L. PUBLIC SERVICES AND UTILITIES

The Public Services and Utilities section assesses the impacts of the proposed project on fire/life protection, police services, schools, and solid waste services, and is based on comparisons of project service needs to the existing or anticipated levels of service. The setting information for this section has been largely provided by the County of San Luis Obispo *General Plan Safety Element*, *Public Facilities Financing Plan for Unincorporated Area Facilities*, and coordination with local agencies and districts. This section evaluates the project service area's ability to accommodate future development based on existing infrastructure and resources.

1. Existing Conditions

a. Law Enforcement and Emergency Services

Police services in the project area are provided by the San Luis Obispo County Sheriff's Department. The sheriff station nearest to the project site is the South Station, located at 810 West Branch Street, in the South County Regional Center complex in the City of Arroyo Grande, approximately five miles north of the project site. The Station's service area includes 950 square miles, including the areas of Oceano, rural Arroyo Grande, Huasna, Lopez Lake, Nipomo, and New Cuyama. Calls for service, crime trends, and population figures are used to measure the adequacy of the Department's response in the area. Estimated average response time to the project area is ten to 18 minutes. The County Sheriff's Department service goal is one deputy for per 750 citizens; however, currently, the Sheriff's Department is understaffed, with calls for service increasing.

The California Highway Patrol (CHP) services San Luis Obispo County's highways, with stations located in San Luis Obispo and Templeton. They are available to respond in emergency situations, but generally do not respond to residential calls.

Emergency services generally include ambulance and hospital service. Private companies based throughout the County provide ambulance service. Response times are generally good with the exception of the more rural portions of the County where the large area being served and the distances involved lend to poorer levels of service. The nearest hospital services are provided by Arroyo Grande Community Hospital in the City of Arroyo Grande and by Marion Medical Center in the City of Santa Maria.

b. Fire Protection

The California Department of Forestry and Fire Protection/San Luis Obispo County Fire Department (CAL FIRE) is responsible for the administration of the fire stations that serve the unincorporated areas of the County and special districts without fire protection. CAL FIRE also provides equipment and training for the volunteer stations. The two stations primarily responsible for the fire protection and basic life support for the project area include the Nipomo Station (Station 20) and Mesa Station (Station 22). The stations are staffed to provide 24 hours a day, seven days/week emergency response, and include volunteer programs to increase response capabilities.

Nipomo Station (Station 20) is located at 450 Pioneer Street, Nipomo, approximately five miles south of the proposed project area. Current staff levels at Station 20 include one permanent person on a year-round basis and one seasonal person. Mesa Station (Station 22) is located at 2391 Willow Road, approximately 4.5 miles southwest of the project site. Current staff levels at Station 22 include one permanent person on a year-round basis.

The response time for a call for service from both stations to the western boundary of the project site is estimated to be approximately ten minutes, which is considered an acceptable response time in accordance with the San Luis Obispo County Fire Protection Plan and the County *General Plan Safety Element*; however, response time to proposed lots within the eastern portion of the project site would exceed ten minutes. In addition to staff levels mentioned above, Stations 20 and 22 are supplemented with 15 CAL FIRE/SLO County Fire Department volunteer fire firefighters.

c. Schools

The project area is served by the Lucia Mar Unified School District (LMUSD). LMUSD serves the south county area including the cities of Pismo Beach, Grover Beach, Arroyo Grande, and the unincorporated communities of Oceano, Nipomo and the surrounding rural areas. As of October 2006, the LMUSD served 5,467 elementary students (K-6) in eleven elementary schools, 1,683 (7-8) students in three middle schools, 3,541 high school students in three middle schools, and 3,541 high school students at Arroyo Grande and Nipomo High Schools plus 231 students at Lopez continuation high school. Enrollment at most of the district's schools is substantially over capacity, based on an analysis of core facilities. High school enrollment exceeds capacity by 39 percent. Total district enrollment for 2006-07 is 10,964, 1.6 percent more than the previous year (refer to Table V.L.-1).

TABLE V.L.-1
LMUSD Enrollment and Capacity

School	Capacity	Enrollment	Enrollment Capacity
Five Cities Elementary (8)	3,541	3,905	1.10
Five Cities Middle (2)	1,150	1,155	1.00
Arroyo Grande High School	1,500	2,248	1.50
Nipomo Elementary (2)	1,650	1,642	1.00
Nipomo Middle	660	529	0.80
Nipomo High School	1,025	1,254	1.22

Source: Annual Resources Summary Report 2006

1) Funding

Passage of Proposition 1A in 1998 has fundamentally changed the way school construction is financed in California. Under the new rules, local school districts must cover 50 percent of the cost of new school facilities. The remaining 50 percent will be provided by the $9.2 billion state

school bond fund approved by the voters. To raise the 50 percent local share, cities and counties may levy school fees on new development at the current rate of $2.24 per square foot of residential development and $0.36 per square foot of commercial and industrial development. Local school boards could impose higher fees under certain conditions.

In the event that the state bond fund becomes depleted, districts that meet hardship conditions could assess developers 100 percent of the cost of new facilities. During that period, cities and counties may not deny zone changes or General Plan amendments on the basis of inadequate school facilities, because of the presumption that facilities will be adequate under the new system. The school districts within the county are not eligible, because they do not meet hardship conditions.

The state has developed standards for school construction costs which determine the funding level for each school facility project. Allowable amounts per pupil - $10,400 for elementary schools, $11,000 for middle schools and $14,400 for high schools – are based on statewide averages from projects built over the last several years. These figures do not include land costs, which are based on local market value (excerpted from an article by Tim Herdt in the California Planning and Development Report, September, 1998; County of San Luis Obispo *Annual Resource Summary Report*, 2006).

d. Solid Waste Collection

Through a franchise agreement with the County, the Garbage Company (formerly South County Sanitary) is responsible for solid waste collection and diversion in the project area. Garbage is collected once a week, at curbside. Green waste and recyclables collection service is currently not provided to the project area.

Waste from the project area is ultimately disposed of at Cold Canyon Landfill, an approximately 88-acre landfill located approximately eight miles from the project area. Cold Canyon Landfill is a Class III landfill, and does not accept hazardous waste. The landfill has a remaining capacity of 2,800,000 cubic yards (as of 2000) and a permitted peak throughput of 750 tons per day, although the landfill averages a lesser quantity of approximately 399 tons per day. At this time, the landfill is estimated to have sufficient capacity until 2017; however, studies are currently being conducted in support of expanding the capacity of the landfill.

The most recent available data shows that existing development within the City of Arroyo Grande generated an estimated 14,743 tons of solid waste in 1999, of which an estimated 6,745 (46 percent) was generated by residential uses and 7,998 tons (54 percent) was generated by nonresidential uses (California Integrated Waste Management Board, Solid Waste Characterization Database, 2007). In addition, existing development within the unincorporated portions of San Luis Obispo County generated an estimated 91,688 tons of solid waste in 1999, of which an estimated 43,337 tons (47 percent) was generated by residential uses and 48,351 tons (53 percent) was generated by nonresidential uses (CIWMB, 2007). Residential waste in the County is primarily composes of organic materials (e.g., food, yard waste) and paper products.

2. Regulatory Setting

a. Law Enforcement and Emergency Services

The Federal Emergency Management Agency (FEMA) is an independent agency of the federal government, established in 1979 via executive order. FEMA's mission is as follows, "to reduce loss of life and property and protect our nation's critical infrastructure from all types of hazards through a risk-based, emergency management program of preparedness, response and recovery." FEMA provides direction and assistance to state and local governments, but does not regulate approaches to emergency planning or response.

California Government Code Section 8607(a) authorizes establishment of the Standardized Emergency Management System (SEMS). Title 19, Division 2, Chapter 1 of the California Code of Regulations (CCR, §§ 2400-2540) defines SEMS, including its purpose, scope, structure, and applicability. SEMS is intended to standardize response to emergencies involving multiple jurisdictions or multiple agencies. Local government must use SEMS in order to be eligible for state funding of response-related personnel costs occurring in response to an emergency incident.

County Sheriff's Office, CHP, and OES have the opportunity to review and comment on projects through the CEQA process.

b. Schools

California law allows schools to exempt classrooms and related facilities from County zoning requirements (Government Code Section 53094). In addition, schools are constructed under special building codes, including enhanced requirements for seismic safety, and are inspected under the auspices of the State, rather than by city building departments. New schools are financed by a combination of state funding, school district tax-based funding (including general obligation bonds and parcel taxes), and development impact fees. Development impact fees are generally limited under the provisions of Senate Bill (SB) 50/Proposition 1A legislation that was passed in 1998. The funding provided under that legislation is intended to fully mitigate school impacts, and no additional impact fees may be imposed.

c. Solid Waste Collection

The Integrated Waste Management Act of 1989 (Chapter 1095, 1989) requires each city and county to divert 50 percent of its solid waste by 2000 (Public Resources Code 41780) and maintain the achieved reduction after 2000 (amended Act).

California Code of Regulations (CCR) Title 23, Chapter 15 establishes requirements and specifications for waste handling. CCR Title 14, Division 7 provides the State's standards for the management of facilities that handle or dispose of solid waste. CCR Title 14, Division 7 is administered by the CIWMB and the designated Local Enforcement Agency (LEA). CCR Title 14, Division 7, Chapter 9, Article 9 Section 18800-18813 were adopted to implement Public Resources Code Section 41821.5 which requires each solid waste handler, transfer station operator, disposal facility operator, and county to gather information on which jurisdiction the solid waste originated from, their amounts disposed, and amounts of waste exported.

3. Thresholds of Significance

As defined in the CEQA Guidelines, Appendix G, the County of San Luis Obispo Initial Study Checklist, and the County Energy Element, public services and utilities impacts would be considered significant if the project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, or other public facilities;
- Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs;
- Conflict with federal, state, and local statues and regulations related to solid waste;
- Conflict with adopted energy conservation plans;
- Use non-renewable resources in a wasteful and inefficient manner; or,
- Result in a need for new systems, or substantial alterations to power or natural gas.

4. Impact Assessment and Methodology

The impacts of the proposed project were evaluated based on an assessment of construction of new residential development and facilities, in addition to the associated impacts on existing public services and utilities resulting from increased demand. The proposed project was reviewed to determine whether increased growth would affect existing utilities and, if so, what actions could be taken to minimize the potential for disruption of service, damage, or overuse of public services and utility systems.

5. Project-specific Impacts and Mitigation Measures

a. Project-wide

1) Impacts to Law Enforcement

(a) Increased Demand for Services

The County Sheriff's Department provides police and patrol services in the unincorporated areas of the county. The current department ratio of the number of deputies to population is currently approximately one deputy per 1,140 citizens, which exceeds the department's goal of one deputy per 750 citizens.

Assuming an average of 2.49 individuals per dwelling unit (based on the countywide average household size of 2.49, according to the 2000 U.S. Census), the proposed project would increase the County population by approximately 254 people (102 residential dwelling units x 2.49 persons per unit). As a result, development under the proposed project would increase the number of residents served by the South Station, thereby widening the officer to population gap. In addition, the future construction of a dude ranch would result in an increase in the population density in the immediate area, which would be quantified upon the applicant's submittal of an application for that project. Operation of the dude ranch may result in an increased demand for

law enforcement services. The applicant is required to shall submit payment of public facilities fees to the County, which will mitigate the project's impact on police and emergency services (e.g., equipment, facilities, etc.). As discussed below, and in Section V.G., Hazards and Hazardous Materials, improving secondary access and implementing defensible space design measures would offset the anticipated demand for emergency services response.

(b) Defensible Space

The County requires new developments to employ defensible space concepts into site design and building specifications (e.g., appropriate setbacks, adequate lighting of walkways and parking areas, and the use of burglary-resistant hardware and fixtures in buildings. The applicant is proposing a private, gated community, including a guard at the main entrance. Implementation of these inherent features would likely reduce the potential for public safety hazards, and this impact is considered less than significant. Implementation of defensible space design standards within common areas, including the ranch headquarters ~~and equestrian facility,~~ and on individual residential lots would further minimize the potential for public safety issues, and the subsequent demand for Sheriff's Department response to service calls.

PSU Impact 1 **The proposed project currently lacks defensible space features that could result in relative decreases in public safety to future residents, resulting in potentially significant impacts.**

PSU/mm-1 Prior to approval of subdivision improvement plans, the applicant shall incorporate defensible space design concepts (i.e., security lighting in common areas) into the improvement plans, consistent with County Ordinance standards for exterior lighting, and mitigation measures applicable to exterior lighting, for review and approval by the County Sheriff's Department.

PSU/mm-2 Upon application for building permits for individual lot development, the applicant shall submit building plans that incorporate structure defense features, including burglary-resistant hardware, for review and approval by the County Sheriff's Department. Features shall be installed prior to occupancy clearance. The Sheriff's Department shall ensure compliance prior to occupancy clearance.

Residual Impact Impacts associated with the defensible space features would be considered *less than significant with mitigation, Class II.*

2) Fire Protection Services

The project site is located in an area that may present emergency access difficulty due to the distance of the site from the nearest fire station. Currently, there is a ten minute response time to the project site from the County/CAL FIRE Nipomo Fire Station (Station 20) (Robert Lewin, 2004). This station is located at 450 Pioneer Avenue in Nipomo, approximately 4.5 miles to the southeast of the project site. The Arroyo Grande Volunteer Fire Department would also provide mutual aid to the project site from the station located at 140 Traffic Way in the City of Arroyo Grande, approximately 3.25 miles northwest of the site. However, during morning and evening

commute periods, weekends, and summer months, traffic on Branch Street and Traffic Way would reduce emergency response times to the site. Furthermore, portions of the project site that are located furthest from the Highway 101 exit would experience response times that would likely exceed the current County average response time of ten minutes. The applicant's compliance with standard fire safety regulations would minimize the potential for fire hazards, and minimize the demand for fire protection services (refer to Section V.G., Hazards and Hazardous Materials).

3) School Enrollment

The following table describes the project student enrollment at Branch Elementary School, Paulding Middle School, and Arroyo Grande High School, based on student generation factors, estimated residential development, residential absorption, fertility rates, cohort survival factors, and inter-district transfers. The LMUSD utilizes student generation factors of 0.43 per single-family detached unit for grades K-12.

Table V.L.-2
LMUSD Generation Factors and Student Generation

School	Generation Factor	Number of Students Generated from 102 Residences
Nipomo Elementary	0.23	23.5
Mesa Middle School	0.07	7.14
Nipomo High School	0.13	13.26
Total	0.43	**43.9**

Source: Kevin Baker, Deputy Superintendent, Business, Lucia Mar Unified School District, Email October 22, 2007.

The LMUSD generation factors indicate that a total of 43.9 students would be generated from this project. Table V.L.-3 shows the capacity utilization with the proposed project.

TABLE V.L.-3
Post-Project Student Enrollment of LMUSD

School	Operating Capacity	Current Enrollment	Current % Capacity Utilization	Students Generated from Project	Enrollment with Project	% Capacity Utilization with Project
Nipomo Elementary	512	512	100	23.5	535.5	104.5
Mesa Middle School	535	526	98	7.14	533.14	99.6
Nipomo High School	1250	1210	97	13.26	1223.26	97

Source: Kevin Powers, Deputy Superintendent, Business, Lucia Mar Unified School District, Email: October 22, 2007.

Based on current LMUSD loading standards, to accommodate students generated by the proposed project, one additional classroom would be needed at Paulding Middle School, and one additional classroom would be needed at Arroyo Grande High School, to accommodate students generated by the project.

If needed, new classrooms would likely be portable classroom units placed on the grounds of a school. Development of new classrooms is a significant impact due to the physical effects associated with locating additional classrooms or portables on school grounds. Such physical impacts include construction of new classrooms and loss of playground facilities. The applicant would be required to pay public facility fees to mitigate the project's effect on school services.

PSU Impact 2 **The project would generate an estimated total of 43.9 elementary, middle and high school students, which would contribute to existing overcrowded conditions at the Paulding Middle School and Arroyo Grande High School.**

PSU/mm-3 Prior to recordation of the final map, the applicant shall notify Lucia Mar Unified School District of the expected build-out date of each phase of the project to allow the District time to plan in advance for new students. A copy of the notice shall be sent to the Planning Department prior to issuance of construction permits.

PSU/mm-4 Prior to issuance of construction permits for individual lot development, the applicant shall contribute to public facility and school fee programs, pursuant to State Government Code 65995 et seq.

Residual Impact Impacts associated with the school would be considered *less than significant with mitigation, Class II.*

4) Solid Waste Collection

Solid waste generation from residential projects is a function of the number of homes, household size, and per capita waste generation. The California Integrated Waste Management Board (CIWMB) estimates that residential uses in the County generate an average of 0.37 tons per resident per year (CIWMB, Solid Waste Characterization Database, 2007). Based on a factor of 2.49 persons per dwelling unit, the proposed project is expected to generate approximately 254 residents. Therefore, prior to implementation of any recycling programs, at build-out the proposed project would generate approximately 515 pounds of waste per day or 94 tons of waste per year of waste. This amount of solid waste generated represents a small percentage (i.e., 0.1 percent) of the permitted daily waste acceptance (i.e., 750 tons per day) and remaining capacity (i.e., 2,800,000 cubic yards) at the landfill, but would nevertheless hasten the utilization of the remaining capacity at the landfill.

Implementation of the proposed project would not result in any change to service in the area or any significant changes to the disposal operations. The proposed project would also not create the need for any special solid waste disposal handling and would therefore comply with all statutes and regulations related to solid waste. However, construction and occupancy would

hasten the utilization of the remaining Cold Canyon Landfill capacity which would be a potentially significant impact.

PSU Impact 3 **At build-out, the proposed project would generate approximately 94 tons of solid waste per year. The solid waste disposal services and landfill that would serve the project site would have adequate capacity to accommodate the waste generated by the project. However the project would result in the use of part of the limited remaining capacity of the landfill.**

PSU/mm-5 Prior to commencement of any construction, the applicant, and all successors-in-interest, shall provide to all contractors (e.g., for tract improvements, grading, home construction, etc.) the attached list of companies that offer recycling services or drop box service (Construction and Demolition Recycling Providers). All efforts shall be made by the applicant and contractor to recycle 50 percent of waste generated by the project.

Residual Impact Within implementation of the required measures, impacts associated with solid waste would be considered *less than significant with mitigation, Class II.*

6. Cumulative Impacts

a. Emergency Services

The proposed project is located within the boundaries of San Luis Obispo County. The project site lies within the South County planning area, between the communities of Nipomo and Arroyo Grande. In terms of County growth, the South County planning area (both coastal and inland) has been significant when compared to other planning areas and the overall county. The population in South County increased approximately 66 percent between 1980 and 1990 (average growth rate of six percent). In contrast, the county experienced a 26 percent population increase between 1980 and 1990 (average growth rate of 3.76 percent) (County of San Luis Obispo, 2007). This growth illustrates the attraction of the South County planning area for residential development. The area, which has experienced, and continues to experience, the highest growth rate in South County is Nipomo, located directly west of the project site.

The population in South County planning area is expected to show a steady continued growth through 2020. Between 2010 and 2020, the South County planning area is expected to grow by approximately 1,459. The proposed project would include the development of 101 single-family homes. Based on the San Luis County average household size of 2.49 persons and a maximum build-out of 102 single-family residences, at full permanent occupancy the project would result in a maximum population of 254 persons. Therefore, the proposed project would account for 17.4 percent of the population projected for the South County planning area from 2010 to 2020.

Construction of the proposed project would incrementally increase demands for police and emergency services within the surrounding area. This increased demand, along with the anticipated population increase within the south county area, would result in potentially

significant cumulative impacts to police and emergency services. County ordinances require payment of public facilities fees, which provide funding for equipment, but do not contribute to costs for personnel. The cumulative effect on emergency services personnel would be significant and unavoidable.

The proposed project, in addition to other projects in the South County area will require fire protection services. Implementation of the proposed project would be cumulatively considerable in relation to the current demand for fire protection services, and the anticipated response time to access the far eastern residential lots. Based on consultation with CAL FIRE, a new fire station within the proximity of Los Berros Road and Highway 101 is necessary to provide life safety response to emergencies, and to mitigate the cumulative impact on fire protection services (Robert Lewin, 2004, 2007).

PSU Impact 4 **The proposed project would increase the number of residents served by the CAL FIRE and other emergency services, which would result in an increased demand for emergency services personnel and facilities. The project would require a new fire station to provide life safety response in the immediate area.**

PSU/mm-6 Upon application for subdivision improvement plans, the applicant shall dedicate land or pay an equivalent in-lieu fee to be used for the future ~~construction~~ acquisition of a CAL FIRE station to serve ~~be located~~ on the proposed project site. The location of the fire department shall be outside of known environmentally sensitive areas, including archaeological sites and biological habitats, and shall not require the removal of vineyards.

PSU/mm-7 Prior to approval of the final map, the following measure shall be included in the CC&Rs for the proposed subdivision: New homeowners shall receive orientation and information regarding fire safety requirements on the property, including planting and maintenance of fire safe vegetation, on-site vegetation management and fuel load reduction, procedures in the event of a fire, and other necessary information as identified by CAL FIRE. The homeowners association shall hold regular meetings at least once a year with the homeowners and occupants to emphasize fire safety on the property and procedures in the event of an emergency.

Secondary Impact Secondary impacts on the environment may occur during construction of the new facility, including: visual impacts, air quality emissions, impacts to special-status species, creation of erosion and down-gradient sedimentation, management of wastewater, increased traffic trips, and additional wastewater and water demand. These impacts would contribute to the impact determinations identified in this EIR. It is anticipated that construction of the fire station would be conducted under the jurisdiction of CAL FIRE. It is recommended that mitigation measures identified in this EIR be applied to the construction of the fire station; however, it may not be within the jurisdiction of the County to impose these measures on CAL FIRE, a state agency. Recommended mitigation measures include:

AES/mm-1 through AES/mm-8; AQ/mm-1 through AQ/mm-20; BIO/mm-3 through BIO/mm-5, BIO/mm-9 through BIO/mm-15 and BIO/mm-16 (if applicable), BIO/mm-17, BIO/mm-18 through BIO/mm-22; GEO/mm-4, GEO/mm-6, and GEO/mm-8; NS/mm-1; PR/mm-1 through PR/mm-3; WAT/mm-4 through WAT/mm-6; WAT/mm-9 through WAT/mm-14.

Residual Impact Implementation of this measure would improve emergency response time to the project site and surrounding area; however, the dedication of land would not address any fire safety response impacts that would occur prior to construction and operation of a new facility. ~~new facilities would not mitigate for the increased demand for personnel~~. The project does not identify a specific location for a new fire station, and does not include construction of the facility (which would be completed by CAL FIRE). Siting of the facility is required to avoid environmentally sensitive areas, archaeological sites, and biological habitats; however, construction of this facility would contribute to significant impacts identified in this EIR and it may not be within the County's jurisdiction to impose mitigation on CAL FIRE. Therefore, ~~T~~the cumulative impact to emergency services ~~personnel~~ would be *significant and unavoidable, Class I.*

b. Schools

Cumulative build-out of the area would increase enrollment in the LMUSD, resulting in a cumulative e~~a~~ffect on LMUSD. Measures to reduce these impacts include requiring full development fees that may be charged to a developer and notification to the school districts. Pursuant to Section 65995 (3)(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory fees on a project-by-project basis would fully mitigate the costs incurred by an enrollment increase from residential projects. With implementation of full development fees, cumulative impacts to schools would be less than significant.

c. Solid Waste Collection

Cumulative build-out of the area would increase solid waste generation, thereby reducing the lifespan of solid waste landfills serving the area. The proposed project would contribute incrementally to the cumulative impact to landfill capacity. However, cumulative development in the area would not be sufficient to require an expansion of the existing facilities. In addition, the Cold Canyon Landfill is currently proposed for expansion. Therefore, the contribution of the proposed project to cumulative solid waste impacts would be less than significant.

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