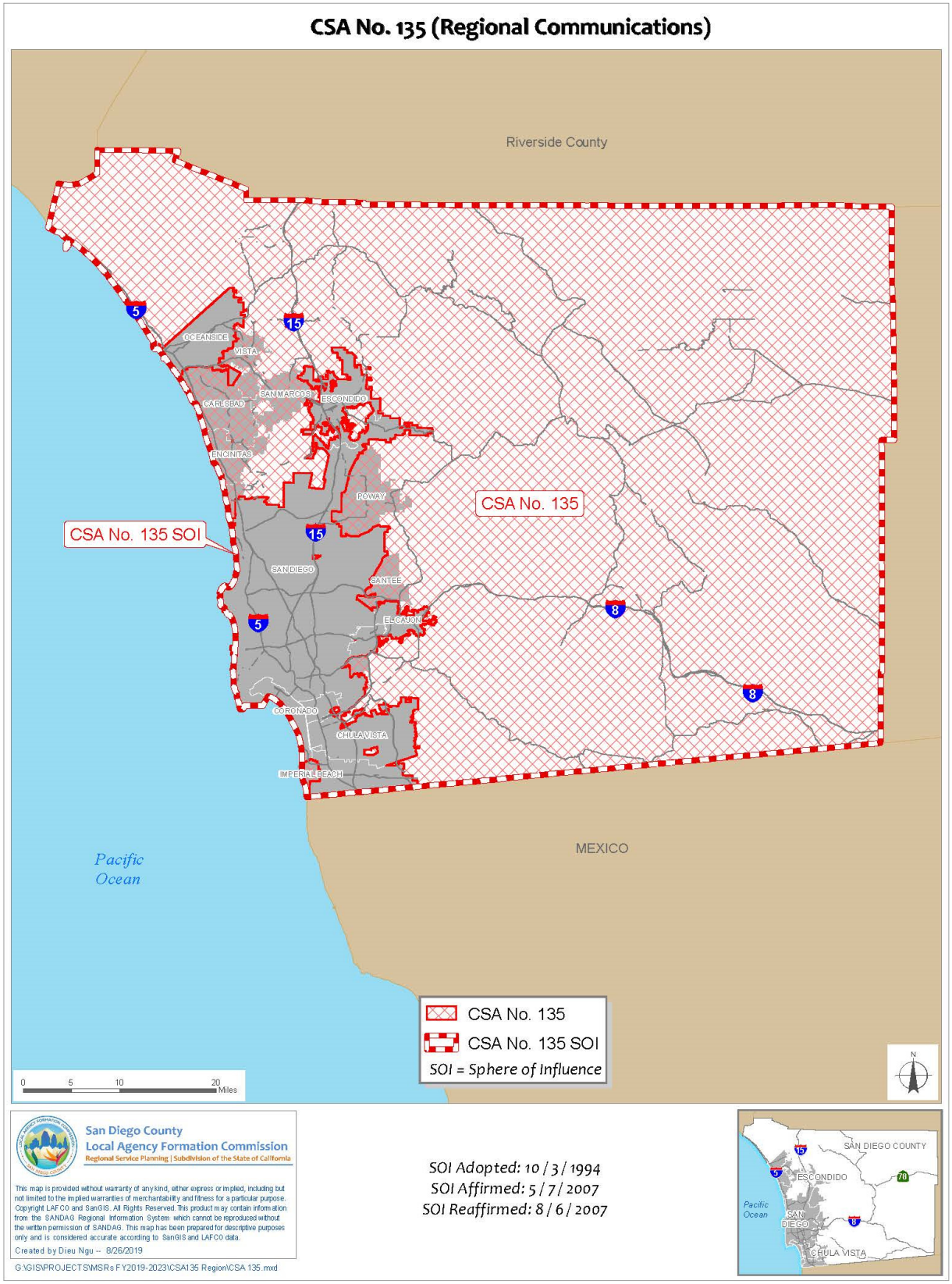
5. With respect to the present and probable need for public water, sewer, and fire protection services of any disadvantaged unincorporated communities within or adjacent to the sphere as required under Section 56425(e)(5), the Commission independently determines the following.

    a) Approximately three-fifths of County Service Area No. 135's jurisdictional boundary qualifies as disadvantaged unincorporated community based on current Commission policies. This includes a considerable portion of east San Diego County as well as several other individual communities and include Bonsall, Bostonia, Crest, and Lincoln Acres.

b) Additional information is needed to fully determine the scale qualifying disadvantaged unincorporated community lands adjacent to CSA No. 135 that are not already within the boundary of fire protection provider. This qualifier aside, a preliminary review indicates most – if not all – of qualifying lands are located within the jurisdictional boundary of an authorized fire protection provider.

**EXHIBIT B-1**

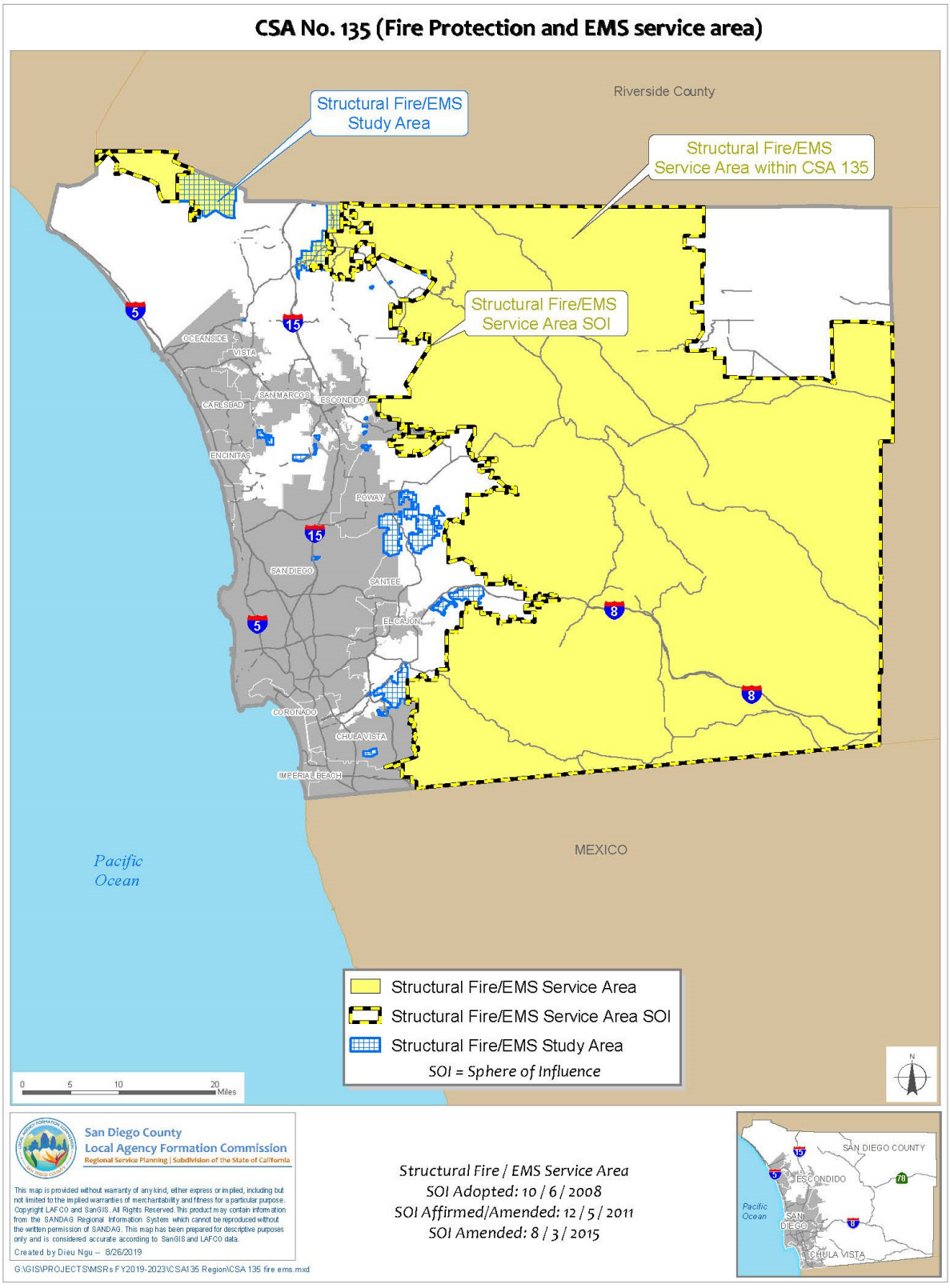
**SPHERE OF INFLUENCE UPDATE**
**COUNTY SERVICE AREA NO. 135**



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**EXHIBIT B-2**

**SPHERE OF INFLUENCE UPDATE**
**COUNTY SERVICE AREA NO. 135**



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