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Bill Horn  
County Board of  
Supervisors

March 6, 2015

**Vice Chairman**

Sam Abed  
Mayor  
City of Escondido

TO: Mark Slovick, Environmental Planner (O650)  
Department of Planning and Land Use

**Members**

Dianne Jacob  
County Board of  
Supervisors

FROM: Chief, Governmental Services (O216)  
Local Agency Formation Commission

Andrew Vanderlaan  
Public Member

SUBJECT: Notice of Preparation of an Environmental Impact Report (EIR):  
Newland Sierra (Previously Known as Merriam Mountains):  
PDS2015-GPA-154-001; PDS2015-SP-15-001; PDS2015-REZ-  
15-001; PDS2015-TM-5597; Log. No. PDS2015-ER-08-001

Lorie Zapf  
Councilmember  
City of San Diego

Lorraine Wood  
Councilmember  
City of Carlsbad

Jo MacKenzie  
Vista Irrigation District

Thank you for the opportunity to provide comments on the above-referenced project. Environmental documents should contain the following: (1) descriptions of the manner in which public services (i.e., water, sewer, fire protection, etc.) are proposed to be provided to the project area; (2) the ability of subject agencies to provide adequate services to territory after development; (3) discussion of any proposed public facilities to enhance service; (4) impacts to open space and agricultural lands; and (5) an evaluation of all direct, indirect, and cumulative environmental impacts associated with any potential boundary and sphere of influence changes to local government agencies. Please note that, on October 11, 2007, LAFCO responded to the Draft EIR when the project was known as Merriam Mountains, and now offer the following comments:

**Alternate Members**

Greg Cox  
County Board of  
Supervisors

Fire and Emergency Medical Services

Chris Cate  
Councilmember  
City of San Diego

Because no map was provided with the NOP, our staff utilized Figure 3 – Specific Plan Land Use Map from the Initial Study to determine boundary lines for the Deer Springs and San Marcos Fire Protection Districts (FPD). According to this research, a majority of the project footprint is in the Deer Springs FPD with an area of approximately 9 acres located in the San Marcos FPD. Having all territory in a single agency reduces jurisdictional issues associated with response, administration, and planning. Despite both Districts being signatories to the North Regional Zone Master Automatic Aid Agreement for Fire Medical, and Rescue Responses, it is desirable that a project be in the boundary of a single service provider.

Racquel Vasquez  
Councilmember  
City of Lemon Grove

Ed Sprague  
Olivenhain Municipal  
Water District

Harry Mathis  
Public Member

**Executive Officer**

Michael D. Ott

**Special Counsel**

Michael G. Colantuono

Thus, the EIR should contain a discussion of consolidating the responsibility for the provision of fire services under a single agency – likely Deer Springs FPD – via a reorganization involving annexation to that District with concurrent detachment from the San Marcos FPD, as well as any associated adjustments to the sphere. Any proposed jurisdictional changes fall under LAFCO's purview.

Because public safety is a top priority for LAFCO, fire and emergency medical service provision is an important factor during project analysis. While most of the site is in the Deer Springs FPD, the District contracts with CALFIRE for structural fire service provision rather than having a staff of its own. In addition, the entire project area is designated as State Responsibility Area and under CALFIRE's jurisdiction for wild land fire protection. Fire apparatus designed and dedicated for *structural* fire suppression in this area is housed at a Deer Springs station located on the west side of Interstate 15. However, the development plan proposes the construction of 2,135 dwelling units, 81,000 sq. ft. for commercial use, and a school. Once completed, this project will significantly increase the population living in the Deer Springs FPD service area. LAFCO believes that a project of this magnitude may require an additional fire station, especially since most emergencies are medical calls rather than fire events. Both a Fire Protection Plan and the EIR should address this matter satisfactorily.

#### Open Space and Agricultural Preservation Policy

LAFCOs were established to oversee the efficient extension of government services and have been directed by the State Legislature to preserve open space and agricultural lands and to establish local policies to do so (Government Code Sections 56001 and 56301). San Diego LAFCO Policy L-101 encourages preservation of open space and agricultural land, discourages the conversion of agricultural land to other uses, and assists LAFCO in guiding development away from prime agricultural land. It also must be noted that LAFCO's definition of "prime agricultural land" differs from that used by the County. For your convenience, a copy of the definition contained in the Cortese-Knox-Hertzberg Act has been included with this letter.

Thus, the EIR should address the conversion of prime agricultural land to other non-agricultural uses, contain a thorough discussion of potential impacts to prime agricultural land, as defined in Government Code Section 56064, and address the preservation of agricultural and open space lands in the context of Policy L-101, a copy of which is attached.

In summary, to satisfy LAFCO's requirements, the EIR should: (1) identify potential changes of organization, including sphere amendment(s), annexation, and detachment; (2) evaluate consistency with applicable fire protection plans to ensure that an adequate level of fire protection and emergency medical services will be available; and (3) discuss the project's agricultural implications as they relate to Government Code Section 56064 (definition of prime agricultural land) and LAFCO's Policy L-101.

If jurisdictional and sphere of influence changes are proposed, then they should be identified and discussed in the project description and added to the list of discretionary actions contained in the summary section of the final EIR document. Should you have any questions, or if LAFCO may be of any further assistance, please contact me at (858) 614-7755.

Sincerely,



INGRID E. HANSEN  
Chief, Governmental Services

IEH:

Attachments: LAFCO Definition of "Prime Agricultural Land"  
LAFCO Policy L-101

**"Prime agricultural land" 56064.**

"Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- (a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
- (b) Land that qualifies for rating 80 through 100 Storie Index Rating.
- (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.
- (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- (e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

**Subject**

PRESERVATION OF OPEN SPACE AND AGRICULTURAL LANDS

**Purpose**

To further the policies and priorities of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 regarding the preservation of open space and prime agricultural lands.

**Background**

The State Legislature has instructed Local Agency Formation Commissions to establish policies that address the preservation of open space (Govt. Codes § 56300 and 56377). LAFCOs are required to consider how spheres of influence or changes of local governmental organization could affect open space and prime agricultural lands. Commissions are directed to guide development away from prime agricultural lands – unless that action would not promote the planned, orderly and efficient development of an area – and to encourage development of existing vacant or non-prime agricultural lands within a jurisdiction before approving any proposal that would allow development of open-space lands outside of an agency’s boundary (Govt. Code § 56377). Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands (Govt. Code § 56668).

**Policy**

It is the policy of the San Diego Local Agency Formation Commission to:

1. Discourage proposals that would convert prime agricultural or open space lands to other uses unless such an action would not promote the planned, orderly, efficient development of an area *or* the affected jurisdiction has identified all prime agricultural lands within its sphere of influence and adopted measures that would effectively preserve prime agricultural lands for agricultural use;
2. Require rezoning of territory (city only) to identify areas subject to agricultural/preservation and planned development;

## L-101 LEGISLATIVE POLICY

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3. Follow San Diego LAFCO's adopted procedures to define agricultural and open space lands and to determine when a proposal may adversely affect such lands.

Adopted: November 6, 1978  
Amended: June 4, 1990  
Amended: May 4, 1998  
Technically Updated: January 1, 2001

**Cross-reference:**

**SAN DIEGO LAFCO PROCEDURES:**  
-Open Space and Agricultural Preservation