

## 4.12 PUBLIC SERVICES, UTILITIES, AND SERVICE SYSTEMS

The following section provides an analysis of utilities and service systems for the proposed project. Existing condition information presented in this section is based on coordination with potentially affected utility and public service agencies. Specific references are identified within the subsection for each respective issue. This section addresses the following utility and public service systems (the service provider is noted in parenthesis):

- Fire Protection (San Miguel Community Services District [CSD])
- Law Enforcement (San Luis Obispo County Sheriff)
- Public Schools (San Miguel Joint Unified School District and Paso Robles Joint Unified School District)
- Public Libraries (San Luis Obispo City-County Public Library System)
- Solid Waste (Paso Robles Landfill and Chicago Grade Landfill)
- Public Transportation (San Luis Obispo Regional Transit Authority)
- Public Roads (County of San Luis Obispo)

### 4.12.1 Existing Environmental Setting

**Fire Protection.** Responsibility for fire protection is divided into Federal Responsibility Areas (FRA), State Responsibility Areas (SRA), and Local Responsibility Areas (LRA). The California Department of Forestry and Fire Protection (CAL FIRE) is responsible for providing fire protection on all SRA lands, which are defined based on land ownership, population density, and land use.

CAL FIRE provides fire protection for the County of San Luis Obispo (County), the City of Pismo Beach, the Avila Beach Community Services District, and the Los Osos Community Services District by cooperative agreements. In addition, the County is served by fire departments in each of the cities, the Templeton and Cambria CSDs and six community fire departments. The San Miguel Fire Department (Fire Department), one of the six community fire departments in the County, is managed by the San Miguel CSD and provides fire and emergency medical services to the land and properties within the San Miguel CSD boundaries. The Fire Department has an automatic aid agreement with the Camp Roberts Fire Department and the County.

The San Miguel CSD Fire Department is located at 1150 Mission Street in San Miguel with volunteer staff, including: one Fire Chief, one Assistant Fire Chief, three Fire Captains, two Engineers, and 10 volunteer Firefighters. The Fire Department responds to approximately 250 calls per year, 60 percent (150 calls) of which are medical emergencies. The average response times range between 5 and 8 minutes; however, because the Fire Department is staffed by volunteers, response times can be up to 15 to 20 minutes.

The proposed Development project site is currently outside the service boundary of the San Miguel CSD. Fire protection services on the Development project site are currently the responsibility of CAL FIRE/San Luis Obispo County Fire. State law (PRC 4201-4204) directed CAL FIRE to update fire hazard maps first adopted in 1985. CAL FIRE completed updates to areas within SRAs based on

relevant factors such as fuels, terrain, and weather. These areas, referred to as Fire Hazard Severity zones (FHSZ), provide the basis for application of various mitigation strategies to reduce risks to buildings associated with wildland fires. Specifically, the FHSZ designation determines the requirements for unique building codes designed to reduce the ignition potential to buildings. According to CAL FIRE, the proposed Development project site is located in a High FHSZ (November 2007). CAL FIRE is preparing recommendations for Very High Fire Hazard Severity zones (VHFHSZ) in areas of local responsibility. These VHFHSZs have not yet been adopted.

The County of San Luis Obispo also has a fire hazard rating system in its General Plan Safety Element (December 1999). The Safety Element designates areas with one of three fire hazard zones: Very High, High, and Moderate. According to the County, the Development project site is located in a Moderate Fire Hazard zone, which means that the probability of a damaging fire is reduced because the number of days per year that this area experiences “fire weather” is less than the other zones. It is important to note that the FHSZ for SRAs (provided above) were adopted in November 2007 and are more current than the fire hazard rating system provided in the County’s General Plan. Areas under local jurisdiction (i.e., those areas for which the San Miguel CSD provides fire protection services) do not have an updated/adopted FHSZ map; and the Wastewater Treatment Plant expansion site is not expected to be in a VHFHSZ. As such, the Safety Element would provide the most current fire hazard rating for that site. The proposed Wastewater Treatment Plant expansion site is within the existing service territory of the San Miguel CSD and is located in a Moderate fire hazard zone according to the Safety Element.

### Law Enforcement.

**San Luis Obispo County Sheriff Department.** The San Luis Obispo County Sheriff Department (Sheriff Department) provides law enforcement for the unincorporated area of the County, including the project site. The County encompasses 3,250 square miles, of which 66 miles (mi) are incorporated and served by police departments. The Sheriff Department provides service to the unincorporated areas of the County, with 159 sworn personnel, 121 correctional staff, and 121 civilian personnel in addition to approximately 400 volunteers.<sup>1</sup>

The Sheriff Department operations center is located at 1585 Kansas Avenue in San Luis Obispo. Activities at the operations center include investigative services, the communications and dispatch services, and administrative services. Patrol services are primarily provided through three Sheriff substations/patrol areas: North Substation (Templeton), Coast Substation (Los Osos), and South Substation (Oceano). The North Substation, approximately 6,200 square feet (sf) and nearest to the project site, is located at 356 North Main in Templeton. The North Substation’s area of responsibility extends from the top of Cuesta Grade to the Monterey County line and east to the Kern County line. The patrol area includes the unincorporated communities of Shandon, San Miguel, Santa Margarita, California Valley, and Heritage Ranch.

Primarily rural, the North Substation patrol provides services for residents in remote areas where additional assistance can be difficult to obtain. There are currently 26 sworn officers at the North

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<sup>1</sup> County of San Luis Obispo Sheriff Department. Web site: <http://www.slosheriff.org/about.php>, accessed January 29, 2008.

Substation that respond to 16,050 calls per year, or approximately 30 calls per week. Response times range between 10 and 15 minutes for emergency calls and 25 to 30 minutes for nonemergency calls. The Sheriff Department staffing ratio for the County of San Luis Obispo is approximately 1.4 sworn deputies per 1,000 residents. Of these sworn officers, only 0.7 officer per 1,000 residents are assigned to patrol.<sup>1</sup> For comparison purposes, the Federal Bureau of Investigation (FBI) reports that the average number of sworn personnel for all counties across the country was 2.6 officers per 1,000 population.

In a letter dated January 2, 2008, the Sheriff Department reported that the possibility of constructing a substation in the San Miguel or Shandon areas to service surrounding populations has been discussed; however, there are no current plans.<sup>2</sup> The County of San Luis Obispo Public Facilities Financing Plan reports that the Sheriff Department has tentative plans prepared for construction of a jail, which would most likely be made possible by the relocation of many Sheriff Department functions at the operations center at Kansas Avenue. However, these plans have not been finalized, and no plans are underway for funding the improvements.<sup>3</sup>

**California Highway Patrol.** The California Highway Patrol (CHP) is primarily responsible for traffic-related calls along highways and streets in the unincorporated areas of the County. Unlike the Sheriff Department, it does not investigate, take action, or respond to crimes in progress in residential, commercial, or industrial areas. The CHP may respond upon request as backup to the Sheriff Department if available; however, the CHP does not normally provide police protection services. Its primary role is traffic enforcement.<sup>4</sup>

**Public Schools.** The San Miguel Urban Area is within the San Miguel Joint Unified School District for grades K–8. For grades 9–12, students from the San Miguel Urban Area attend the Paso Robles High School in the Paso Robles Unified School District. Operating revenue provided to school districts is derived from local property tax revenue collected by the State and then allocated to school districts based on average daily student attendance. In accordance with California Code Section 17620, fees are assessed on new development to fund physical improvements needed to accommodate growth in student numbers.

**San Miguel Joint Unified School District.** The San Miguel Joint Unified School District consists of two elementary schools, Lillian Larsen Elementary and Cappy Culver Elementary. Lillian Larsen Elementary would serve the proposed Development project site and is located at 1601 L Street in San Miguel. As shown in Table 4.12.A, in the 2005/2006 school year, enrollment was 380 students. As of November 2007, the enrollment was 410 students, with an

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<sup>1</sup> Hedges, Patrick (2007). San Miguel Ranch Environmental Impact Report Letter.

<sup>2</sup> Ibid.

<sup>3</sup> County of San Luis Obispo (June 24, 2006) Public Facilities Financing Plan. Chapter 4, 6, & 7. <http://www.slocounty.ca.gov/Assets/PL/pdfs/Public+Facilities+Financing+Plan.pdf>, accessed January 4, 2007.

<sup>4</sup> Hedges, Patrick (2007). San Miguel Ranch Environmental Impact Report Letter.

**Table 4.12.A: Lillian Larsen Elementary Enrollment and Capacity**

School Name	Location	2005–2006 Enrollment	Current Enrollment	Capacity
Lillian Larsen Elementary (Grades K–8)	1601 L Street San Miguel, CA 93451	380	410	425

Source: Smith, Dean (2007). Public Services Questionnaire-Schools.

overall capacity of 425 students, indicating the school is near capacity. There are currently no plans for construction of a new school in the San Miguel Joint Unified School District.

**Paso Robles Unified School District.** The Paso Robles Unified School District serves the City of Paso Robles and portions of unincorporated areas of the Counties of San Luis Obispo and Monterey, including students at the high school level (grades 9–12) from the San Miguel Joint Unified School District. Transportation is provided by the Paso Robles Unified School District for the high school students residing in the San Miguel Joint Unified School District to attend high school in the Paso Robles Unified School District.

The Paso Robles Unified School District consists of 6 elementary schools, 2 middle schools, and 2 high schools. Table 4.12.B lists the high school serving the project area, along with the location, 2005/2006 and current enrollment, and the school capacity. As shown in Table 4.12.B, Paso Robles High School is currently over capacity. There are no plans for construction of a new high school in the Paso Robles Unified School District.

**Table 4.12.B: Paso Robles High School Enrollment and Capacity**

School Name	Location	2005–2006 Enrollment	Current Enrollment	2005–2006 Facilities Capacity
Paso Robles High School	801 Niblick Drive Paso Robles	2,144	2,202	2,184

Source: Hopkins, Gary (2007). Public Services Questionnaire-Schools. California Department of Education (2008).

**Public Libraries.** The San Luis Obispo City-County Library system (a total of 14 branch libraries and one bookmobile) provides library services throughout the County, including the San Miguel Urban Area. The San Miguel Branch Library, the nearest public library to the proposed Development project site, is located at 254 13th Street. The library is 775 sf in size and open to the public Tuesday through Thursday from 11 a.m. to 4 p.m. The current library standard is 0.7 sf per capita for populations of less than 10,000.<sup>1</sup> In the 2005/2006 fiscal year, the library circulated 7,070 items and

<sup>1</sup> Culpepper, John. San Luis Obispo City-County Library System. Public Services Questionnaire-Libraries. December 12, 2007.

as of November 2007 has the capacity for 8,322 items. In total, the San Luis Obispo City-County Library system has 477,880 books and other materials.

In a letter dated December 12, 2007, the Library Accountant reported that the San Miguel Branch Library is currently undersized for the surrounding community. According to current library standards for the San Luis Obispo City-County Library system, the San Miguel Urban Area, with a population of approximately 1,608 people (2005 population estimate from the County), should have a library of at least 1,126 sf that contains a minimum of 6,432 items.<sup>1</sup> The library currently meets the requirement for the number of items; however, it is at least 351 sf undersized when calculated with the 2005 population estimate for the area.

**Solid Waste/Landfills.** The proposed project site is located within the San Luis Obispo Integrated Waste Management Department's (IWMD) jurisdiction. The Development project site would primarily be served by the Paso Robles Landfill; however, the Chicago Grade Landfill could also potentially serve the project site.

**Paso Robles Landfill.** The Paso Robles Landfill is owned and operated by the City of Paso Robles. The landfill began operating in 1970 and is located directly off State Route 46 (SR-46) East, approximately 8.5 mi east of the United States Route 101 (US 101)/46 East Junction. The landfill operates as a Class III facility (all types of nonhazardous municipal solid waste for disposal accepted; no hazardous or liquid waste accepted). The Paso Robles Landfill permitted daily maximum capacity is 250 tons per day (tpd). In 2005, total waste disposal in the landfill was 46,932 tons,<sup>2</sup> with the San Luis Obispo County Waste Management Authority being the primary jurisdiction sending materials. As of 2000, the landfill was scheduled to close in 2051; however, in a letter dated January 3, 2008, the Paso Robles Landfill Utilities Manager indicated that a permit application to revise the daily maximum capacity to 450 tpd and extend the life of the landfill is currently in progress. At this time, these permits are still under review. In addition, the Utilities Manager indicated that a Master Plan is budgeted and planned to examine the landfill's needs, including a potential expansion, which would extend the life of the landfill.

**Chicago Grade Landfill.** The Chicago Grade Landfill, privately owned and operated, began operating in 1970 and also has the potential to serve the project site. The 45.4-acre (ac) permitted landfill is located on a 188 ac parcel at 2290 Homestead Road in Templeton, California. The Chicago Grade Landfill is also a Class III facility and was recently expanded in fall 2007. The current permitted daily maximum capacity is 500 tpd. In 2005, total waste disposal in the landfill

<sup>1</sup> Culpepper, John. San Luis Obispo City-County Library System. Public Services Questionnaire–Libraries. December 12, 2007.

<sup>2</sup> Integrated Waste Management Authority. Facility Snapshot: City of Paso Robles Landfill: <http://www.ciwmb.ca.gov/LGCentral/DRS/Reports/FacDisposal.asp?VW=RSLTS>, accessed January 7, 2008.

was 85,813 tons,<sup>1</sup> with the San Luis Obispo County Waste Management Authority sending approximately 75 percent of the materials.<sup>2</sup> On average, the landfill waste type typically contains 47 percent residential curbside collection, 34.4 percent self-hauled wastes, 10.3 percent roll-out box debris, and 8.3 percent tires.<sup>3</sup> As of 2000, the landfill was scheduled to close in 2042.

**Public Transportation.** The Development project site is within the San Luis Obispo Regional Transit Authority (SLORTA) service area. SLORTA was formed through a joint powers agreement (JPA) between the County of San Luis Obispo and each of the seven cities incorporated within the County (Arroyo Grande, Atascadero, El Paso de Robles, Grover Beach, Morro Bay, Pismo Beach, and San Luis Obispo) to provide intercity fixed route service and Americans with Disabilities Act (ADA) paratransit service throughout the County. The following services are provided by SLORTA:

- Runabout: ADA paratransit service
- RTA: South County Area Transit (SCAT)
- Avila Trolley
- Cambria Trolley
- Five Cities Shuttle
- Nipomo Dial-A-Ride
- Shandon/Paso Dial-A-Ride
- South Bay Dial-A-Ride
- Templeton Dial-A-Ride
- RTA fixed-route service offers connections to local transit services provided by North County Shuttle, San Luis Obispo Transit, RTA-SCAT, and Santa Maria Area Transit.
- SLO Regional Rideshare offers individualized trip planning as well as information on transportation alternatives.

SLORTA Route 9 services San Miguel. Route 9 travels to and from the City of San Luis Obispo and the San Miguel Urban Area via US 101. The SLORTA stop in San Miguel is located near the intersection of 14th Street and Mission Street. There are two daily weekday service stops in San Miguel, four on Saturday, and three on Sunday.

Expansion of services is due to several factors, mainly customer demand and available budget. SLORTA usually begins to examine capacity issues and consider the expansion of services when a

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<sup>1</sup> Integrated Waste Management Authority. Facility Snapshot: City of Paso Robles Landfill: <http://www.ciwmb.ca.gov/LGCentral/DRS/Reports/FacDisposal.asp?VW=RSLTS>, accessed January 7, 2008.

<sup>2</sup> Integrated Waste Management Authority. Facility Snapshot: City of Paso Robles Landfill: <http://www.ciwmb.ca.gov/LGCentral/DRS/Reports/FacDisposal.asp?VW=RSLTS>, accessed January 7, 2008.

<sup>3</sup> Chicago Grade Landfill. Web site: <http://www.chicagogradelandfill.com/index.html>, accessed January 7, 2008.

route is consistently at 80 percent of capacity or more, if residents of a specific area request additional services, or if a mandate comes out of the San Luis Obispo Unmet Transit Needs Process. In a letter dated February 6, 2008, SLORTA indicated that Route 9 is not currently operating at or above capacity and that no expansion of services is currently being considered in this area of the County.

**Public Roads.** The County of San Luis Obispo Public Works Department is responsible for the maintenance and repair of the streets and roads in San Miguel. A description of the major transportation facilities, major roadway segments, current traffic volumes, and other transportation modes are discussed below.

The roadway conditions are estimated by the County Public Works Department to be typical of conditions in other unincorporated communities in the region. The County is making efforts to bring the streets and roads up to a desirable standard; however, funding is shared among the needs of all the unincorporated communities and progress toward improvement of the local street network is slow.<sup>1</sup>

The circulation system in the San Miguel Urban Area consists of State highways, arterials, collectors, local streets, and alleys. US 101 borders the western edge of the community. The primary on-off ramps accessing the highway are at Tenth Street and the southern end of Mission Street. The east-west routes are Tenth Street, which connects to US 101 and with the primary north-south arterial street, Mission Street. From Mission Street, connections can be made with the two other arterial streets: 11th Street on the south end of town and 14th Street/River Road on the north. These two streets are the only regulated, signalized crossings for the Union Pacific Railroad tracks, which divide the central portion of the community in half.

River Road connects San Miguel to the surrounding developments on the east side of the Salinas River, including San Lawrence Terrace. The San Miguel Bridge was deemed unsafe and was recently replaced.

The older areas of San Miguel include areas from Mission San Miguel Arcangel to Lillian Larsen School and from US 101 to Mission Street and are built on a grid system. Other areas of the town do not include this development pattern. New projects are being encouraged to incorporate the existing grid system into their designs to help create an interconnected circulation system that is efficient.

#### **4.12.2 Regulatory Setting**

##### **State Policies and Regulations.**

**California Integrated Water Management Act of 1989.** The California Integrated Waste Management Act of 1989 (Public Resource Code [PRC] Division 30), enacted through Assembly Bill (AB) 939 and modified by subsequent legislation, required all California cities and counties to implement programs to reduce, recycle, and compost at least 50 percent of wastes by 2000 (PRC Section 41780). The State determines compliance with this mandate to “divert” 50 percent

<sup>1</sup> San Luis Obispo Local Agency Formation Commission. Templeton, San Miguel, Heritage Ranch Community Services Districts Sphere of Influence Update and Municipal Services Review. April 2006.

of generated waste (which includes both disposed and diverted waste) through a complex formula. This formula requires cities and counties to conduct empirical studies to establish a “base year” waste generation rate against which future diversion is measured. The actual determination of the diversion rate in subsequent years is arrived at through deduction, not direct measurement: instead of counting the amount of material recycled and composted, the city or County tracks the amount of material disposed at landfills, then subtracts the disposed amount from the base year amount. The difference is assumed to be diverted (PRC 41780.2).

**Senate Bill 1374.** Senate Bill (SB) 1374 requires that the annual report submitted to the California Integrated Waste Management Board (CIWMB) include a summary of the progress made in diversion of construction and demolition waste materials. In addition, SB 1374 requires that the CIWMB adopt a model ordinance suitable for adoption by any local agency to require 50 to 75 percent diversion of construction and demolition waste materials from landfills by March 1, 2004. Local jurisdictions are not required to adopt their own construction and demolition ordinances, nor are they required to adopt CIWMB’s model by default. However, adoption of such an ordinance may be considered by CIWMB when determining whether to impose a fine on a jurisdiction that has failed to implement its Source Reduction and Recycling Element (SRRE).

For the 2005 reporting year, the biennial review for 2005/2006 has not been completed but the preliminary data showed that the County was at an approximate 58 percent diversion rate.<sup>1</sup>

**Assembly Bill 75.** AB 75, passed in 1999, took effect on January 1, 2000. This bill added new provisions to the PRC, mandating that State agencies develop and implement an Integrated Waste Management Plan (IWMP); it also mandated that community service districts providing solid waste services report disposal and diversion information to the city, County, or regional agency in which the community service district is located.

**Public Schools.** CCR Section 17620 authorizes school districts to levy a fee, charge, dedication, or other requirements against any construction of new residential, commercial, and industrial uses in their boundaries for the purpose of funding the construction of new schools or school facilities. The maximum fee amount that school districts can assess is limited by statutes provided in CCR Section 65995. Level 1 fee maximums are \$2.14/sf for residential development and \$0.34/sf for commercial and industrial development. The California Department of Education (DOE) permits local school districts to increase these fees, subject to DOE review, and with approval of a nexus study from the school district that demonstrates that costs incurred by the school district for the provision of school facilities and services are higher than Level 1 funding provides. In such an instance, a nexus must be demonstrated in the study between the increase proposed by the local school district and the actual cost of provision of school facilities and service.

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<sup>1</sup> California Integrated Waste Management Board (CIWMB). Web site: <http://www.ciwmb.ca.gov/LGTools/MARS/DRMCMMain.asp>, accessed January 29, 2008.

## Local Policies and Regulations.

**Health and Sanitation Code, Title 8 of the San Luis Obispo County Code.** The County of San Luis Obispo Health and Sanitation Code, Chapter 8.12, Solid Waste Management, enforces necessary and reasonable policies and procedures with respect to the accumulation, collection, transportation, processing, recycling, and disposal of various types of solid waste.<sup>1</sup>

**Public Facilities Fees Ordinance, Title 18 of the San Luis Obispo County Code.** The County of San Luis Obispo Public Facilities Fees Ordinance, Title 18 of the County Code, allows the County to charge public facilities fees for new development projects within the County in order to mitigate impacts caused by such projects. The fees are used to finance public facilities (e.g., parks, libraries, and fire and police stations) and to ensure that new development projects pay their fair share for these facilities.<sup>2</sup>

**Public Facilities Financing Plan.** The County of San Luis Obispo Public Facilities Financing Plan for Unincorporated Area Facilities documents the amount and cost of new capital facilities required to serve development in unincorporated areas through 2025. One potential source of funding is public facilities fees, or impact fees, paid by new development to fund its fair share of facilities needs. The Public Facilities Financing Plan documents the maximum justified level of those fees. The fees are used to finance public capital facilities (including land purchases, construction of buildings, or the purchase of major equipment) and to ensure that new development projects are assessed their fair share for these facilities. The fees specified in the Facilities Financing Plan are considered to be the maximum justified level of public facilities fees, or impact fees, to be paid by new development.<sup>3</sup> The fees collected cannot be used to fund employee salaries.

**Growth Management Ordinance, Title 26 of the San Luis Obispo County Code.** The County of San Luis Obispo Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, applies to all construction permits for dwelling units within the unincorporated areas of County. The ordinance was established to protect and promote the public health, safety, and welfare; establish an annual rate of growth for the unincorporated portions of the County to guide future development and be consistent with the ability of community resources; and prevent overgrowth.<sup>4</sup>

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<sup>1</sup> County of San Luis Obispo (2006). Title 8 Health and Sanitation. Web site: [http://services.sloclerkrecorder.org/code/CountyCode/\\_DATA/TITLE08/index.html](http://services.sloclerkrecorder.org/code/CountyCode/_DATA/TITLE08/index.html), accessed January 18, 2008.

<sup>2</sup> County of San Luis Obispo (2006). Public Facilities Fees Ordinance.

<sup>3</sup> San Luis Obispo Public Facilities Financing Plan (2006).

<sup>4</sup> County of San Luis Obispo (2006). Growth Management Ordinance. Web site: <http://www.slocounty.ca.gov/Assets/PL/Ordinances/Title+26+-+Growth+Management+Ordinance.pdf>, accessed January 9, 2008.

### 4.12.3 Methodology

Public service providers were sent a questionnaire that requested current levels of service provided to the project area and information on possible constraints or impacts to their services at project build out. The impact analyses are based on the responses to the questionnaires, meetings with service provider representatives, and/or information obtained through subsequent phone conversations with service provider representatives. Correspondence from the public services providers is included in Appendix K.

### 4.12.4 Impact Significance Criteria

The following criteria are based on the County's Initial Study, the Initial Study Checklist, and Appendix G of the State CEQA Guidelines. The effects of the proposed project on public services, utilities, and service systems are considered to be significant if the proposed project would:

- Threshold 4.12.1** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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*
- Threshold 4.12.2** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 *police protection*
- Threshold 4.12.3** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 *public schools*
- Threshold 4.12.4** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 *library services*
- Threshold 4.12.5** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 *public transportation*

**Threshold 4.12.6** Have an effect upon or result in the need for new public roads or altered public services for roads

**Threshold 4.12.7** Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs

**Threshold 4.12.8** Fail to comply with federal, State, and local statutes and regulations related to solid waste

#### 4.12.5 Project Impacts

**Threshold 4.12.1** **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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**

The proposed project, which includes the construction of residential, commercial, and recreation facilities, land for a future fire station, open space, and expansion of a Wastewater Treatment Plant would place residents in a currently undeveloped area that is outside the existing San Miguel CSD service area and would increase calls for fire protection and medical services.

As stated above, CAL FIRE designates the Development project site as being in a High FHSZ and the County designates the Wastewater Treatment Plant Expansion site as being a Moderate Fire Hazard zone. The Safety Element specifies that new development should be configured to minimize the potential for additional fire danger by including fuel management elements and, as discussed in Section 4.9.2, the General Plan specifies implementation policies to reduce damaging fire risk. All construction on the proposed Development project site would be required to comply with the most recent Uniform Fire Code requirements and to implement relevant fire protection standards, as stipulated by the San Miguel CSD Fire Department, including automatic fire sprinklers in all structures. Building codes include provisions for ignition-resistant construction standards in the wildland-urban interface. Furthermore, as discussed in the Project Description, the proposed project includes a Fire Safety Plan with Reduced Fuel zones in compliance with PRC 4291 (refer to Figures 3.20 and 3.20A) and would provide the CSD with a 1.0 ac (42,317 sf) site for a future fire station (see further discussion below). Other relevant fire protection standards include, but are not limited to, emergency water supplies that meet fire flow requirements (as discussed in Section 4.14 of this EIR), installation of fire hydrants, and access road widths of a least 18 ft on two-way roads. The San Miguel CSD would review and approve project plans for compliance with fuel management and fire reduction techniques. Compliance with existing County Codes and development and approval of a Fire Safety Plan with Reduced Fuel zones would reduce potential impacts related to the urban-wildland interface to a less than significant level.

In an e-mail dated November 27, 2007, the San Miguel CSD Fire Chief indicated that the proposed project is anticipated to result in an increase of 5–10 percent (10 calls)<sup>1</sup> for structure or vegetation fires and an increase of 10–15 percent (23 calls)<sup>2</sup> for emergency medical calls, but that overall, the proposed project would not substantially affect service ratios, response times, or other performance objectives. The Fire Chief's response is based, in part, on his knowledge of new construction that complies with Uniform Fire Code requirements, the use of automatic fire sprinklers in structures, and implementation of Reduced Fuel zones in compliance with State law which, together, result in fewer calls for fire protection services.

CAL FIRE calculates potential increases in call volumes using a different methodology than the one used by the San Miguel CSD Fire Chief. According to CAL FIRE, there are 136.97 calls<sup>3</sup> for service per 1,000 people in the San Miguel CSD service area. Using this call rate, the proposed project would generate 161 calls<sup>4</sup> for service annually, of which 97 would be medical emergencies. According to the Fire Chief, the San Miguel CSD Fire Department has the existing capacity to serve the proposed project at build-out.

The San Miguel CSD Fire Chief has also indicated that as structures age, call volumes may increase. As call volumes on the Development project site increase, in part as a result of aging buildings, the San Miguel CSD may choose to construct a second fire station on the land set aside on the Development Project Site for this purpose. The County of San Luis Obispo also requires an impact fee to be paid for all new residential and nonresidential developments, as outlined in the San Luis Obispo Public Facilities Financing Plan. Implementation of the proposed project would include payment of impact fees for residential and nonresidential development to ensure that the proposed project contributes impact fees adequate to maintain the existing level of fire protection services. Tables 4.12.C and 4.12.D show the fees required by the San Luis Obispo Public Facilities Financing Plan for residential and nonresidential developments. Based on these impact fees, the proposed project would submit a total payment of \$695,058 (\$677,418 for residential and \$17,640 for nonresidential) for full build out of the proposed project. The impact fees would be collected at the time of building permit issuance and would be held in a separate trust account until such time that funds are needed to finance facilities required to serve new development. For example, the proposed project would set aside land for a future fire station, although current call volumes and estimated call volumes immediately following project implementation would not warrant construction of a fire station on that land. The impact fees paid by the San Miguel Ranch project applicant may be used to fund construction of a second fire station (or another capital improvement). In this way the proposed project is required to pay its fair share of facilities needs while ensuring that existing services and residents are not overburdened by the needs of new development.

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<sup>1</sup> 100 existing nonmedical calls x 10 percent = 10 additional calls for nonmedical service.

<sup>2</sup> 150 existing medical emergency calls x 15 percent = 22.5 additional calls for medical emergencies.

<sup>3</sup> The San Miguel CSD had 250 calls for service in 2007 with an estimate service area population of 1825.2 people. This results in a call rate of 136.97 calls per 1,000 people. ( $250 / 1.8252 = 136.97$ )

<sup>4</sup> The proposed project would generate approximately 1,179 people. Based on the 2007 call rate, this would result in 161 calls for service ( $136.97 \times 1,179 = 161.48$ )

**Table 4.12.C: Fire Impact Fees on Residential Developments**

	Single-Family	Multi-Family	Totals
<b>Cost impact per square foot</b>	\$ 0.84	\$ 0.84	-
Estimated average square feet per unit	2,210	1,000	-
<b>Potential Fee per unit</b>	<b>\$ 1,856.40</b>	<b>\$ 840</b>	-
Number of Residences	345	44	389
<b>Total Residential Fee Due</b>	<b>\$ 640,458.00</b>	<b>\$ 36,960.00</b>	<b>\$677,418</b>

Source: San Luis Obispo Public Facilities Financing Plan (2006).

**Table 4.12.D: Fire Impact Fees on Nonresidential Developments**

<b>Cost impact per square foot</b>	\$ 0.84
Fee for 10,000 square foot facility	\$ 8,400
<b>Total Nonresidential Fee Due</b>	<b>\$ 17,640</b>

Source: San Luis Obispo Public Facilities Financing Plan (2006).

The proposed project would not require the immediate construction or expansion of fire protection facilities or services. The San Miguel CSD Fire Department would be able to serve the proposed project at the same levels provided to the remainder of the jurisdiction, and the 1.0 ac property allocated for future development of a fire station would be held by CSD until incident call volume increases to a level in the future when a new station would be required to supplement the existing CSD Fire Station. Payment of impact fees by the project applicant as a standard condition of approval would ensure that the proposed project contributes its fair share toward facility needs and the maintenance of fire protection services. No mitigation is required.

**Potential Impact Summary:** Class III. The proposed project would not substantially affect existing service ratios, response times, or other performance objectives. Payment of public facilities impact fees as a standard condition of approval and the allocation of 1.0 ac of property for a future fire station would further reduce potential impacts related to fire protection facilities and services to less than significant levels, and no mitigation is required.

**Threshold 4.12.2**      **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 police protection**

The proposed project, which includes the construction of residential, commercial, and recreation facilities, land for a future fire station, open space, and expansion of a Wastewater Treatment Plant, would increase population in the project area, which could result in an increase in calls for law enforcement services.

The need for additional deputies increases based on proposed residential growth and the potential for additional commercial retail crimes (e.g., shoplifting, failure to pay, theft by bad check). In a memo dated January 2, 2008, the San Luis Obispo County Sheriff Department reported that in order to maintain the current ratio of sworn officers (1.4 sworn deputies per 1,000 capita) after project implementation, two additional sworn officers would be required. Additional sworn officers would also need to be hired for the commercial development.

The need for additional deputies would be considered by the San Luis Obispo County Board of Supervisors as part of its annual budgeting process. If the project were implemented, future residents on the Development project site could be expected to add approximately \$13.2 million to the retail sales support base in the San Miguel trade area. This could add sales tax in addition to property tax revenue to the County General Fund, which could be used to pay the salaries of additional deputies. There may, however, be a delay between the time the deputies are needed to maintain current staffing ratios and the time when the proposed project generates sufficient taxes (e.g., property taxes and/or sales taxes) to pay the deputies' salaries. As such, the proposed project may result in a short-term significant adverse impact related to police services. For the purposes of environmental analysis conducted under CEQA, it is not possible to place an exact fee amount on this impact because it is relatively short-term and because the County does not have the authority to impose a new fee without due process. Similarly, it is not possible to mitigate this impact by imposing a special tax on the property owner/project applicant<sup>1</sup> without due process. The impact would eventually be remedied through the County's annual budgeting process, but this impact would remain significant and adverse until such time that funds are available for two new deputies.

The proposed project would also be required to pay impact fees for residential and nonresidential development to reduce potential impacts to police facilities to less than significant levels. Tables 4.12.E and 4.12.F show the law enforcement fees required by the San Luis Obispo Public Facilities Financing Plan for residential and nonresidential developments. Based on these impact fees, the proposed project would submit a total payment of \$105,854 (\$99,146 for residential and \$6,708 for nonresidential) for law enforcement services. As described above, the impact fees would be collected from the project applicant at the time of building permit issuance and would be held in a separate trust account until such time that funds are needed to finance facilities required to serve new development. These funds cannot be used to pay employee salaries, but may be used to construct new facilities (e.g., a new north substation). In this way the proposed project is required to pay its fair share of facility needs while ensuring that existing services and residents are not overburdened by the needs of new development.

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<sup>1</sup> Any local agency which that provides police protection may levy a special tax, however, the tax is subject to approval by two-thirds of the voters within the jurisdiction or zone proposed for taxation and, prior to placing the tax proposal on the ballot, the agency must adopt an ordinance describing the rate of taxation and maximum tax levy. A Planner's Guide to Financing Public Improvements. June 1997.

**Table 4.12.E: Law Enforcement Impact Fees on Residential Developments**

	<b>Single-Family</b>	<b>Multi-Family</b>	<b>Totals</b>
Cost Impact per resident	\$ 106	\$ 106	-
Persons per unit	2.47	1.88	-
<b>Fee per unit</b>	<b>\$ 262</b>	<b>\$ 199</b>	<b>-</b>
Number of Residences	345	44	389
<b>Total Residential Fee Due</b>	<b>\$ 90,390</b>	<b>\$ 8,756</b>	<b>\$99,146</b>

Source: San Luis Obispo Public Facilities Financing Plan (2006).

**Table 4.12.F: Law Enforcement Impact Fees on Nonresidential Developments**

	<b>Office</b>	<b>Retail</b>	<b>Industrial</b>	<b>Totals</b>
Cost Impact per employee	\$ 106	\$ 106	\$ 106	-
Average Number of Employees per 1,000 sf	3.33	2.00	1.43	-
<b>Fee per 1,000 sf</b>	<b>\$ 353</b>	<b>\$ 212</b>	<b>\$ 152</b>	<b>-</b>
Total Square Feet	16,000	5,000	0	21,000
<b>Total Nonresidential Fee Due</b>	<b>\$ 5,648</b>	<b>\$1,060</b>	<b>\$ 0</b>	<b>\$6,708</b>

Source: San Luis Obispo Public Facilities Financing Plan (2006).

In addition, in order to reduce call volumes from new projects, the County requires new development to employ defensible space concepts, or Crime Prevention Through Environmental Design (CPTED), in site design and building specifications. Mitigation Measure 4.12.1 requires the incorporation of CPTED design concepts into project design. To ensure incorporation of CPTED design concepts, a Security Plan will be reviewed and approved by the County Sheriff Department prior to approval of building plans. Therefore, the potential impacts of the proposed project related to police protection would be reduced to below a level of significance upon payment of impact fees and implementation of Mitigation Measure 4.12.1.

**Potential Impact Summary:** Class I. The proposed project would result in the need for a minimum of two additional sworn Sheriff’s Deputies to maintain the current ratio of sworn officers in the County after project implementation. Although the project would be responsible for payment of fees in accordance with the San Luis Obispo Public Facilities Financing Plan and California Code Section 65996, the facilities fees cannot be used to pay employee salaries. Therefore, the proposed project would result in a short-term significant adverse impact related to the need for additional deputies. The impact would eventually be remedied through the County’s annual budgeting process. Mitigation Measure 4.12.1 requires the preparation of Security Plan that incorporates defensible space concepts, or CPTED design specifications. With implementation of Mitigation Measure 4.12.1 and payment of fees in accordance with County policies, long-term impacts related to police services would be reduced to a less than significant level.

**Threshold 4.12.3 Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 public schools**

There are currently no residential units on the project site, and it is not currently contributing students to the San Miguel Joint Unified School District or the Paso Robles Joint Unified School District. Approval of the proposed project would allow for the construction of 389 residential units. To determine future needs, both the San Miguel Joint Unified School District and the Paso Robles Joint Unified School District use student generation rates to estimate the number of students that would attend a school. The San Miguel Joint Unified School District uses the generation rate for students in grades K–8 as determined by the Paso Robles Joint Unified School District (0.334 student per dwelling). The Paso Robles Joint Unified School District uses a generation factor of 0.1443 student per dwelling unit to estimate the number of students that would attend a high school. Using both generation rates, Table 4.12.G illustrates the projected number of students that would be generated by the proposed project.

**Table 4.12.G: Estimated Students Generated by the Project**

School District	Generation Rate (students/dwelling)	Projected Students
San Miguel Joint Unified School District (Lillian Larson Elementary)	0.334	130
Paso Robles Joint Unified School District (Paso Robles High School)	0.1443	56
<b>Total</b>		<b>186</b>

Source: Paso Robles Joint Unified School District (2007).

Based on the student generation rates provided by the Paso Robles Joint Unified School District, development of the proposed project would result in 130 new K–8 students and 56 new 9–12 students. Based on current enrollment at Lillian Larsen Elementary, it appears the school does not have sufficient capacity to house students generated by the proposed project. Similarly, based on 2005–2006 enrollment at Paso Robles High School, it appears that the school does not have sufficient capacity to service students generated by the proposed project. The need for additional classroom space is a potentially significant impact of the proposed project.

The project applicant would be required to pay school facility fees to both the San Miguel Joint Unified School District and the Paso Robles Joint Unified School District to reduce the potential impacts of the proposed project to less than significant.

The payment of school facilities fees authorized by SB 50, or the Leroy F. Greene School Facilities Act of 1998, is deemed to provide “full and complete mitigation of impacts” from the development of real property on school facilities (California Government Code 65996). SB 50 provides that a state or local agency may not deny or refuse to approve the planning, use, or development of real property on

the basis of a developer's refusal to provide mitigation in amounts in excess of that established by SB 50. California Government Code Section 65996 designates Section 17620 of the Education Code (the mitigation fees authorized by SB 50) and Section 65970 of the Government Code to be the exclusive method for considering and mitigating development impacts on school facilities. The San Miguel Joint Unified School District and the Paso Robles Joint Unified School District may charge a maximum of \$2.14/sf for residential development and \$0.34/sf of commercial development. Mitigation Measure 4.12.2 requires that the project applicant submit proof of payment of school facility fees prior to issuance of any building permit for the proposed project.

Therefore, with the payment of school facility fees allowed under California Government Code Sections 17620 and 65996, the proposed project impacts related to school facilities would be reduced to less than significant levels.

**Potential Impact Summary:** Class II. With the payment of school facility fees allowed under California Government Code Sections 17620 and 65996, project impacts related to school facilities would be reduced to less than significant levels. Mitigation Measure 4.12.2 requires the payment of school facility fees prior to issuance of any building permits on the Development project site and no additional mitigation is required.

**Threshold 4.12.4**      **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 library services**

Implementation of the proposed project has the potential to increase population in the project area. According to library standards provided by the San Luis Obispo City-County Library, the San Miguel Branch Library is undersized for the existing service population. The library currently meets the requirement for the number of items in stock; however, at 775 sf, it is undersized by 351 sf for the existing service population. Implementation of the proposed project would contribute to an existing deficiency related to library services by increasing the potential use demand. According to library standards provided by the San Luis Obispo City-County Library, to accommodate project build out the San Miguel Urban Area should have a library of at least 1,951 sf.<sup>1</sup> To accommodate anticipated growth and fund necessary physical improvements, the County of San Luis Obispo requires impact fees to be paid for residential and nonresidential developments, as outlined in the San Luis Obispo Public Facilities Financing Plan. Tables 4.12.H and 4.12.I show the impact fees required for both residential and nonresidential developments for public libraries.

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<sup>1</sup> Estimated library space demand is based on the existing San Miguel Urban Area population (1,608) added to the projected project build-out population (1,179). Total = 2,787 people.

**Table 4.12.H: Public Library Impact Fees for Residential Developments**

	Single-Family	Multi-Family	Totals
Cost Impact per resident	\$ 172	\$ 175	-
Persons per unit	2.47	1.88	-
<b>Fee per unit</b>	<b>\$ 425</b>	<b>\$ 323</b>	<b>-</b>
Number of Residences	345	44	389
<b>Total Residential Fee Due</b>	<b>\$ 146,625</b>	<b>\$14,212</b>	<b>\$160,837</b>

Source: San Luis Obispo Public Facilities Financing Plan (2006).

**Table 4.12.I: Public Library Impact Fees for Nonresidential Developments**

	Office	Retail	Industrial	Totals
Cost Impact per employee	\$ 67	\$ 67	\$ 67	-
Average Number of Employees per 1,000 sf	3.33	2.00	1.43	-
<b>Fee per 1,000 sf</b>	<b>\$ 223</b>	<b>\$ 134</b>	<b>\$ 96</b>	<b>-</b>
Total Square Feet	16,000	5,000	0	21,000
<b>Total Nonresidential Fee Due</b>	<b>\$3,570</b>	<b>\$ 670</b>	<b>\$ 0</b>	<b>\$4,240</b>

Source: San Luis Obispo Public Facilities Financing Plan (2006).

As a condition of approval, the proposed project would be required to submit a total payment of \$165,077 (\$160,837 for residential and \$4,240 for nonresidential) based on the fees provided above. As described above, the impact fees would be collected at the time of building permit issuance and would be held in a separate trust account until such time that funds are needed to finance facilities required to serve new development. In this way the proposed project is required to pay its fair share of facilities needs while ensuring that existing services and residents are not overburdened by the needs of new development. Although the proposed project would be required to pay a fair share cost of expanding the San Miguel Branch Library, there are currently no plans to expand the facility. In addition, the proposed project would contribute to an existing deficiency in library space (i.e., the library is undersized by 351 ft in the existing condition). The payment of fees would mitigate the project's long-term impacts to library services; however, the short-term impact of the project on library services (i.e., the time between project completion and expansion of the library) would remain significant and adverse. Until the County proposes, approves, and implements plans to enlarge the San Miguel Library or build a second library facility in San Miguel, this impact would remain significant and adverse.

**Potential Impact Summary:** Class I. Although the proposed project would be required to pay a fair share cost of expanding the San Miguel Branch Library, there are currently no plans to expand the facility. Until the County proposes, approves, and implements plans to enlarge the San Miguel Library or build a second library facility in San Miguel, this impact would remain significant and adverse. The payment of fees in accordance with the San Luis Obispo Public Facilities Financing would mitigate the project's long-term impacts to library services to a less than significant level.

**Threshold 4.12.5      Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 public transportation**

SLORTA currently maintains one bus route that services the San Miguel Urban Area. The bus stop is located some distance from the proposed Development project site (at the intersection of Mission Street and 14th Street), and because of the character of the area, it is likely that most commute trips would be made by private vehicle. Compared to the existing conditions, however, the proposed project would increase the population within the SLORTA service area and therefore potentially increase the demand on transportation services. SLORTA indicated via a letter dated February 6, 2008, that even with the increase in population, the proposed project would not significantly impact services in the area and that SLORTA does not foresee any future problems maintaining acceptable service ratios and response times for public transportation in the San Miguel Urban Area.

**Potential Impact Summary:** Class III. Impacts to public transportation services offered by SLORTA in the San Miguel Urban Area would be less than significant, and no mitigation is required.

**Threshold 4.12.6 Have an effect upon or result in the need for new public roads or altered public services for roads**

The San Luis Obispo County Public Works Department currently maintains the streets and roads in the San Miguel Urban Area. The proposed project includes the construction of residential, commercial, recreation and open space facilities, land for a future fire station, and expansion of the Wastewater Treatment Plant. In addition, implementation of the proposed project includes improvements to both the northern and southern access points to the Development project site, including modifications to the freeway interchange at US 101 and Mission Street (called Camp Roberts Over Head) at the north end of the project to allow for full truck-turning movements, and a southern roadway connection to Tenth Street. Both the northern and southern access routes to the Development project site would require roadway improvements and utilize existing easements on private property. Construction of proposed roads would be the responsibility of the project applicant. All proposed roads would be constructed to County standards. The project applicant intends to offer the project roadways to the County. If the roadways are accepted into the County-maintained Road System, the project applicant would be required to establish a service charge for road maintenance. According to County Resolution 2007-344, procedures for service charge establishment will be developed by the Department of Public Works according to the requirements of Article XIII of the California Constitution, which were adopted by State voters in 1996 as Proposition 218.<sup>1</sup> If the County does not accept the project roadways as County roads, road maintenance would remain the responsibility of the project applicant or Home Owner's Association (HOA) either in perpetuity or until such time that the County accepts the streets or roads into the County-maintained Road System. Therefore, the proposed project would not result in the need for new public roads or altered public services for roads otherwise not included in the project. No mitigation is required.

<sup>1</sup> County of San Luis Obispo. Resolution 2007-344. September 11, 2007.

**Potential Impact Summary:** Class III. Potential impacts related to the need for new public roads or altered public services for roads would be less than significant, and no mitigation is required.

**Threshold 4.12.7 Be served by a landfill with insufficient permitted capacity to accommodate the project’s solid waste disposal needs**

The proposed project would result in solid waste generation during construction and operation in an area that does not currently generate solid waste. The CIWMB estimates that residential uses in County unincorporated areas generate an average of 0.41 ton per resident per year.<sup>1</sup> Based on population projections for the proposed project, the project, prior to implementation of any recycling programs, would be anticipated to generate approximately 483.39 tons of solid waste per year (1.32 tpd) for residential uses.

The CIWMB also estimates commercial use solid waste generation based on a per-employee generation factor. The CIWMB estimates that commercial uses dispose of an average of 1.2 tons/employee/year for Service/Professional, 0.3 ton/employee/year for Retail Trade-General Merchandise Stores, and 0.6 ton/employee/year for Retail Trade-Automotive Dealers and Service Station.<sup>2</sup> Using the employee factors found in the County’s Public Facilities Financing Plan, Table 4.12.J provides the commercial disposal rates, square feet, number of employees, and solid waste generation for the proposed project. The proposed project would generate a total of 68.5 tons/employee/year for commercial land uses. This is the equivalent of 4,315.5 tons of solid waste per year (11.82 tpd).

**Table 4.12.J: Waste Disposal Impacts for Commercial/Retail Development**

	Waste Disposal Rate (tons/employee/year)	Square Feet	Total Employees	Total Disposal (tons/employee/year)
Service-Other Professional	1.2	16,000	53	64
Retail Trade-General Merchandise Stores	0.3	2,500	5	1.5
Retail Trade-Automotive Dealers and Service Station	0.6	2,500	5	3.0
<b>Total</b>		<b>21,000</b>	<b>63</b>	<b>68.5</b>

Source: California Integrated Waste Management Board Waste Disposal Rates for Business Type. Solid Waste Characterization Database: 1999.

<sup>1</sup> California Integrated Waste Management Board, Solid Waste Characterization Database: 1999. Web site <http://www.ciwmb.ca.gov/WasteChar/rescomp.asp?J=396&SortBy=Disposal>, accessed January 8, 2008.

<sup>2</sup> California Integrated Waste Management Board, Solid Waste Characterization Database: 1999. Web site <http://www.ciwmb.ca.gov/WasteChar/DispRate.htm>, accessed January 8, 2008.

Correspondence with a representative from the San Luis Obispo County Integrated Waste Management Authority indicated that both the Paso Robles Landfill and the Chicago Grade Landfill, which are permitted to receive 250 tpd and 500 tpd respectively, have capacity to serve the project. The anticipated solid waste generation of the proposed project ( $1.32 + 11.82 = 13.14$  tpd) is approximately 5.2 percent of Paso Robles permitted daily waste acceptance and 2.6 percent of Chicago Grade Landfill's permitted daily waste acceptance.

Although the amount of solid waste expected to be generated by the proposed project would represent a small percentage of the permitted daily waste acceptance and remaining capacity of the landfill, it would nevertheless hasten the utilization of the remaining capacity of area landfills. Therefore, the proposed project would result in a potentially significant impact related to solid waste capacity in the County. Mitigation Measure 4.12.3 requires the project to implement waste reduction measures once the project is occupied. In addition, the proposed project would be required to comply with the County Recycling Ordinance<sup>1</sup> (Title 8), which requires the recycling of 50 percent (by weight) of construction waste. The County requires a project applicant to submit either a Construction Waste Recycling Plan or to use an Integrated Waste Management Authority certified construction and demolition waste recycling facility. Building permits are not issued without identification of the waste handling methods. In addition, prior to the Final Inspection Report, project applicants are required to submit original recycling and disposal receipts. There is a 2 percent penalty for failure to recycle 50 percent of a project's waste stream. All penalties must be paid before final project approval is granted. Implementation of Mitigation Measure 4.12.3 and compliance with the County's Recycling Ordinance would reduce the amount of waste generated by project residents and reduce potential impacts to a less than significant level.

**Potential Impact Summary:** Class II. Potentially significant impacts related to solid waste disposal in the County would be reduced below a level of significance with implementation of Mitigation Measure 4.12.3.

**Threshold 4.12.8      Fail to comply with federal, State, and local statutes and regulations related to solid waste**

Solid waste practices in California are governed by multiple federal, State, and local agencies that enforce legislation and regulations that ensure landfill operations minimize impacts to public health and safety and the environment. The California Integrated Waste Management Act of 1989, enacted through AB 939 and modified by subsequent legislation, required all California cities and counties to implement programs to reduce, recycle, and compost at least 50 percent of waste by 2000 (PRC Section 41780). The biennial review for 2005/2006 has not been completed, but the preliminary data showed that County was at an approximate 58 percent diversion rate. In 2004, the County achieved a 62 percent diversion rate.<sup>2</sup>

<sup>1</sup> County of San Luis Obispo. Title 8: Health and Sanitation. Section 8.12.455–470.

<sup>2</sup> California Integrated Waste Management Board. Web site: <http://www.ciwmb.ca.gov/LGTools/MARS/DRMCMMain.asp>, accessed January 29, 2008.

As stated above, the proposed project would be required to comply with the County Recycling Ordinance and other recycling requirements found in County Code. In addition, the proposed project would not require significant changes to disposal operations, systems, or services, or an immediate increase in waste disposal capacity. Therefore, the proposed project would comply with applicable federal, State, and local statutes and regulations related to solid waste, and no mitigation is required.

**Potential Impact Summary:** No Impact. The proposed project would comply with federal, State, and local statutes and regulations related to solid waste, and no mitigation is required.

#### 4.12.6 Cumulative Impacts

For the analysis of public services and utilities, the study area considered for the cumulative impact of other projects consisted of: (1) the area that could be affected by future proposed project activities, and (2) the areas affected by other projects whose activities could directly or indirectly affect the public services and utilities of the proposed project site within a service area. The cumulative study area for each topic service area is further defined below.

**Fire Department.** The geographic area for cumulative analysis of fire and emergency medical services is defined as the service territory for the San Miguel CSD. As growth occurs in the San Miguel CSD service area, there is increased demand for public services, including fire protection and emergency medical services. As discussed in Section 4.11, Population and Housing, without implementation of the proposed project, the population of the San Miguel Urban Area is anticipated to grow from 1,608 persons to 3,309 persons between 2005 to 2020, while the entire County of San Luis Obispo (incorporated and unincorporated areas) is anticipated to grow from 262,897 persons to 345,906 persons during that same period. Project build out, which is expected to occur in 2017, would incrementally contribute to growth in the San Miguel CSD service territory and additional demand for fire protection and emergency medical services.

The San Miguel Fire Department's determination that adequate service can be provided to the proposed Development project site includes consideration of area demand in light of cumulative planned or anticipated projects. The San Miguel CSD plans for needed increases in volunteer staffing and future construction or acquisition of additional facilities. It is anticipated that adequate fire services would be developed, as needed, to accommodate cumulative demand. In addition, the proposed project includes land for a future fire station and together with other cumulative projects would be required to pay public facility impact fees to help meet future demand for fire protection and emergency medical services. Therefore, the proposed project's contribution to cumulative demand for fire protection services in the San Miguel CSD service area would be incremental but not significant.

**Potential Cumulative Impact Summary:** Class III. The proposed project contribution to cumulative demand for fire protection services in the San Miguel CSD service area would be less than significant, and no mitigation is required.

**Law Enforcement.** The geographic area for cumulative analysis of law enforcement services is defined as the service territory for the County Sheriff Department. As discussed in Section 4.11,

Population and Housing, from 2005 to 2020 the population of the San Miguel Urban Area is anticipated to grow from 1,608 persons to 3,309 persons, while the entire County of San Luis Obispo (incorporated and unincorporated areas) is anticipated to grow from 262,897 persons to 345,906 persons during that same period. Project build out, which is expected to occur in 2017, would incrementally contribute to growth in the service territory of the County Sheriff Department and additional demand for police protection services.

Any future projects in the cumulative study area would likely include specific features designed to reduce impacts on law enforcement services and may include additional mitigation measures specific to the given project's impacts. The need for additional law enforcement services associated with cumulative growth would be addressed through the annual budget review process, when Sheriff Department needs are assessed and budget allocations are revised accordingly to ensure that adequate levels of service are maintained throughout the County. In addition, both the proposed project and other cumulative projects would be required to pay public facility fees that would facilitate demands for additional facilities to help maintain adequate levels of service.

As with the proposed project, however, there may be a delay between the time the deputies are needed to maintain current staffing ratios and the time when the proposed cumulative projects generate sufficient taxes (e.g., property taxes and/or sales taxes) to pay the deputies' salaries. As such, the proposed project's contribution to the cumulative demand for police services would be a short-term significant adverse cumulative impact. For the purposes of environmental analysis conducted under CEQA, it is not possible to place an exact fee amount on this impact because it is relatively short-term and because the County does not have the authority to impose a new fee without due process. Similarly, it is not possible to mitigate this impact by imposing a special tax on the property owner/project applicant<sup>1</sup> without due process. The impact would eventually be remedied through the County's annual budgeting process, but this impact would remain significant and adverse until such time that funds are available for two new deputies. Therefore, the proposed project's contribution to cumulative demand for police protection services in the County Sheriff Department service area would be significant and adverse.

**Potential Cumulative Impact Summary:** Class I. The proposed project contribution to cumulative demand for police protection services in the Sheriff Department service area would be significant and adverse.

**Public Schools.** The geographic area for the cumulative analysis of impacts to the provision of public schools is the service territory for the San Miguel Joint Unified School District for grades K–8 and the Paso Robles Joint Unified School District for grades 9–12. As shown in Tables 4.12.A and 4.12.B, both schools that would serve the proposed Development project site are near capacity.

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<sup>1</sup> Any local agency which that provides police protection may levy a special tax, however, the tax is subject to approval by two-thirds of the voters within the jurisdiction or zone proposed for taxation and, prior to placing the tax proposal on the ballot, the agency must adopt an ordinance describing the rate of taxation and maximum tax levy. A Planner's Guide to Financing Public Improvements. June 1997.

There are currently 29 pending development applications in the vicinity of the proposed Development project site (refer to Table 4.1.E) that would result in the construction of approximately 335 residential units. Using the student generation rate provided by the Paso Robles Joint Unified School District, the proposed and approved projects within the cumulative study area would generate approximately 112 students for grades K–8 and 48 students for students in grades 9–12. as stated above, the proposed project is expected to generate 130 K–8 students and 56 students in grades 9–12, therefore the project’s contribution to demand for school capacity would be significant. Cumulative growth is expected to significantly impact the San Miguel Joint Unified School District and the Paso Robles Joint Unified School District.

As stated above, the payment of school facility fees authorized by SB 50, or the Leroy F. Greene School Facilities Act of 1998, is deemed to provide “full and complete mitigation of impacts” from the development of real property on school facilities (California Government Code 65996). Both the proposed project and the other proposed cumulative projects would be required to pay school facility impact fees to help fund physical improvements needed to accommodate growth in student numbers. Therefore, with implementation of Mitigation Measure 4.12.2 and payment of school facilities fees by future development, cumulative impacts to schools would be reduced to a less than significant level.

**Potential Cumulative Impact Summary:** Class II. Cumulative demand for school facilities would be less than significant with payment of school impact fees authorized under Government Code Sections 17620 and 65996. Mitigation Measure 4.12.2 requires the payment of school facility fees prior to issuance of any building permits on the Development project site and no additional mitigation is required.

**Public Libraries.** The geographic area for the cumulative analysis of impacts to the provision of public libraries is the service territory for the San Luis Obispo City-County Library system (a total of 14 branch libraries and one bookmobile). The proposed project would contribute to an existing deficiency in library space (i.e., the library is undersized by 351 ft in the existing condition) in San Miguel. The need for additional public library space or collections materials is addressed through the annual budget review process, when Library needs are assessed and budget allocations are revised accordingly to ensure that adequate levels of service are maintained throughout the County. Both the proposed project and other cumulative projects would be required to pay public facility fees to help meet demand for public library facilities and services. The impact fees would be collected at the time of building permit issuance and would be held in a separate trust account until such time that funds are needed to finance facilities required to serve new development. At this time, the County has no approved plan to expand the San Miguel Library; until the County proposes, approves, and implements plans to enlarge the San Miguel Library or build a second library facility in San Miguel, the proposed project would contribute to significant and adverse cumulative impacts to library services.

**Potential Cumulative Impact Summary:** Class I. The proposed project would contribute to an existing deficiency in library space in San Miguel. Cumulative demand for library facilities and services would be significant and adverse until the library is expanded or a second library is built in San Miguel.

**Public Transportation.** The geographic area for cumulative analysis of transit services is defined as the service territory for SLORTA. The proposed project is not expected to have a significant impact on the provision of transit services in the County or the area surrounding the project site. Any increase that does result from implementation of the proposed project would be incidental and not cumulatively considerable because transit services would not be adversely impacted by the proposed project.

**Potential Cumulative Impact Summary:** Class III. The proposed project would contribute to a less than significant impact related to public transportation.

**Public Service Roads.** The geographic area for cumulative analysis of public roads is defined as the maintenance and service territory for the County of San Luis Obispo Public Works Department. As stated above, construction of proposed roads would be the responsibility of the project applicant. All proposed roads would be constructed to County standards. The need for roadway maintenance funding is determined through the County's annual budget review process. Taxes paid by area residents are expected to fund future maintenance of roadways on the proposed Development project site and other proposed project sites throughout the County. Therefore, the proposed project's contribution to cumulative demand for development of County roadways and future roadway maintenance would be incremental but not significant.

**Potential Cumulative Impact Summary:** Class III. The proposed project would contribute to a less than significant impact related to public roadways.

**Solid Waste.** In combination with other projects within the County, the proposed project would create an increased demand on landfills and solid waste services for the County. Each cumulative project would represent a small but incremental increase in the utilization of the remaining capacity of area landfills. The Paso Robles Landfill and the Chicago Grade Landfill have capacity to serve County's solid waste and landfill needs with planned growth until 2051 and 2042, respectively.<sup>1</sup> Cumulative impacts on area landfills would be reduced to less than significant levels through compliance with the County Recycling Ordinance and other waste reduction and recycling programs, such as those required by Mitigation Measure 4.12.3.

**Potential Cumulative Impact Summary:** Class II. Cumulative impacts related to solid waste capacity and compliance with federal, State, and local regulations would be less than significant with incorporation of Mitigation Measure 4.12.3 and no additional mitigation is required.

#### 4.12.7 Level of Significance Prior to Mitigation

**Fire Department.** No significant impacts related to fire services have been identified.

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<sup>1</sup> California Integrated Waste Management Board. Active Landfill Profiles. Web site <http://www.ciwmb.ca.gov/Profiles/Facility/Landfill/Default.asp>, accessed January 7, 2008.

**Law Enforcement.** Prior to mitigation, the proposed project would result in a potentially significant impact related to the provision of police protection services.

**Public Schools.** Prior to mitigation, the proposed project would result in a potentially significant impact related to school capacity.

**Public Libraries.** The proposed project would contribute to an existing deficiency in library space in San Miguel and would result in significant adverse project and cumulative impacts.

**Public Transportation.** No significant impacts related to public transportation have been identified.

**Public Service Roads.** No significant impacts related to public service roads have been identified.

**Solid Waste.** Prior to mitigation, the proposed project would result in a potentially significant impact related to solid waste capacity in the County.

#### 4.12.8 Mitigation Measures

**Mitigation Measure 4.12.1 Security Plan.** The project applicant, in cooperation with the Sheriff Department, shall develop and implement a security plan for the Development project site. The Security Plan shall incorporate Crime Prevention Through Environmental Design (CPTED) principles and other crime prevention features that may include, but are not limited to, strategically placed lighting, the use of vines or planted coverings on walls to discourage graffiti, burglary-resistant hardware, and video surveillance in commercial areas. The Security Plan shall be reviewed and approved by the County Sheriff Department prior to approval of building plans. The Director of the Department of Planning and Building, or designee, shall verify inclusion of physical safety measures during final inspections.

**Mitigation Measure 4.12.2 School Facilities Fees.** Prior to issuance of any building permits for construction on the Development project site, the project applicant shall submit proof of payment of school facility fees in accordance with California Code Section 65996. In addition, the project applicant shall notify the San Miguel Joint Union School District and the Paso Robles Unified School District in writing of the expected build-out dates for each phase of project development to allow the Districts time to plan for new students. A copy of the notice shall be submitted with the proof of payment.

**Mitigation Measure 4.12.3 Solid Waste Management and Recycling Program.** Prior to issuance of occupancy permits for the proposed project, the project applicant shall submit a Solid Waste Management and Recycling Program to the Director of the Department of Planning and Building, or designee, for review and approval. The plan shall include, but not be limited to, the following:

- The project's Covenants, Conditions, and Restrictions (CC&Rs) shall require each residence to subscribe to waste and recycling/greenwaste recycling services. Nonresidential project components shall also be required to include recycling services.
- During landscape design, trees shall be selected at an appropriate size and scale to reduce pruning waste over the long term.
- Slow-growing, drought-tolerant, native vegetation shall be included in the landscape plan. Drought-tolerant plants require less pruning and generate less long-term pruning waste.

#### **4.12.9 Level of Significance after Mitigation**

Mitigation Measure 4.12.1 would reduce call for police services on the project site; however, two additional sworn officers would still be required at project build out to maintain the current ratio of sworn officers. Payment of Facilities Fees would cover the project's fair share of facility needs but would not cover the cost of the deputies' salaries. Although the deputies' salaries would eventually be addressed as part of the County's annual budgeting process, there may be a gap between the time the proposed project is completed and the time sufficient funding becomes available (i.e., through increased property tax or sales tax revenues) to cover the additional expense. Therefore, the proposed project would result in a significant adverse short-term impact related to the provision of police services.

Similarly, the proposed project would contribute to an existing deficiency in library space (i.e., the library is undersized by 351 ft in the existing condition) in the San Miguel Urban Area. Although the proposed project would pay its fair share cost of expansion of the library through the payment of Public Facilities Fees, the County has no plans to expand the library or build a second library in San Miguel. Therefore, the proposed project would result in a significant project and cumulative impact to library services in San Miguel. This impact would be reduced to a less than significant level if the County were to propose, approve, and implement plans to expand library services in the San Miguel Urban Area prior to build out of the proposed project.

After implementation of Mitigation Measures 4.12.2, and 4.12.3, potentially significant impacts related to school capacity and landfill capacity would be reduced to less than significant levels. All other potentially significant impacts related to public services, utilities, and services systems would be less than significant with payment of standard fees as specified in the County's Facilities Financing Plan, and no additional mitigation is required.

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