

---

---

## 4.9 PUBLIC SERVICES

---

---

---

## 4.9 PUBLIC SERVICES

---

### **Introduction**

This section of the EIR describes existing public services (law enforcement, fire protection, solid waste, schools, and parks and recreation) in the vicinity of the Proposed Project site, identifies anticipated demand for these services resulting from development of the project, and recommends measures to mitigate significant impacts to public services, if necessary.

Comments received in response to the NOP (see Appendix B) include concerns regarding potential impacts to schools in Dixon and Davis and a description of any proposed parks. These issues are addressed in this section.

As discussed in the Initial Study (see Appendix A), impacts to schools were determined to be less than significant; however, due to the comments received in response to the NOP a discussion of schools is included in this section.

### **LAW ENFORCEMENT**

#### **Environmental Setting**

The Dixon Police Department (DPD) provides police protection for the project site and the City of Dixon. The DPD employs 24 sworn officers and four non-sworn employees, including one chief, one captain, one lieutenant, six sergeants, 15 officers, one administrative analyst, and three records/clerical clerks. Patrol personnel are available on call 24 hours per day; the minimum staffing level is one sergeant and one officer although there are typically three or more officers on duty at any given time.<sup>1</sup>

The average response time to emergency calls by the DPD is less than five minutes. In 2004, the Department responded to 8,771 calls for service and handled 17,758 total incidents (including calls for service, officer initiated activities and other miscellaneous responses). Officers spend less than 50 percent of their time answering calls for service, writing reports and making arrests.<sup>2</sup> The remaining time is consumed with routine patrol, officer initiated activities, traffic control, training, and administrative time.<sup>3</sup>

Dixon's current officer-to-resident ratio is 1.39 officers per 1,000 persons.<sup>4</sup> The City of Dixon does not have an adopted officer-to-resident ratio or response time standard.

---

1 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 14.

2 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 15.

3 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 15.

4 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 15.

The DPD is part of the formal Statewide mutual aid agreement; if formal mutual aid is invoked the Solano County Sheriff is responsible for distributing resources appropriately. If the DPD issues a request for immediate assistance for a short-term emergency a variety of law enforcement agencies could respond, including the Solano County Sheriff's Department, the California Highway Patrol, and the Vacaville and Davis police departments.<sup>5</sup>

The DPD operates a station at the intersection of South Jackson and A Street. The station can accommodate up to 21,000 square feet of floor space with full buildout of the second floor and a remodel of the first floor. This station can accommodate a total force of 60 sworn and non-sworn employees.<sup>6</sup>

The Northeast Quadrant Specific Plan (NQSP) EIR indicates that the NQSP would generate the need to establish a new beat, necessitating one additional officer per shift.<sup>7</sup> This would result in an estimated four new officers and associated vehicles; however, no new facilities would be required because the existing station was designed to accommodate the staff needed to serve future development needs within this area. The NQSP does not have a standard officer-to-resident ratio for the plan area.<sup>8</sup>

## **Regulatory Framework**

### **Federal Regulations**

There are no federal regulations that pertain to local law enforcement service standards.

### **State Regulations**

#### **California Horse Racing Board**

The California Horse Racing Board (CHRB) maintains regulations regarding safety and security at its facilities.

##### 1929. EXAMINATION OF PERSONAL EFFECTS.

The Board, its investigators, or racing officials, may enter the stables, rooms, or other places within the premises of a recognized meeting to inspect and examine the personal effects and property of any licensee or other person in or about or permitted access to any restricted area; and each licensee in accepting his license, and each person entering such restricted area does thereby consent thereto.

##### 1930. OBEDIENCE TO SECURITY OFFICERS AND PUBLIC SAFETY OFFICERS.

No licensee shall willfully ignore or refuse to obey any lawful order issued by the stewards, the Board, or any security officer of the association, or any public safety officer of any police, fire or law enforcement agency, when such order is issued or given in the performance of duty.

---

5 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 16.

6 City of Dixon, *Dixon 1993 General Plan*, Adopted December 14, 1993, page 61.

7 City of Dixon, *Northeast Quadrant Specific Plan Draft EIR*, August 1994, page 4-123.

8 City of Dixon, *Northeast Quadrant Specific Plan Draft EIR*, August 1994, page 6-8.

## Horse Racing Act

The Business and Professions Code (Sections 19495, 19610.3, and 19610.4) regulates the taxes and fees imposed on racing facilities. Section 19495 limits excise taxes or fees levied on licensees to \$100 per racing day. Under Section 19610.3, the city or county the racetrack facility is operating in can select, by resolution, to receive a statutory distribution of funds from the racing facility. Section 19610.3 sets this distribution amount at 0.33 of 1 percent of the total pari-mutuel wagers placed at the facility. Section 19610.4 extends this distribution amount to apply to satellite wagering as well. The city may not levy any taxes or fees on the racing association, or any racing patron, service provider, participant, promoter, or vendor if the city elects to receive distribution payments from the racing facility. In addition, Section 19610.3 specifies that any city or county that elects to receive distribution payments “shall continue to provide ordinary and traditional municipal services, such as police services and traffic control.”

## **Local Regulations**

### City of Dixon General Plan

The Dixon General Plan contains the following policies regarding the provision of law enforcement services. The General Plan does not include standards or thresholds for law enforcement services.<sup>9</sup>

#### POLICY 25

The City shall strive to maintain police protection standards to assure the citizens of Dixon a high level of police protection, based on a reasonable and realistic allocation of available City funds.

#### POLICY 26

The City shall ensure that development within the Dixon Planning Area does not exceed the capability of the Dixon Police Department to provide an adequate level of police protection.

#### POLICY 27

The City shall strive to maintain a police staffing level consistent with city needs.

#### IMPLEMENTATION J

General Fund revenues may not be adequate to provide the level of police and fire protection desired by the community. Several funding options should be considered for maintaining adequate service standards in existing and newly developed areas, including, but not necessarily limited to, special taxes, benefit assessment districts, impact fees and utility users taxes.

### Northeast Quadrant Specific Plan

The NQSP contains the following policies applicable to the provision of law enforcement services in the plan area:<sup>10</sup>

1. Police Department review of all development proposals will be required in the project review process. Coordination with the police department early in the project design stage is encouraged.

9 City of Dixon, *Dixon 1993 General Plan*, Adopted December 14, 1993, pages 67-70.

10 City of Dixon, *Northeast Quadrant Specific Plan*, April 3, 1995, page 6-11.

2. Private security features such as alarm systems, security lighting and quality door and window hardware are encouraged.

The NQSP EIR included mitigation measures to reduce the significance of impacts identified as part of the NQSP. Mitigation measures PS-L and PS-M from the NQSP addressed impacts associated with the provision of public services. Applicable mitigation measures from the NQSP EIR are listed below.

- PS-L Prior to final map approval or issuance of a building permit, the project proponent shall request the City to commit to increased funding for necessary police services and required equipment. The City shall also verify that funding can be increased during buildout of the proposed project, through either a combination of impact fees imposed on new development and/or an increase in general fund allocations. In any event, the project proponent shall be responsible for paying its fair share for additional staff and equipment to serve the project site. This shall be established prior to occupancy of any structure occupying the project site.
- PS-M The project proponent shall be responsible for providing an on-site private security staff to adequately serve the Proposed Project. This staff would be responsible for securing future structures and providing security in parking lots during and after normal business hours.

### City of Dixon Events Ordinance

The City of Dixon has an events ordinance that addresses public safety requirements for large gatherings. The ordinance only applies to public events, and would not apply to the Proposed Project.

### Standards of Significance

For the purposes of this EIR, impacts to law enforcement services would be considered significant if the Proposed Project would:

- Result in degradation of police response times below that level acceptable to the City, as based upon the Dixon General Plan; or
- Result in the construction or modification of law enforcement facilities in order to maintain acceptable service ratios, response times, or other performance objectives, the construction or modification of which could result in substantial adverse environmental effects.

### Methods of Analysis

To assess potential impacts to law enforcement services, planning and environmental documents prepared for the City were reviewed, including the City of Dixon General Plan, and the NQSP and EIR. In addition, a report prepared for the City of Dixon by Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, was relied upon for the police analysis. The DPD currently does not have an adopted police-to-population ratio. However, consistent with Dixon General Plan policies 25, 26 and 27, this analysis assumes a requirement to maintain the existing ratio of 1.39 officers per 1,000 persons in order to maintain existing response times of 5 minutes or less for an emergency call.

**Impacts and Mitigation Measures**

<b>Impact 4.9-1</b>	<b>The Proposed Project could result in degradation of response times and service ratios, resulting in the need for additional personnel and/or equipment.</b>	
Applicable Policies and Regulations	Dixon General Plan Policies 25, 26, 27, and Implementation J, NQSP Policies 1 and 2	
Significance before Mitigation	Phase 1:	Potentially Significant
	Phases 1 and 2:	Potentially Significant
Applicable NQSP Mitigation Measures	PS-L, PS-M	
Mitigation Measures	Phase 1:	4.9-1 (a) and (b)
	Phases 1 and 2:	4.9-1 (a) and (b)
Significance after Mitigation	Phase 1:	Less than Significant
	Phases 1 and 2:	Less than Significant

**Phase 1**

Construction of Phase 1 would introduce a horse racing and training facility, a three-story pavilion structure that would include a theater, restaurant, and simulcast technologies, housing for jockeys and grooms, dining facilities, and parking in an area that is currently undeveloped and used for agricultural production. Development of the site would create additional demand for police services due to the increased potential for traffic accidents, vehicle thefts, burglaries, and vandalism. As a part of the project, a 26-member security staff is included in Phase 1 development; however, the development would still require support from the DPD. Using other racetrack facilities as examples, the *Potential Impacts of the Proposed Dixon Downs Phases I & II Development on the City of Dixon Public Safety Services* report estimates that Phase 1 could generate as many as 250 calls for service, which is approximately a 2.8 percent increase above existing levels in Dixon. Experience at other horse racing facilities indicates that those facilities contribute to a very small increase in crime that necessitates a police response. The report states that if Phase 1 of the project achieved 75 percent occupancy it would likely generate approximately 31 Part 1 crimes.<sup>11,12</sup> The report concluded that Phase 1 would not necessitate additional police staffing, because the current staff could handle a 2.8 percent increase.<sup>13</sup>

The Dixon Downs facility would be used for live horse racing (it is assumed up to 100 live racing dates per year), intertrack simulcast racing, and for the training of thoroughbred racehorses. The racetrack facility may also be used for other events that would occur periodically throughout the year (Tier 2 events). These events could include, but are not limited to, large horse racing events, concerts, festivals, and specialty shows. For the purposes of this analysis it is assumed the maximum capacity of these events would be 15,000 people. In addition, the project is also proposing Tier 3 events which include a large horse racing event, such as a Breeder’s Cup. A Tier 3 event could include 15,000 to 50,000 people. The City would only permit one Tier 3 event per year and could require a one year advance notice. Large events can lead to an increase in crime, accidental injury, and traffic congestion. Operation under such

11 Part 1 crimes include murder, forcible rape, robbery, aggravated assault, burglary, larceny – theft, and motor vehicle theft.  
 12 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 23.  
 13 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 23.

conditions would require additional traffic control officers or security personnel as deemed necessary by the DPD. These services would likely be contracted on an event basis, not by adding additional staff to the DPD. Through design, regulations and ordinances, careful planning, an appropriate level of public safety services, and full cost recovery for the City these potential impacts can be minimized. If an event did not comply with code and safety requirements regulating occupancy, ingress, egress, lighting, sanitation, and public safety services, the City would not permit the event. The *Public Safety Impact, Dixon Downs* report states that these types of large events would not require a permanent increase in the workforce. Other jurisdictions with similar events use personnel on an overtime basis either from their own police department or from neighboring law enforcement agencies, or a combination of both.<sup>14</sup>

Based on interviews with police and racetrack officials at other locations, Organizational Effectiveness Consulting reports that track employees rarely cause problems in the community. All employees must be licensed by the CHRB (see the Regulatory Setting, above), providing racetrack officials considerable leverage over employees. Including the ability to suspend or revoke the license of any employee who commits crimes, disturbs the peace or otherwise engages in disorderly conduct.<sup>15</sup>

The City of Dixon Events Ordinance only applies to public projects; therefore, it would not apply to the Proposed Project.

Dixon General Plan Policies 25, 26, and 27 require that adequate police protection is maintained in the City through appropriate allocation of funds, staffing levels and development limits. Implementation J, from the General Plan, authorizes the City to levy impact fees, among other methods, in order to provide adequate funds. In addition, NQSP Policies 1 and 2 require projects to implement safety design features (including alarm systems, security lighting, and quality door and window hardware) and require coordination and review by the DPD. The large events that may occur with Phase 1 would have a ***potentially significant impact*** on police services.

## Phases 1 and 2

Construction of Phase 2 would develop 1,200,000 square feet of retail, theater, restaurant, hotel, and office uses. As discussed in Chapter 3, Project Description, the exact distribution of land uses for Phase 2 has not yet been determined.

Using similar shopping mall facilities as examples, the *Public Safety Impacts, Dixon Downs* report estimates that development of 750,000 sf of retail uses under Phase 2 would generate approximately 953 additional calls for service (generally shoplifts) and 165 Part 1 crimes. If 950,000 sf of retail uses were developed, approximately 1,207 calls for service and 209 Part 1 crimes would occur. This would result in an increase in calls for service of between 11 to 14 percent. The *Potential Impacts of the Proposed Dixon Downs Phases I & II Development on the City of Dixon Public Safety Services* report determined that two to three additional police officers could be needed to respond to increased activity associated with both Phase 1 and 2 combined.<sup>16</sup> However, once Phase 2 is more defined, a more accurate estimate of workload demands can be determined.

---

14 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 26.

15 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 27.

16 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 47.

As discussed above, Dixon General Plan Policies 25, 26, 27, Implementation J, and NQSP Policies 1 and 2 would require that the project provide adequate police staffing to avoid impacts to service levels. In order to comply with these policies, the addition of DPD officers would be necessary.

Therefore, the requirement to provide additional officers to serve Phases 1 and 2 combined would be considered a *potentially significant* impact on police staff and resources.

### Mitigation Measures

Mitigation Measure 4.9-1(a) would ensure the project applicant provides an adequate level of planning prior to large events. In addition, the mitigation measures from the NQSP EIR would reduce impacts associated with the provision of adequate law enforcement services to a *less-than-significant level* by requiring the project to pay its fair-share of fees for additional staff and equipment and to provide a private security staff.

#### 4.9-1(a) (Phases 1 and 2)

*The project applicant shall prepare a Major Event Management Plan in coordination with the City of Dixon that includes standards and criteria addressing public health and safety, parking, traffic management, hours of operation, event access, crowd control, and waste management. The Major Event Management Plan shall be prepared to the satisfaction of the City of Dixon.*

#### 4.9-1(b) (Phases 1 and 2)

*Implement Mitigation Measures PS-L and PS-M from the NQSP EIR:*

Mitigation Measure PS-L from the NQSP EIR, including the proposed revision, would ensure the project pays its fair share for additional police services.

~~PS-L Prior to final map approval or issuance of a building permit, completion of design review, the City shall determine the project's fair share contribution for additional police services. the project proponent shall request the City to commit to increased funding for necessary police services and required equipment. The City shall also verify that funding can be increased during buildout of the Proposed Project, through either a combination of impact fees imposed on new development and/or an increase in general fund allocations. In any event, the project proponent applicant shall be responsible for paying its fair share for additional staff and equipment to serve the project site. This shall be established prior to occupancy of any structure occupying the project site.~~

PS-M *The project proponent shall be responsible for providing an on-site private security staff to adequately serve the Proposed Project. This staff shall be responsible for securing future structures and providing security in parking lots during and after normal business hours.*

<b>Impact 4.9-2</b>	<b>The Proposed Project could result in the construction or modification of law enforcement facilities in order to maintain acceptable service ratios, response times, or other performance objectives, the construction or modification of which could result in substantial adverse environmental effects.</b>
Applicable Policies and Regulations	None
Significance before Mitigation	Phase 1: Less than Significant Phases 1 and 2: Less than Significant
Applicable NQSP Mitigation Measures	None
Mitigation Measures	Phase 1: None required Phases 1 and 2: None required
Significance after Mitigation	Phase 1: Less than Significant Phases 1 and 2: Less than Significant

### Phase 1

The DPD station has the capacity to accommodate up to 60 sworn and non-sworn employees with full buildout of the second floor and a remodel of the first floor. Response times to emergency calls are typically less than five minutes from locations within the City of Dixon. At its current size of 28.5 sworn and non-sworn employees, the DPD could more than double its staff without requiring a new or physically altered station. Because Phase 1 of the project would not require new facilities that could create physical environmental effects, this impact would be *less than significant*.

### Phases 1 and 2

Please refer to the discussion under Phase 1. The combined development of Phase 1 and Phase 2 would not require the DPD to construct a new station or expand its current station. Because Phases 1 and 2 of the project would not require new facilities that could create physical environmental effects, this impact would be *less than significant*.

### Mitigation Measures

*None required.*

### Cumulative Impacts and Mitigation Measures

The cumulative context for the provision of police services is the DPD service area. Because the DPD provides police services within City limits, the cumulative context is buildout of the City through 2010.

<b>Impact 4.9-3</b>	<b>The Proposed Project, in combination with other development in the City of Dixon, could result in the need for new or physically altered law enforcement facilities.</b>	
Applicable Policies and Regulations	Dixon General Plan Policies 25, 26, 27, and Implementation J	
Significance before Mitigation	Phase 1:	Less than Significant
	Phases 1 and 2:	Less than Significant
Applicable NQSP Mitigation Measures	None	
Mitigation Measures	Phase 1:	None required
	Phases 1 and 2:	None required
Significance after Mitigation	Phase 1:	Less than Significant
	Phases 1 and 2:	Less than Significant

**Phases 1 and 2**

Buildout of the City’s General Plan would increase development in the City and subsequently increase demand for DPD services. The General Plan states that this increase in development could result in the need for additional personnel and equipment in order to maintain an adequate level of police protection.<sup>17</sup> The 1993 General Plan anticipates a population of 20,325 in Dixon by 2010, approximately twice its 1993 population and an increase of approximately 4,000 residents above its 2000 population (16,103).<sup>18,19</sup> The Department of Finance (DOF) provides up to date population projections for cities and counties. According to the DOF, the City of Dixon population as of January 2005 was 17,179. The additional staff and equipment necessary to maintain service levels can be accommodated in the current station, which has the capacity to hold a force more than twice its current (2004) size.

General Plan Policies 25, 26, and 27 require that adequate police protection is maintained in the City through appropriate allocation of funds, staffing levels and development limits. Implementation J, from the General Plan, authorizes the City to levy impact fees, among other methods, in order to provide adequate funds to maintain appropriate service levels. All development within City limits would be required to comply with these policies.

The Proposed Project would ensure impacts on staff and resources are not cumulatively considerable through the provision of a security staff and payment of its fair-share of personnel and equipment additions. Future development, planned for by the General Plan, would be required to pay fair share development fees as well. The current police station is designed to accommodate a larger force as the City of Dixon grows; the construction of new facilities due to cumulative development would not be necessary. This would result in a *less-than-significant cumulative impact*.

Mitigation Measures

*None required.*

17 City of Dixon, *Dixon 1993 General Plan*, December 14, 1993, page 63.

18 City of Dixon, *Dixon 1993 General Plan*, December 14, 1993, page 37.

19 United States Census Bureau, American Fact Finder, www.factfinder.census.gov, Accessed November 11, 2004.

## FIRE PROTECTION

### Environmental Setting

The Dixon Fire Department (DFD) serves the City of Dixon. The DFD also contracts its services to the Dixon Fire District that covers a 300-square mile rural area from Winters to Rio Vista. The DFD operates out of a single station located at 205 Ford Way, approximately two miles from the project site. The 16,500 square foot station was constructed in 1998 and houses the following equipment: four fire engines, one ladder truck, one rescue squad, two water tenders, three command/staff vehicles, and two utility vehicles. The department operates with 21 sworn, three non-sworn, and 30 volunteer firefighters, including the following: two administrative clerks, one code compliance technician, three chief officers, three fire captains, six fire engineers, three fire fighters, six fire fighter/paramedics, and 30 volunteer personnel.<sup>20</sup>

According to the public safety report prepared by Organizational Effectiveness Consulting in April 2005, the response time from the Ford Way fire station to the project site is approximately four minutes. Response time could be as high as eight minutes if all fire equipment were in the southwest portion of the City. The DFD averages a response time of 10.8 minutes to serve the entire district, due to the large coverage area. In 2003, 88 percent of the Department's responses were under 5 minutes, with only 2 percent of responses exceeding 8 minutes.<sup>21</sup>

The City of Dixon maintains automatic and mutual aid agreements with Vacaville, Davis, West Sacramento, Woodland, UC Davis, and Solano County.

In 2004, the DFD responded to 1,251 calls for service within the City boundaries. The Dixon Fire District added 681 calls, resulting in 1,932 total calls for service in 2004.<sup>22</sup>

The Insurance Services Office (ISO) rated the department in 1993, when it upgraded the fire rating from Class 7 to Class 5.<sup>23</sup> ISO ratings are based on a Public Protection Classification rating from 1 to 10. Class 1 represents the best public protection, while Class 10 indicates the minimum recognized protection. Each score is dependent on three factors: how well the department receives and dispatches fire alarms (10%), the personnel, training and equipment used by the department (50%), and the community water supply and availability of water for fire suppression (40%). A Class 5 rating requires a score of 50-59 percent.<sup>24</sup>

The DFD has proposed a new fire station on the southwest side of Dixon, to be constructed in the next three to five years.<sup>25</sup> This new station would serve the southwest portions of the City and improve response times throughout the district.<sup>26</sup>

---

20 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 4.

21 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 5.

22 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 10.

23 City of Dixon, *Dixon Fire Department History*, <http://www.ci.dixon.ca.us/FireDepartment/HistoryFireDepart.html>, Accessed 06/08/04.

24 Insurance Services Office, *Mitigation Online, Fire Suppression Rating Schedule*, <http://www.isomitigation.com/fire2.html>, Accessed 06/08/04.

25 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 4.

26 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 20.

## Regulatory Framework

### **Federal Regulations**

There are no federal regulations pertaining to fire prevention services that are relevant to the Proposed Project.

### **State Regulations**

#### California Horse Racing Board

The CHRB maintains regulations regarding safety and security at its facilities.

##### 1468. AMBULANCE SERVICE.

- (a) The association shall provide the services of an ambulance and its properly qualified attendants at all times during the running of races at its meeting, or during the hours the association acts under an agreement as an auxiliary training and stabling facility for a host association.
- (b) The association shall also provide the services of a horse ambulance at all times during the running of races at its meeting or during the hours the association permits the use of its race course for training purposes.
- (c) A means of communication shall be provided by the association between a place of observation of the race course and the place where the required ambulances and their attendants are posted for prompt response in the event of accident to any person or horse.

##### 1927. FIRE PREVENTION.

Associations shall make adequate provision for fire protection, protection against fire, and fire suppression within the enclosure. Before any license is granted to any association, each applicant therefore must inform the Board, in detail, of the fire prevention facilities at or available to its enclosure, and particularly its stable area.

When a licensee is unable to stable all the horses participating at its meeting on its grounds, such licensee must advise the Board of the facilities for fire prevention at the additional location where such excess number of horses will be stabled.

A written clearance from the fire authority having jurisdiction, stating that an inspection has been made of the enclosure and any additional location where any excess number of horses will be stalled and that the facilities conform with a reasonable standard of fire safety, shall be filed with the Board prior to the commencement of a race meeting. Such inspection shall have been made within 45 days prior to the commencement of the meeting.

For the purposes of this regulation, a reasonable standard of fire safety shall require that each building, barn, or structure which is used by an association for the stabling of horses or human habitation, be equipped with an automatic sprinkler system and an automatic fire alarm system, and that the stable area grounds, including any additional location where any excess number of horses will be stabled, be patrolled by a watchman during the hours of darkness. The type and installation of automatic sprinkler and automatic fire alarm systems shall be of such quality as to afford the protection required by this regulation as determined and approved by the fire authority having jurisdiction. Portable structures or sheds fully open on at least one side, with the approval of the fire authority having jurisdiction, and trailer coaches, campers and unroofed stalls are exempted from the automatic sprinkler and fire alarm requirement, so long

as they are located within the effective operating distance of exterior wet standpipe fire hose streams and within 150 feet of a manual fire alarm box.

#### 1928. FIRE REGULATIONS

- (a) Every association shall post in its stable and backstretch worker housing areas the fire regulations applicable on its grounds. The association shall also post:
  - (1) its emergency evacuation plan, which shall state the nearest exit in case of fire or other emergency,
  - (2) the location of the nearest fire alarm box, and
  - (3) the telephone number of the fire department and other pertinent instructions as to the method for reporting a fire in the area.
- (b) The notices shall be in English and Spanish, and posted no more than 100 feet apart or as approved by the local fire authority.
- (c) No person shall violate the posted fire regulations.

### Horse Racing Act

The Business and Professions Code (Sections 19495, 19610.3, and 19610.4) regulates the taxes and fees imposed on racing facilities. Section 19495 limits excise taxes or fees levied on licensees to \$100 per racing day. Under Section 19610.3, the city or county the racetrack facility is operating in can select, by resolution, to receive a statutory distribution of funds from the racing facility. Section 19610.3 sets this distribution amount at 0.33 of 1 percent of the total pari-mutuel wagers placed at the facility. Section 19610.4 extends this distribution amount to apply to satellite wagering as well. The city may not levy any taxes or fees on the racing association, or any racing patron, service provider, participant, promoter, or vendor if the city elects to receive distribution payments from the racing facility. In addition, Section 19610.3 specifies that any city or county that elects to receive distribution payments “shall continue to provide ordinary and traditional municipal services, such as police services and traffic control.”

### **Local Regulations**

#### City of Dixon General Plan

The following policies from the Dixon General Plan are applicable to fire protection services:<sup>27</sup>

##### POLICY 29

The City shall ensure that new development within the Dixon Planning Area does not exceed the capability of the Dixon Fire Department to provide an adequate level of fire protection.

##### POLICY 30

The City shall ensure that the water system will provide flow adequate for fire suppression for the types of structures and uses anticipated prior to approving new development. New commercial and industrial structures will be limited to locations where water supply is adequate for fire suppression. Where water supply in existing subdivided areas do not meet current standards for fire flow, improvement measures will be pursued.

---

27 City of Dixon, *Dixon 1993 General Plan*, Adopted December 14, 1993, pages 67-70.

## POLICY 31

The City shall strive to maintain the following fire protection standards:

- Engine response time consistent with ISO criteria;
- A firefighter staffing level consistent with the type of fire department and ISO standards for communities similar to Dixon in relationship to actual needs;
- A requirement for built-in protection for commercial building in excess of 4,000 square feet; and
- Water storage and distribution systems capable of providing 4,000 gallons per minute of sustained flow for at least two hours.

## IMPLEMENTATION J

General Fund revenues may not be adequate to provide the level of police and fire protection desired by the community. Several funding options should be considered for maintaining adequate service standards in existing and newly developed areas, including, but not necessarily limited to, special taxes, benefit assessment districts, impact fees and utility users taxes.

### Northeast Quadrant Specific Plan

The NQSP contains the following policies applicable to the provision of fire protection services in the plan area:<sup>28</sup>

1. All development projects in the plan area should be reviewed by the City of Dixon Fire Department for the inclusion of fire prevention measures and access requirements. Coordination with the fire department early in the project design stage is encouraged.
2. Each PUD including an industrial use shall prepare detailed calculations to determine fire protection water needs as based on specific facility design requirements.

The NQSP EIR included mitigation measures to reduce the significance of impacts identified as part of the NQSP. Mitigation measures PS-J and PS-K from the NQSP addressed impacts associated with the provision of public services. Applicable mitigation measures from the NQSP EIR are listed below.

- PS-I Prior to recordation of a final map or issuance of a grading permit, the project proponent shall either dedicate land for a fire station and provide financial contributions toward equipment and/or personnel or shall participate in establishment of an assessment district in which all property owners in the area would dedicate funds towards establishment of adequate fire protection facilities.
- PS-J Prior to the issuance of building permits, the project proponent shall design and submit a plan to the Dixon Fire Department showing all required fire hydrant locations, detailed calculations to determine fire flow based on future structural design requirements, and access to all developed areas in accordance with city standards.
- PS-K Prior to the issuance of building permits, the project proponent shall prepare and submit a plan for emergency response including details of each proposed facility and the business conducted, an inventory of hazardous materials handled or stored on-site and a training program for employees.

---

28 City of Dixon, *Northeast Quadrant Specific Plan*, April 3, 1995, page 6-11.

### **Standards of Significance**

For the purposes of this EIR, impacts to fire protection services would be considered significant if the Proposed Project would:

- Result in the degradation of fire response times below that level acceptable to the City, based upon the General Plan; or
- Result in the construction or modification of fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives, the construction or modification of which could cause substantial adverse environmental impacts.

### **Methods of Analysis**

To assess potential impacts to fire protection services, prior planning and environmental documents prepared for the City and the project site including the City of Dixon General Plan and the NQSP and EIR were reviewed. In addition, a report prepared for the City of Dixon by Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs* was relied upon for the fire analysis. In addition, since the DFD does not have an adopted response time standard or ratio of personnel to population, this analysis assumes maintenance of the existing response time, five minutes or less for an emergency call.

### **Impacts and Mitigation Measures**

<b>Impact 4.9-4</b>	<b>The Proposed Project could result in the degradation of fire response times and service ratios, resulting in the need for additional personnel and/or equipment.</b>	
Applicable Policies and Regulations	Dixon General Plan Policies 29, 31, and Implementation J and NQSP Policy 1.	
Significance before Mitigation	Phase 1:	Potentially Significant
	Phases 1 and 2:	Potentially Significant
Applicable NQSP Mitigation Measures	PS-J, PS-K	
Mitigation Measures	Phase 1:	4.9-4 (a) through (c)
	Phases 1 and 2:	4.9-4 (a) through (c)
Significance after Mitigation	Phase 1:	Less than Significant
	Phases 1 and 2:	Less than Significant

### **Phase 1**

Construction of Phase 1 would introduce a horse racing and training facility, a three-story pavilion structure that would include a theater, restaurant, and simulcast technologies, housing for jockeys and grooms, dining facilities, and parking in an area that is currently undeveloped and used for agricultural production. During live racing, approximately 760 full-time employees would work in the Dixon Downs Phase 1 project.<sup>29</sup>

<sup>29</sup> Please refer to Table 3, page 29 of the NOP (Appendix A) for a breakdown of employment characteristics.

Using similar racetrack facilities as an example, the public safety report estimates Phase 1 would generate approximately 65 fire/EMS responses if Phase 1 was 50 percent full, with approximately 98 fire/EMS responses if the facility was 75 percent full.<sup>30</sup> The public safety report estimates that the existing DFD staff can respond to this increase in calls without requiring additional staff.<sup>31</sup> In addition, CHRB regulation 1468 requires an ambulance and attendants to be present at all horse racing events.

Phase 1 would require approximately 880 hours of DFD services for planning meetings, plan checking and inspections during construction. During operation, the DFD would perform two to four annual specialized inspections, as well as inspections and meetings to resolve issues such as false alarms, fire related complaints, emergency services coordination, and emergency planning. The public safety report estimates that current DFD staff should be capable of completing this work.<sup>32</sup> In addition, the CHRB completes a yearly inspection prior to issuing a license for a race meet.

Initial response times to the project site would be approximately five minutes. However, time to respond to an incident depends on the conditions and configuration of the site. This response time would be consistent with response times provided to other buildings within the City of Dixon. Response times should improve with the addition of the new response district serving the southeast portion of the City.<sup>33</sup>

The Finish Line Pavilion building, constructed under Phase 1, would be approximately 85 feet high, with towers potentially reaching 135 feet. The DFD currently has one ladder truck with a 105 foot ladder, however, it is currently unstaffed.<sup>34</sup> The backstretch area, in particular the stables for 1,440 horses, could present additional fire hazards. CHRB policies described in the Regulatory Framework, above, address this hazard. Regulation 1927 requires that the stables and any area of human habitation be equipped with automatic sprinkler and fire alarm systems and are patrolled by a watchman after dark. Any potential equipment needs required to appropriately protect the backstretch area would be determined during the design review process required by the mitigation measures described below.

During large events, the quantity of guests and horses could create an obstacle to adequate emergency evacuation. This issue is addressed in Section 4.5 Hazardous Materials and Public Safety.

Dixon General Plan Policies 29 and 31 require that adequate fire protection is maintained in the City, including appropriate response times, staffing levels, built-in protection systems (for commercial buildings in excess of 4,000 square feet), and water supplies. Implementation J, from the General Plan, authorizes the City to levy impact fees, among other methods, in order to provide adequate levels of these services. NQSP Policy 1 requires all projects within the plan area to complete a review by the DFD and coordinate with the DFD during the design process. Compliance with these policies would ensure appropriate project design and determine resources needed to serve the site.

Although development of Phase 1 may not require an additional staff position, the increased demand would require reallocation of resources which could adversely affect existing service levels. This is considered a *potentially significant impact*.

30 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 18.

31 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 18.

32 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 18.

33 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 20.

34 Andi Horigan, Administrative Assistant, Dixon Fire Department, Personal Communication, January 4, 2005.

## Phases 1 and 2

Construction of Phase 2 could develop up to 1,200,000 square feet of retail, theater, restaurant, hotel/conference, and office uses. As discussed in Chapter 3, Project Description, the exact distribution of uses for Phase 2 has not been determined.

Using similar commercial facilities as examples, the public safety report estimations of Phase 2 were developed with 750,000 square feet of retail uses. It would likely generate 83 fire/EMS responses, if 950,000 square feet of retail uses were developed approximately 105 emergency responses would occur. This would result in a 4 to 5 percent increase over current conditions.<sup>35</sup> The public safety report concludes the need for one additional fire prevention staff to meet the combined demand from Phases 1 and 2 (an estimated 65 to 170 additional emergency calls), primarily due to the lack of specifics regarding Phase 2 uses. This analysis concluded that the increase in emergency calls would be a potentially significant impact.<sup>36</sup>

Initial response times to Phase 2 would be approximately five minutes. However, time to respond to an incident depends on the conditions and the configuration of the site. This response time would be consistent with response times provided to other buildings within the City of Dixon. Response times should improve with the addition of the new southwest response district.<sup>37</sup>

The hotel and conference center facility planned for Phase 2 could be up to ten stories high (130 feet). As previously stated, the Dixon Fire Department ladder truck ladder reaches only 105 feet.<sup>38</sup> The building would be equipped with a fire suppression system, including sprinklers, in accordance with building and fire codes and adopted City ordinance.

Phase 2 would require approximately 1,320 hours of planning, plan checking and inspections by the DFD. During operation of Phase 2, the DFD would be required to provide ongoing inspection services, particularly for large gatherings of people, as well as plan checking and inspection services for occupation of subdivisions of the mall.<sup>39</sup>

Phases 1 and 2 would be required to comply with the General Plan and NQSP policies described above under Phase 1.

The public safety report estimates that the combined workload of both phases would require one full time fire prevention position. This would be considered a *potentially significant impact*.

### Mitigation Measures

The mitigation measures listed below are from the NQSP EIR and would reduce the impact to a *less-than-significant* level by requiring payment of appropriate fees and implementation of other emergency safety measures. In addition, Mitigation Measure 4.9-4(a) would require payment of fees to assist in finding a new position. The fees described below would be used to acquire new equipment and staff to address the needs presented by the Proposed Project.

---

35 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 42.

36 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 43.

37 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 44.

38 Andi Horigan, Administrative Assistant, Dixon Fire Department, Personal Communication, January 4, 2005.

39 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 42.

4.9-4(a) (Phases 1 and 2)

*Prior to completion of design review, the city shall determine the project's fair share contribution for additional fire protection services.*

4.9-4(b) (Phases 1 and 2)

*Implement Mitigation Measures PS-I, PS-J, and PS-K from the NQSP EIR:*

Mitigation Measure PS-I from the NQSP EIR, including the proposed revision, would ensure the project would contribute their fair share towards providing fire protection resources.

*PS-I Prior to recordation of a final map or issuance of a grading permit, the project proponent shall either dedicate land for a fire station and provide financial contributions toward equipment and/or personnel or shall participate in establishment of an assessment district in which all property owners in the area would dedicate funds towards establishment of adequate fire protection facilities, or shall make financial contributions to operations of fire protection services.*

*PS-J Prior to the issuance of building permits, the project proponent shall design and submit a plan to the Dixon Fire Department showing all required fire hydrant locations, detailed calculations to determine fire flow based on future structural design requirements, and access to all developed areas in accordance with city standards.*

*PS-K Prior to the issuance of building permits, the project proponent shall prepare and submit a plan for emergency response including details of each proposed facility and the business conducted, an inventory of hazardous materials handled or stored on-site and a training program for employees.*

4.9-4(c) (Phases 1 and 2)

*Implement Mitigation Measure 4.5-4.*

<b>Impact 4.9-5</b>	<b>The Proposed Project could result in the construction or modification of fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives, the construction or modification of which could result in substantial adverse environmental effects.</b>	
Applicable Policies and Regulations	None	
Significance before Mitigation	Phase 1	Less than Significant
	Phases 1 and 2:	Less than Significant
Applicable NQSP Mitigation Measures	None	
Mitigation Measures	Phase 1:	None required
	Phases 1 and 2:	None required
Significance after Mitigation	Phase 1:	Less than Significant
	Phases 1 and 2:	Less than Significant

## Phase 1

The Proposed Project site is less than two miles from the DFD station located at 205 Ford Way and would be within the five minute response time area. The development of Phase 1 would require additional resources as discussed under Impact 4.9-4. However, the fire station would not need to expand to accommodate these resources, nor would a new fire station be necessary. Therefore, the impact would be *less than significant*.

## Phases 1 and 2

See the Phase 1 discussion above. Phase 2 would also be approximately two miles from the current station and within the five minute response area. Expansion of the existing station or construction of a new station would not be necessary; therefore, the impact would be *less than significant*.

### Mitigation Measures

*None required.*

### Cumulative Impacts and Mitigation Measures

The cumulative context for fire protection services includes all development within the Dixon Fire District, the 300 square mile area served by the Dixon Fire Department.

<b>Impact 4.9-6</b>	<b>The Proposed Project, in combination with other development, could result in the need for new or physically altered fire protection facilities.</b>	
Applicable Policies and Regulations	Dixon General Plan Policies 29, 31, and Implementation J.	
Significance before Mitigation	Phase 1:	Less than Significant
	Phases 1 and 2:	Less than Significant
Applicable NQSP Mitigation Measures	None	
Mitigation Measures	Phase 1:	None required
	Phases 1 and 2:	None required
Significance after Mitigation	Phase 1:	Less than Significant
	Phases 1 and 2:	Less than Significant

## Phases 1 and 2

Buildout of the General Plan would increase development in the City and subsequently increase demand for DFD services. The 1993 General Plan anticipates a population of 20,325 in Dixon by 2010, approximately twice its 1993 population and an increase of approximately 4,000 residents above its 2000 population (16,103).<sup>40,41</sup> The Association of Bay Area Governments (ABAG) and the Department of Finance (DOF) provide up to date population projections for Cities and counties. As of January 2005, according to the DOF, the City of Dixon population was 17,179.

40 City of Dixon, *Dixon 1993 General Plan*, December 14, 1993, page 37.

41 United States Census Bureau, American Fact Finder, [www.factfinder.census.gov](http://www.factfinder.census.gov), Accessed November 11, 2004.

Fire services are provided based on service levels and goals; although the City of Dixon does not have any formally adopted standards, adequate levels of service must be provided for development projects to proceed (the City does recognize industry standards i.e., NFP and ISO). Dixon General Plan Policies 29 and 31 require that adequate fire protection is maintained in the City, including appropriate response times, staffing levels, built-in protection systems (for commercial buildings in excess of 4,000 square feet), and water supplies. Implementation J states the “General Fund revenues may not be adequate to provide the level of police and fire protection desired by the community. Several funding options should be considered for maintaining adequate service standards in existing and newly developed areas, including, but not necessarily limited to, special taxes, benefit assessment districts, impact fees and utility users taxes.”

Additional staff, equipment, and stations would be necessary to maintain service levels to serve cumulative growth. The DFD currently plans to add a station to address growth in the southwest portion of Dixon, which would significantly decrease response times to many locations in the Dixon Fire District.

By implementing the fair share fee payments described above, the Proposed Project would ensure its contribution to cumulative impacts on fire services is not cumulatively considerable. In addition, other growth (anticipated or not) would be required to pay its fair share for facilities and equipment to ensure cumulative development does not exceed the capacity of the fire department. The cumulative impact would be *less than significant*.

#### Mitigation Measures

*None required.*

## SOLID WASTE

### Environmental Setting

Dixon Sanitary Service, a private waste disposal company, serves the City of Dixon. Collection occurs once per week in most areas, but may increase to three times per week in commercial and industrial areas. Solid waste is transported to the Hay Road Landfill (previously called the B&J Landfill), located approximately eight miles south of Dixon. Hay Road Landfill operates under a Class II-2 Permit, allowing for the disposal of municipal waste.<sup>42</sup> As of 2000, approximately 17.9 percent of the landfill's estimated capacity had been used.<sup>43</sup> The remaining capacity has been estimated at 23,198,067 cubic yards, or 82.1 percent. Hay Road Landfill is permitted to accept a maximum disposal of 2,400 tons per day, and is anticipated to have capacity through the year 2070.<sup>44</sup> The site has a permitted disposal area of 256 acres, with a 640-acre permitted site area.<sup>45</sup>

In 2003, the City of Dixon disposed of 7,135.6 tons of household waste (approximately 2.7 pounds per resident per day) and 6,985.89 tons of commercial and industrial waste. An additional 2,451 tons were deposited directly to the landfill in 2003; deposits directly to the landfill could be commercial, industrial or residential.<sup>46</sup> The City of Dixon is in compliance with the California Integrated Waste Management Act of 1989's waste reduction goals. In 2002 Dixon's diversion rate was 66 percent.<sup>47</sup>

### Regulatory Framework

#### Federal Regulations

Title 40 of the Code of Federal Regulations (CFR), Part 258 (Resource Conservation and Recovery Act [RCRA, Subtitle D]) contains regulations for municipal solid waste landfills and requires states to implement their own permitting programs incorporating the federal landfill criteria. The federal regulations address the location, operation, design, groundwater monitoring, and closure of landfills.

Federal requirements for disposal of biosolids are set forth in Title 40 Part 503 of the CFR.

#### State Regulations

The federal regulations are implemented by the California Public Resource Code Sections 40000 *et seq.* (California Integrated Waste Management Act). The State agency charged with the permitting of solid waste facilities is the California Integrated Waste Management Board.

Assembly Bill 939 (AB 939) (Public Resources Code Section 41780) is designed to increase landfill life and conserve other resources through increased source reduction and recycling. AB 939 requires cities

---

42 City of Dixon, *Dixon 1993 General Plan*, Adopted December 14, 1993, page 62.

43 California Integrated Waste Management Board, *Active Landfills Profile for Hay Road Landfill, Inc. (B & J Landfill)*, <http://www.ciwmb.ca.gov/profiles/facility>, Accessed on June 18, 2004.

44 California Integrated Waste Management Board, *Active Landfills Profile for Hay Road Landfill, Inc. (B & J Landfill)*, <http://www.ciwmb.ca.gov/profiles/facility>, Accessed on June 18, 2004.

45 California Integrated Waste Management Board, *Active Landfills Profile for Hay Road Landfill, Inc. (B & J Landfill)*, <http://www.ciwmb.ca.gov/profiles/facility>, Accessed on June 18, 2004.

46 Ed Farewell, Dixon Sanitary Service, Personal Communication, December 8, 2004.

47 California Integrated Waste Management Board, *Jurisdiction Profile for City of Dixon*, <http://www.ciwmb.ca.gov/Profiles/Juris>, Accessed on June 21, 2004.

and counties to prepare Solid Waste Management Plans and Source Reduction and Recycling Elements to implement AB 939's goals, which included diverting approximately 50 percent of solid waste from landfills and identifying programs to stimulate local recycling in manufacturing and the purchase of recycled products.

### Horse Racing Act

The Business and Professions Code (Sections 19495, 19610.3, and 19610.4) regulates the taxes and fees imposed on racing facilities. Section 19495 limits excise taxes or fees levied on licensees to \$100 per racing day. Under Section 19610.3, the city or county the racetrack facility is operating in can select, by resolution, to receive a statutory distribution of funds from the racing facility. Section 19610.3 sets this distribution amount at 0.33 of 1 percent of the total pari-mutuel wagers placed at the facility. Section 19610.4 extends this distribution amount to apply to satellite wagering as well. The city may not levy any taxes or fees on the racing association, or any racing patron, service provider, participant, promoter, or vendor if the city elects to receive distribution payments from the racing facility. In addition, Section 19610.3 specifies that any city or county that elects to receive distribution payments "shall continue to provide ordinary and traditional municipal services, such as police services and traffic control."

## **Local Regulations**

### City of Dixon General Plan

The Dixon General Plan does not have any policies related to the provision of solid waste services. The City has a curbside recycling program that accepts green waste. The Dixon Recycling Center accepts standard recyclable materials and household hazardous wastes.

### Northeast Quadrant Specific Plan

The following policies from the NQSP are applicable to solid waste services in the plan area:<sup>48</sup>

1. Recycling collection is permitted in all plan area uses in accordance with the City Zoning Ordinance. Property owners within the plan area may participate in any recycling program adopted on a City-wide basis by the City of Dixon.
2. Waste generated by plan area facilities should be suitable for Class III disposal. Generated wastes other than the Class III category must be approved by appropriate City agencies or representatives.
3. The following measures to reduce the amount of solid wastes attributable to plan development should be fully implemented:
  - Establishment of a curbside recycling program
  - Establishment of commercial recycling programs
  - Provisions for an on-site recycling center
  - Development of a transfer station within the specific plan area

---

48 City of Dixon, *Northeast Quadrant Specific Plan*, April 3, 1995, pages 6-10 to 6-11.

8. The use of toxic or hazardous materials requiring the filing of a business plan for emergency response pursuant to Section 25503.5 of the California Health and Safety Code or materials identified in Section 5194, Title 8 of the California Code of Regulations, shall be critically analyzed by the City when considering any use and shall be subject to the approval of a conditional use permit.

The NQSP EIR included mitigation measures to reduce the significance of impacts identified as part of the NQSP. Mitigation measures PS-F, PS-G and PS-H from the NQSP addressed impacts associated with the provision of public services. Applicable mitigation measures from the NQSP EIR are listed below.

- PS-F Prior to final map approval, the project proponent shall submit a construction waste; commercial and industrial; and an open space waste recycling program for long-term handling of recycled waste from the project site.
- PS-G The project proponent shall provide provisions for an on-site recycling center for commercial and industrial uses. In addition, adequate collection facilities for recyclable materials shall be located throughout the project site including outside storage and collection containers.
- PS-H Grass clippings, prunings and other organic waste resulting from open space maintenance are classified as clean waste and shall be made available for composting or recycling.

### **Standards of Significance**

For the purposes of this EIR, impacts to solid waste service would be considered significant if the Proposed Project would:

- Not be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs;
- Be inconsistent with federal, State, or local statutes related to solid waste.

### **Methods of Analysis**

The analysis of solid waste service impacts are based upon consideration of the estimated amount of solid waste anticipated to be generated by the project. The following solid waste generation rates have been approved by the Dixon Sanitary Service:

- Guests: 1.25 lbs/guest/day
- Employees: 2.7 lbs/employee/day
- Dorm Facility: 2.7 lbs/resident/day
- Commercial: 6 lbs/1,000 square feet/day
- Office: 6 lbs/1,000 square feet/day
- Hotel: 2.7 lbs/room/day
- Horse: 50 lbs/horse/day

These rates have been used to estimate the solid waste generation for Phases 1 and 2 of the project. The amount of waste generated is then compared to the annual and daily tonnage intake of the landfill. Additional waste due to construction activities is addressed qualitatively.

In order to determine how the project would affect the landfill, an estimate of the annual tonnage generated by the project was multiplied by three years, which represents the general estimate of the time that the project would be completed and occupied. The total tonnage estimated to be generated was then compared to the remaining landfill capacity.

**Impacts and Mitigation Measures**

<b>Impact 4.9-7</b>	<b>The Proposed Project could unreasonably reduce the planned useful life of a licensed landfill facility by exceeding the planned waste stream.</b>
Applicable Policies and Regulations	NQSP Policies 1, 2, 3, 8
Significance before Mitigation	Phase 1: Less than Significant Phases 1 and 2: Less than Significant
Applicable NQSP Mitigation Measures	PS-F, PS-G, PS-H
Mitigation Measures	Phase 1: 4.9-7 Phases 1 and 2: 4.9-7
Significance after Mitigation	Phase 1: Less than Significant Phases 1 and 2: Less than Significant

**Phase 1**

Construction of Phase 1 would introduce a horse racing and training facility, a three-story pavilion structure that would include a theater, restaurant, and simulcast technologies, housing for jockeys and grooms, dining facilities, and parking in an area that is currently undeveloped and used for agricultural production. During live racing, approximately 760 full-time employees would work in the Dixon Downs Phase 1 project.<sup>49</sup> The solid waste generated by Phase 1, using the generation rates described above, would be approximately 2,160 tons per year, or six tons per day (see Table 4.9-1).

Up to 1,440 horses could be housed in the 46 barns constructed as part of Phase 1. The average 1,000-pound horse produces 50 pounds of manure per day;<sup>50</sup> resulting in up to approximately 72,000 pounds of manure per day at the Dixon Downs facility. When the bedding material in the stables is soiled, it would be removed from the stalls and moved to an on-site transfer station for daily off-site transport to permitted composting facilities (see Appendix E, Dixon Downs Manure Management Plan).<sup>51</sup> Under this scenario, the manure would not enter the solid waste flow from Dixon Downs to the Hay Road Landfill. However, if the facility ever failed to find a purchaser of the bedding and manure, it could be

49 Please refer to Table 3, page 29 of the NOP (Appendix A) for a breakdown of employment characteristics.

50 J.G. Davis, A.M. Swinker, Colorado State University Cooperative Extension, *Horse Manure Management*, [www.ext.colostate.edu/pubs/livestk/01219.html](http://www.ext.colostate.edu/pubs/livestk/01219.html), Accessed November 16, 2004.

51 As discussed in Chapter 3, Project Description, Jepson Organics is a permitted facility that could accept horse manure generated by the project.

Table 4.9-1

**Dixon Downs Phase 1  
Solid Waste Generation**

Phase 1 Use	Capacity	Generation Rate	Days Per Year	Total Solid Waste Generation (per day)	Total Solid Waste Generation (per year)
Finish Line Pavilion & Grandstand	6,800 guests	1.25 lbs/guest/day	353	8,500 lbs/day	1,500.2 tons/yr
Tier 2 Event	15,000 guests	1.25 lbs/guest/day	12	18,750 lbs/day	112.5 tons/yr
Employees	760	2.7 lbs/emp/day	365	2,050 lbs/day	374.1 tons/yr
Temporary Housing	265 dorm rooms (470 people)	2.7 lbs/res/day	270 <sup>1</sup>	1,270 lbs/day	171.3 tons/yr
<b>Subtotal</b>					<b>2,158 tons/yr</b>
Horse Manure	1,440 horses	50 lbs/day	182 <sup>2</sup>	72,000 lbs/day	6,552 tons/yr
<b>Total</b>					<b>8,710 tons/yr</b>

Notes:

1. Assumes occupancy of temporary housing approximately 75% of the year.

2. Assumes maximum occupancy 50% of the year.

Source: EIP Associates, 2004.

delivered to the landfill. Assuming all 1,440 stalls are occupied 50 percent of the year, the Phase 1 uses plus manure would generate 8,710 tons per year, or an average of 24 tons per day.

Construction activities would generate additional debris. Mitigation Measure PS-F from the NQSP EIR, would require a waste reduction plan prior to beginning construction activities. This would reduce the temporary flow of waste due to construction.

In addition, the project would be required to comply with NQSP Policies 1, 2, 3, and 8. These policies require the project receive the appropriate permits and approvals for toxic or hazardous materials and any wastes that would not be accepted at a Class III facility (see Section 4.5, Hazardous Materials and Public Safety). The policies also permit property owners in the plan area to participate in City recycling programs and encourage the development of these programs within the plan area.

Upon completion, Phase 1 would increase Dixon's annual contribution to Hay Road Landfill by 13 percent and would use 0.25 percent of the permitted maximum daily disposal. Total waste received by the Dixon Sanitary Service would increase from 16,573 tons per year to 18,731 tons per year. If the horse manure and bedding is also delivered to the landfill, Dixon's annual contribution to the landfill would increase to 25,283 tons per year, approximately a 50 percent increase in solid waste from Dixon; this would use about one percent of the facility's maximum daily disposal.

The NQSP EIR states that implementation of the 643-acre specific plan would generate 138,992 pounds of solid waste per day (70 tons per day).<sup>52</sup> The Proposed Project totals 260 acres, or 40 percent of the NQSP area. 40 percent of the solid waste planned for the NQSP area would be approximately 28 tons

52 City of Dixon, *Northeast Quadrant Specific Plan DEIR*, August 17, 1994, page 4-120.

per day. Phase 1, including manure waste, would generate 24 tons of solid waste per day, less than the waste flow planned by the NQSP EIR. This would be a *less-than-significant impact*.

## Phases 1 and 2

Construction of Phase 2 could develop up to 1,200,000 square feet of retail, theater, restaurant, hotel, and office use. As discussed in the project description, the exact breakdown of uses for Phase 2 has not been determined. The solid waste generated by Phase 2, using the generation rates described above, is summarized in Table 4.9-2. Phase 2 would produce approximately 1,160 tons of solid waste per year (3.17 tons of solid waste per day). Phases 1 and 2, combined, would result in 3,318 tons per year (approximately nine tons per day). Phase 1, 2, and the horse manure would result in 9,870 tons per year (an average of 27 tons per day).

**Table 4.9-2**

### **Dixon Downs Phase 2 Solid Waste Generation**

<b>Phase 2 Use</b>	<b>Size (sf)</b>	<b>Generation Rate</b>	<b>Total Solid Waste Generation (per day)</b>	<b>Total Solid Waste Generation (per year)</b>
Retail	750,000	6 lbs/1000 sf/day	4,500 lbs/day	821.2 tons/yr
Hotel	240 rooms	2.7 lbs/room/day	648 lbs/day	118.2 tons/yr
Offices	200,000	6 lbs/1000 sf/day	1200 lbs/day	219 tons/yr
<b>Total</b>				<b>1,160 tons/yr</b>

Source: EIP Associates, 2004.

Construction activities would generate debris. Mitigation Measure PS-F, below, would require a waste reduction plan prior to beginning construction activities. This would reduce the temporary flow of waste due to construction.

In addition, the project would be required to comply with NQSP Policies 1, 2, 3, and 8, discussed above.

Upon completion, Phases 1 and 2 would increase Dixon's annual contribution to Hay Road Landfill by approximately 20 percent and would use 0.38 percent of the permitted maximum daily disposal. Including manure, Phases 1 and 2 would increase Dixon's contribution to the landfill by 60 percent.

As discussed above, the entire NQSP area has a planned waste generation of 70 tons, with approximately 28 tons per day allocated to the acreage for the Proposed Project. Phase 1, 2, and manure combine to produce up to 27 tons per day, less than the waste stream planned by the NQSP EIR. This would be a *less-than-significant impact*.

## Mitigation Measures

AB 939 directs jurisdictions to reduce waste flow through recycling and source reduction. Although Mitigation Measure 4.9-7 is not required to reduce the level of significance, implementation of the

following mitigation measures would reduce the amount of waste delivered to Hay Road Landfill by diverting and recycling the maximum amount of waste possible.

4.9-7(a) (Phases 1 and 2)

*Implement Mitigation Measures PS-G and PS-H from the NQSP EIR:*

PS-G *The project proponent shall provide provisions for an on-site recycling center for commercial and industrial uses. In addition, adequate collection facilities for recyclable materials shall be located throughout the project site including outside storage and collection containers.*

PS-H *Grass clippings, prunings and other organic waste resulting from open space maintenance are classified as clean waste and shall be made available for composting or recycling.*

4.9-7(b) *Prior to tentative map approval, the project applicant shall prepare a waste and management plan that addresses construction, operation, waste, and a green waste recycling program.*

### **Cumulative Impacts and Mitigation Measures**

The cumulative context for solid waste services is Solano County, the primary service area of the Hay Road Landfill. Cumulative development in Solano County would impact the landfill capacity.

<b>Impact 4.9-8</b>	<b>The Proposed Project, in combination with other development, would generate solid waste that could exceed the capacity of existing facilities.</b>	
Applicable Policies and Regulations	NQSP Policies 1, 2, 3, 8	
Significance before Mitigation	Phase 1:	Less than Significant
	Phases 1 and 2:	Less than Significant
Applicable NQSP Mitigation Measures	None	
Mitigation Measures	Phase 1:	None required
	Phases 1 and 2:	None required
Significance after Mitigation	Phase 1:	Less than Significant
	Phases 1 and 2:	Less than Significant

### **Phases 1 and 2**

Currently, the landfill is anticipated to be able to accept waste until year 2070. However, the final closure date would be affected by several factors, including regional growth rates, economic conditions, and the efficiency of waste recovery. Depending on these factors, waste from the Proposed Project, in combination with other cumulative development, could shorten the lifespan of the landfill.

Mitigation Measure 4.9-7 would reduce the amount of waste to be landfilled by implementing recycling measures. This mitigation would reduce the amount to be landfilled. Similar measures could be adopted by other projects, but could only be required by the City of projects within its jurisdiction. Currently, the Hay Road Landfill is expected to have capacity to accommodate waste from development until 2070. If

development in the Hay Road Landfill service area occurs more rapidly than anticipated, the landfill's lifetime would be shortened, and could necessitate expansion. However, because Hay Road Landfill has used less than twenty percent of its capacity, unplanned expansions would not be necessary. Therefore, the cumulative impact is *less than significant*.

Mitigation Measures

*None required.*

## **SCHOOLS**

As discussed in Chapter 3, Project Description, the Proposed Project does not include a permanent residential population that would generate school-age children. However, the potential impact to the Dixon Unified School District is included in this EIR.

### **Environmental Setting**

Dixon Unified School District (DUSD) operates four elementary schools, one middle school, and two high schools within the City of Dixon, serving the City and the northern portion of Solano County. School capacity pursuant to SB50 is calculated on a teaching station basis, counting all permanent classrooms. Portable classrooms are also counted, but only up to 25 percent of the number of permanent classrooms. Using this measure of school capacity, DUSD has the capacity for 3,209 K-12 students, 2,075 (K-6) spaces, 513 (7-8) spaces, and 621 (9-12) spaces. As of October 2003, 3,889 regular students were enrolled in the District, with an additional 157 continuation and special education students, resulting in a total enrollment for the 2003-04 school year of 4,046 students. The *School Facilities Needs Analysis* concludes that the District's enrollment significantly exceeds existing school capacity and new school facilities will be required to accommodate new enrollments.<sup>53</sup>

### **Regulatory Framework**

#### **Federal Regulations**

There are no specific federal regulations related to the provision of school services that are applicable to the Proposed Project.

#### **State Regulations**

##### **Proposition 1A/Senate Bill 50**

Proposition 1A/Senate Bill (SB) 50 (Chapter 407, Statutes of 1998) is a school construction measure authorizing the expenditure of State bonds totaling \$9.2 billion through 2002, primarily for modernization and rehabilitation of older school facilities and construction of new school facilities. \$2.5 billion is for higher education facilities and \$6.7 billion is for K-12 facilities.

Proposition 1A/SB 50 implemented significant fee reforms by amending the laws governing developer fees and school mitigation:

- It establishes the base (statutory) amount (indexed for inflation) of allowable developer fees at \$1.93 per square foot for residential construction and \$0.31 per square foot for commercial construction.
- It prohibits school districts, cities, and counties from imposing school impact mitigation fees or other requirements in excess of or in addition to those provided in the statute.

---

53 Dixon Unified School District, *School Facility Needs Analysis*, April 2004, page 2.

- It also suspends for a period of at least eight years (2006) a series of court decisions allowing cities and counties to deny or condition development approvals on grounds of inadequate school facilities when acting on certain types of entitlements.

Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any “legislative or adjudicative act . . . involving . . . the planning, use, or development of real property” (Government Code 65996(b)). Additionally, a local agency cannot require participation in a Mello-Roos for school facilities; however, the statutory fee is reduced by the amount of any voluntary participation in a Mello-Roos.

Satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed to be “full and complete mitigation.” The law identifies certain circumstances under which the statutory fee can be exceeded, including preparation and adoption of a “needs analysis,” eligibility for State funding, and satisfaction of two of four requirements (post-January 1, 2000) identified in the law including year-round enrollment, general obligation bond measure on the ballot over the last four years that received 50 percent plus one of the votes cast, 20 percent of the classes in portable classrooms, or specified outstanding debt.

Assuming a district qualifies for exceeding the statutory fee, the law establishes ultimate fee caps of 50 percent of costs where the State makes a 50 percent match, or 100 percent of costs where the State match is unavailable. District certification of payment of the applicable fee is required before the City or County can issue the building permit.

### Proposition 55

Proposition 55 is a school construction measure passed in 2004 authorizing the sale of approximately \$12.3 billion in bonds to fund qualified K-12 education facilities to relieve overcrowding and to repair older schools. Funds target areas of the greatest need and must be spent according to strict accountability measures. These bonds will be used only for eligible projects. Approximately ten billion dollars will be allocated to K-12 schools, with the remaining 2.3 billion allocated to higher education facilities.

### Department of Education Standards

The California Department of Education published the Guide to School Site Analysis and Development to establish a valid technique for determining acreage for new school development. Rather than assigning a strict student/acreage ratio, this guide provides flexible formulas that permit each district to tailor its ratios as necessary to accommodate its individual conditions. The Department of Education also recommends that a site utilization study be prepared for the site, based on these formulas.

### Horse Racing Act

The Business and Professions Code (Sections 19495, 19610.3, and 19610.4) regulates the taxes and fees imposed on racing facilities. Section 19495 limits excise taxes or fees levied on licensees to \$100 per racing day. Under Section 19610.3, the city or county the racetrack facility is operating in can select, by resolution, to receive a statutory distribution of funds from the racing facility. Section 19610.3 sets this distribution amount at 0.33 of 1 percent of the total pari-mutuel wagers placed at the facility. Section 19610.4 extends this distribution amount to apply to satellite wagering as well. The city may not levy any

taxes or fees on the racing association, or any racing patron, service provider, participant, promoter, or vendor if the city elects to receive distribution payments from the racing facility. In addition, Section 19610.3 specifies that any city or county that elects to receive distribution payments “shall continue to provide ordinary and traditional municipal services, such as police services and traffic control.”

## Local Regulations

### City of Dixon General Plan

The following policies from the Dixon General Plan are applicable to the provision of school services:<sup>54</sup>

#### POLICY 33

The City shall require proponents of the new development projects to contribute to the acquisition of sufficient land to enable the construction of those educational facilities which would be necessary to accommodate students from such projects, either through the dedication of land or through the payment of in-lieu fees. When project proponents are also required to dedicate land for parks or recreation facilities, such dedications shall in no way be used to reduce the total amount of land which must be dedicated exclusively for educational facilities, even in instances where such lands are immediately adjacent to the proposed educational facilities.

#### POLICY 34

Prior to considering or approving any development project, the City shall require a developer to obtain a certification from the DUSD that all major requirements imposed by the District, regarding the assurance of adequate school facilities for future residents, have been met.<sup>55</sup>

#### POLICY 35

The City shall cooperate with the DUSD to promote the provision of adequate school facilities, and to define equitable and supportable funding mechanisms where this does not conflict with other financing requirements.

#### POLICY 37

The City shall provide a mechanism for promoting a partnership between the DUSD and the City for achieving adequate educational facilities.

#### IMPLEMENTATION K

The DUSD is responsible for determining its own fee schedules. Under current state law, school districts have independent authority to impose developer fees of up to \$1.65 per square foot of new residential development and \$0.28 per square foot of new commercial/industrial development.

#### IMPLEMENTATION M

The City should impose impact fees on all new development, as per Resolution #92-105.

---

54 City of Dixon, *Dixon 1993 General Plan*, Adopted December 14, 1993, pages 68-71.

55 This policy is no longer enforceable under SB50 to the extent that policy could be understood to allow the City to deny projects due to a lack of sign-off from the District or to require applicants to do more than pay their school impact fees.

## Northeast Quadrant Specific Plan

The NQSP does not contain any policies applicable to schools.

### **Standards of Significance**

For the purposes of this EIR, impacts to school services would be considered significant if the Proposed Project would:

- Result in the construction or modification of school facilities, the construction or modification of which could cause significant environmental impacts, in order to maintain acceptable service ratios for school services.

### **Methods of Analysis**

To determine potential impacts to school facilities, planning and environmental documents prepared for the City and the project site including the City of Dixon General Plan and the NQSP and EIR were reviewed. The analysis also used the 2004 *Schools Facility Needs Analysis* provided by Dixon Unified School District staff.

### **Impacts and Mitigation Measures**

<b>Impact 4.9-9</b>	<b>The Proposed Project could result in the construction of new or physically altered school facilities.</b>
Applicable Policies and Regulations	General Plan Policies 33, 34, 35 and Implementation K and M
Significance before Mitigation	Phase 1: Less than Significant Phases 1 and 2: Less than Significant
Applicable NQSP Mitigation Measures	None
Mitigation Measures	Phase 1: None required Phases 1 and 2: None required
Significance after Mitigation	Phase 1: Less than Significant Phases 1 and 2: Less than Significant

### **Phase 1**

Phase 1 includes a horse racing and training facility, a three-story pavilion structure with a theater, restaurant, and simulcast technologies, housing for jockeys and grooms, dining facilities, and parking. It is estimated that 760 full-time employees would work in the Dixon Downs Phase 1 project during live racing.<sup>56</sup>

Phase 1 would not directly introduce additional residents to the City of Dixon. Phase 1 would, however, include the construction of five, three-story Groom's Quarters with 52-dorm style (no kitchen facilities) rooms per building (for a total of 260 rooms) for use by visiting grooms and backstretch personnel.

<sup>56</sup> Please refer to Table 3, page 29 of the NOP (Appendix A) for a breakdown of employment characteristics.

Each room is designed for double capacity (for a total capacity of 520 people). The Jockey's Quarters would provide five rooms for visiting jockeys. The two upper stories of the Employee Dining and Recreation building would contain 30 rooms for the use of out-of-town staff and guests as well as visiting trainers. The grooms', trainers' and staffs' quarters would consist entirely of temporary accommodations designed for transient occupancy during racing season and/or for training purposes. During live racing, it is estimated that up to 484 employees would be working in the backstretch (includes trainers, assistant trainers, grooms, walkers, and jockeys). Because no family housing is included and the presence of school-age children is unlikely, the provision of these temporary housing facilities would not create a demand for schools.

Commercial establishments have an indirect impact on school enrollments due to the increase in employment opportunities. A percentage of employees for any new business would move into existing housing in the community and introduce additional students to the District. According to the DUSD *School Facility Needs Analysis*, an unfunded cost of school facilities remains after the inclusion of funds available from the State and developers, \$4,326 per new home. As a result, commercial/industrial fees are justified and needed to ensure that adequate school facilities can be made available for enrollments generated by new residential construction.<sup>57</sup> It is assumed that most of the jobs would be filled by people living in Dixon and the surrounding area. However, as discussed in the setting section, DUSD is operating above its capacity and the potential to introduce new students could affect school facilities in Dixon.

The project would be required to comply with General Plan Policies 33 and 35, Implementation K and M. These policies require proponents of new developments to contribute to school facilities either through the dedication of land<sup>58</sup> or the payment of in-lieu fees. Implementation measures K and M require the DUSD to set its own fee schedules and authorize impact fees on all new development.

The *School Facility Needs Analysis* prepared for the DUSD found that the District is justified in levying the maximum allowable fees to offset the impact of commercial developments. The current maximum rate is \$0.36 per square foot of commercial and industrial development.<sup>59</sup> Payment of these fees would ensure the impact of Phase 1 would be *less than significant*. These fees exceed the payments required by NQSP EIR Mitigation Measure MS-N (\$0.27 per square foot).

## Phases 1 and 2

Construction of Phase 2 could develop up to 1,200,000 square feet of retail, theater, restaurant, hotel, and office use. As discussed in Chapter 3, Project Description, the exact breakdown of uses for Phase 2 has not been determined.

The discussion above applies to both Phases 1 and 2 of the project. Phase 2 would not directly introduce additional residents to Dixon through the development of new permanent housing. However, the project could still affect school services because a percentage of employees for any new business could move into the community and add students to the District, leaving an unfunded cost of school development, as discussed above.

As discussed above, General Plan Policies 33, 34, 35, Implementation K and M authorize the DUSD to levy fees on all development projects within the City. The most recent DUSD fee schedule requires

---

57 Dixon Unified School District, *Schools Facility Needs Analysis*, April 2004, page 33.

58 State law would only allow dedication of land as an alternative to fees, if acceptable to the project applicant.

59 Dixon Unified School District, *Schools Facility Needs Analysis*, April 2004, page 35.

\$0.36 per square foot of commercial and industrial development.<sup>60</sup> Payment of these fees would reduce the impact to a *less-than-significant* level. This fee exceeds the requirements of NQSP EIR Mitigation Measure MS-N (\$0.27 per square foot).

Mitigation Measures

*None required.*

**Cumulative Impacts and Mitigation Measures**

The cumulative context for school services is the DUSD service area. Because the DUSD serves students within the City limits, the cumulative context is buildout of the City through 2010.

<b>Impact 4.9-10</b>	<b>The Proposed Project, in combination with other development, could result in the construction of new or physically altered school facilities.</b>
Applicable Policies and Regulations	General Plan Policies 33-37 and Implementation K and M
Significance before Mitigation	Phase 1: Less than Significant Phases 1 and 2: Less than Significant
Applicable NQSP Mitigation Measures	None
Mitigation Measures	Phase 1: None required Phases 1 and 2: None required
Significance after Mitigation	Phase 1: Less than Significant Phases 1 and 2: Less than Significant

**Phases 1 and 2**

Buildout of the General Plan would increase development in the City and subsequently place increased demands on existing school facilities. The General Plan states that this increase in development would require the construction of new schools and the expansion of existing schools.<sup>61</sup> The 1993 General Plan anticipates a population of 20,325 in Dixon by 2010, approximately twice its 1993 population and an increase of approximately 4,000 residents above its 2000 population (16,103).<sup>62,63</sup> The Association of Bay Area Governments (ABAG) and the Department of Finance provide up to date population projections for counties, but not for city jurisdictions. Because the DUSD is currently over capacity, the remaining growth described in the General Plan would require the construction of additional schools and/or the expansion of existing schools.

The policies described above apply to all development within City limits. The Proposed Project would be required to pay fair-share fees as discussed above. Payment of these fees would contribute to solutions to school overcrowding. Although it is speculative to determine the number of students generated by a commercial project, the project alone would not require the construction of a new school.

60 Dixon Unified School District, *Schools Facility Needs Analysis*, April 2004, page 35.

61 City of Dixon, *Dixon 1993 General Plan*, December 14, 1993, page 63.

62 City of Dixon, *Dixon 1993 General Plan*, December 14, 1993, page 37.

63 United States Census Bureau, American Fact Finder, www.factfinder.census.gov, Accessed November 11, 2004.

Future development in Dixon would be required to pay similar fees. In the case of large residential projects, the construction of adequate school facilities could be required. Any such actions would be analyzed in a separate environmental review document. This would ensure the cumulative impact would be *less than significant*.

Mitigation Measures

*None required.*

## **PARKS AND RECREATION**

### **Environmental Setting**

Within the city there are seven public parks that serve the Dixon area: Hall Park, Northwest Park, Patwin Park, Conejo Park, Women’s Improvement Club Park, Linear Park, and Veteran’s Park. A total of 86 acres of parks is available to city residents.<sup>64</sup> The city plans to develop an additional 23 acres of parks, including a new neighborhood park and one community park in the Southwest Dixon development area. When the planned parks are complete the City of Dixon will have 113.77 acres of park to serve the 21,833 people projected at buildout of the General Plan; the resulting park ratio will be 5.2 acres per 1,000 persons.<sup>65</sup>

### **Regulatory Framework**

#### **Federal Regulations**

There are no specific federal regulations pertaining to the provision of parks or recreational facilities.

#### **State Regulations**

##### **Quimby Act**

California Government Code Section 66477, Subdivision Map Act, referred to as the Quimby Act, permits local jurisdictions to require the dedication of land and/or the payment of in-lieu fees solely for park and recreation purposes. The required dedication and/or fee are based upon the residential density, parkland cost, and other factors. Land dedicated and fees collected pursuant to the Quimby Act may only be used for developing new, or rehabilitating existing, park or recreational facilities. The Quimby Act does not apply to commercial or industrial subdivisions when no new dwelling units are added (66477(a)(8)). The city’s requirement of 5 acres of parkland for each 1,000 residents falls within the parameters set forth by the Quimby Act. The city does not have an ordinance requiring commercial or industrial projects to pay park fees.

##### **Horse Racing Act**

The Business and Professions Code (Sections 19495, 19610.3, and 19610.4) regulates the taxes and fees imposed on racing facilities. Section 19495 limits excise taxes or fees levied on licensees to \$100 per racing day. Under Section 19610.3, the city or county the racetrack facility is operating in can select, by resolution, to receive a statutory distribution of funds from the racing facility. Section 19610.3 sets this distribution amount at 0.33 of 1 percent of the total pari-mutuel wagers placed at the facility. Section 19610.4 extends this distribution amount to apply to satellite wagering as well. The city may not levy any taxes or fees on the racing association, or any racing patron, service provider, participant, promoter, or vendor if the city elects to receive distribution payments from the racing facility. In addition, Section 19610.3 specifies that any city or county that elects to receive distribution payments “shall continue to provide ordinary and traditional municipal services, such as police services and traffic control.”

64 City of Dixon, *Dixon 1993 General Plan*, Adopted December 14, 1993, page 60.

65 City of Dixon, *Dixon Parks Master Plan*, March 2000, page 7.

## Local Regulations

### City of Dixon General Plan

The following policies from the Dixon General Plan are applicable to the Proposed Project:<sup>66</sup>

#### POLICY 21

The City shall maintain a ration of at least 5 acres of park land for each 1,000 Dixon residents, at least 1.2 acres of neighborhood park land and at least 3.8 acres of community park land.

#### POLICY 24

The City shall require proponents of new development projects to contribute to the acquisition and development of adequate parks and recreational facilities within the community, either through the dedication of park land and through the payment of fees in lieu of such dedications. When project proponents are also required to dedicate land for educational facilities, the fact that some dedicated land may eventually be utilized on a dual basis as community recreational facilities and as school grounds should in no way reduce the total amount of land which must be dedicated exclusively for park or recreational use or reduce the site area requirements for a school site.

### Northeast Quadrant Specific Plan

The NQSP does not contain any policies regarding parks and recreation in the plan area.

### City of Dixon Parks Master Plan

The Parks Master Plan summarizes and incorporates the General Plan policies and adds the following applicable policies:

#### LAND DEDICATION POLICY

Continue to apply the Parkland Dedication Ordinance to acquire land for parks and recreational facilities according to the standards in the General Plan and the Parks Master Plan.

#### NEIGHBORHOOD PARK POLICIES

Neighborhood park services are provided at designated neighborhood parks and in community parks. Neighborhood park services and facilities are designed to provide informal outdoor recreation and leisure opportunities for all age groups within easy walking distance of homes.

Typical neighborhood park services include children's play areas, picnic tables and barbecues, small scale sports facilities such as basketball half courts, and turf and landscape areas for strolling and informal sports.

The level of service standard for neighborhood parks is:

Level of service – 1.2 acres per 1,000 persons

Service radius – one-half mile

Minimum size – 3 acres

---

66 City of Dixon, *Dixon 1993 General Plan*, Adopted December 14, 1993, page 67.

## COMMUNITY PARK POLICIES

Community parks provide large-scale recreation facilities and services that cannot be provided at neighborhood parks. Community parks contain facilities that are designed to meet the needs of the entire community.

Examples of typical community park amenities include swim pools, multipurpose/soccer fields, softball fields, Little League facilities and community centers.

The level of service standard for community parks is:

Level of service – 3.8 acres per 1,000 persons

Service area – citywide

Minimum size – 20 acres

## SPECIAL PARKS FACILITIES POLICIES

Continue to maintain the Women’s Improvement Club Park as an important historic, cultural, recreation and open space resource.

Continue to maintain and operate the Linear Path as a neighborhood amenity.

## DEVELOPMENT REVIEW POLICY

The level of service standards for community and neighborhood parks and facilities shall be applied by City staff and the Planning Commission in the review of subdivisions and other development applications for the Southwest and Southpark planning areas.

## PARK DEDICATION POLICY

Continue to apply the Parkland Dedication Ordinance to acquire parklands and fees in-lieu of land to the level of service standards specified by the General Plan and the Parks Master Plan.

## PARK IMPROVEMENT FEE POLICY

Continue to collect the Park Improvement Fee on new residential development and apply revenues to the cost of new and expanded park facilities consistent with the California Mitigation Fee Act. Update the fee structure annually to reflect changes in costs.

## **Standards of Significance**

For the purposes of this EIR, impacts to parks and recreational facilities would be considered significant if the Proposed Project would:

- Increase use of existing park facilities such that substantial physical deterioration of the facility could occur or be accelerated; or
- Include recreational facilities or require the construction or expansion of existing recreational facilities, which might have an adverse physical effect on the environment.

**Methods of Analysis**

The City of Dixon General Plan and Parks Master Plan were reviewed to assess existing parks, proposed parks, and City standards for parkland ratios. The ratio of 5 acres of parkland per 1,000 residents was used in this analysis.

**Impacts and Mitigation Measures**

<b>Impact 4.9-11</b>	<b>The Proposed Project could include recreational facilities or require the construction or expansion of existing recreational facilities, which might have an adverse physical effect on the environment.</b>	
Applicable Policies and Regulations	None	
Significance before Mitigation	Phase 1:	Less than Significant
	Phases 1 and 2:	Less than Significant
Applicable NQSP Mitigation Measures	None	
Mitigation Measures	Phase 1:	None required
	Phases 1 and 2:	None required
Significance after Mitigation	Phase 1:	Less than Significant
	Phases 1 and 2:	Less than Significant

**Phase 1**

Phase 1 would construct a horse racing and training facility, a three-story pavilion with a theater, restaurant, and simulcast technologies, housing for jockeys and grooms, dining facilities, and parking. During live racing, approximately 760 full-time employees would work in the Dixon Downs Phase 1 project.<sup>67</sup>

Phase 1 also includes the construction of five, three-story Groom’s Quarters with 52-dorm style (no kitchen facilities) rooms per building (for a total of 260 rooms) for use by visiting grooms and backstretch personnel. Each dorm room is designed for double capacity (for a total capacity of 520 people). The Jockey’s Colony would provide 5 rooms for visiting jockeys. The Employee Dining and Recreation building would provide 30 rooms for out-of-town staff, guests, and visiting trainers. The grooms’ and trainers’ quarters would consist entirely of temporary accommodations designed for transient occupancy during racing season and/or for training purposes. During live racing, it is estimated that up to 484 employees would be working in the backstretch (includes trainers, assistant trainers, grooms, walkers, and jockeys).

The Proposed Project would include a private recreational area for its employees at the southeast corner of the project site, near the intersection of Pedrick and Vaughn Road, immediately adjacent to the Groom’s Quarters and Jockey’s Area. Baseball and soccer fields are proposed for the area. Employees and staff working and staying at Dixon Downs could use this private recreational area for convenient recreation and activity.

<sup>67</sup> Please refer to Table 3, page 29 of the NOP (Appendix A) for a breakdown of employment characteristics.

Phase 1 could indirectly increase the use of the City's existing recreational facilities through the increase in the number of persons who, on a temporary basis, may stay and recreate in Dixon. It is not possible to determine where permanent Dixon Downs employees would choose to live, however, and to do so would be speculative. Employees that choose to live in Dixon would live in residential communities that have, or would be required to, pay in-lieu fees or directly dedicate parkland for City residents.

The City of Dixon, in accordance with the Quimby Act, does not require commercial projects to pay recreational fees. Because the Proposed Project does not include any permanent dwelling units and would provide some recreation facilities for temporary employees staying on-site, this impact would be *less than significant*.

## **Phases 1 and 2**

Construction of Phase 2 could develop up to 1,200,000 square feet of retail, theater, restaurant, hotel, and office use.

Employment characteristics for Phase 2 are not known, however, none of the Phase 2 employees would reside on the project site. Phase 2 employment opportunities could indirectly result in new residents in the City, who would be required to pay and/or dedicate appropriate parkland levels.

The discussion above applies to the completed, Phases 1 and 2, project as well. The employee recreation area would also provide a convenient recreation area for Phase 2 employees. The provision of these facilities as well as the fact that the project does not include permanent residents results in a *less-than-significant* impact to existing park facilities.

### Mitigation Measures

*None required.*

## **Cumulative Impacts and Mitigation Measures**

Dixon provides recreation services within City limits. The cumulative context for recreational services would be buildout of the city through 2010.

<b>Impact 4.9-12</b>	<b>The Proposed Project, in combination with other development in the City, could include recreational facilities or require the construction or expansion of existing recreational facilities, which might have an adverse physical effect on the environment.</b>
Applicable Policies and Regulations	Dixon General Plan Policy 21 and 24
Significance before Mitigation	Phase 1: Less than Significant Phases 1 and 2: Less than Significant
Applicable NQSP Mitigation Measures	None
Mitigation Measures	Phase 1: None required Phases 1 and 2: None required
Significance after Mitigation	Phase 1: Less than Significant Phases 1 and 2: Less than Significant

### Phases 1 and 2

Dixon’s park to resident ratio, 5 acres per 1,000 persons, is designed to ensure the adequate provision of recreational facilities for all residents (General Plan Policy 21). If this ratio is achieved, enough parkland will be present to avoid the substantial or accelerated physical deterioration of facilities.

Cumulative development as forecast by the General Plan and the Parks Master Plan would develop 28 acres of parkland, as discussed in the setting section. Impacts of those developments would be determined and mitigated, if necessary, in their respective environmental documents. Upon buildout of the General Plan, the City would have 114 acres of parkland, or 5.2 acres per 1,000 residents.<sup>68</sup>

The Proposed Project includes a private recreation area to serve its employees. The physical impacts of project construction are discussed in the appropriate technical sections of this EIR, and are mitigated as much as possible when necessary.

In addition, all new residential developments in the City are required to dedicate either funds or lands to recreation (General Plan Policy 24). The cumulative impact of development on recreational facilities would be *less than significant*.

#### Mitigation Measures

*None required.*

---

68 City of Dixon, Dixon Parks Master Plan, March 2000, page 7.