

Board of Directors:
Chairperson,
Arthur W. Parham Jr.

Board Members;
Carrolyn Barlow
Timothy Jackson
Rhonda Tinney
Dave Merk

Fire Chief
Eugene Zahara

Secretary
Rodney G. Chadbon

Cottonwood Fire Protection District

P.O. Box 618
3271 Brush St, Cottonwood, CA 96022
Business (530) 347-4737 Fax (530) 347-4771

July 1st 2013

To: Kristen Maze Development Services Director
From: Chief Eugene Zahara

Subject Annexation by City of Anderson.

The Cottonwood Fire Protection District has no objections to the Roseberg Annexation 13-01 by City of Anderson of unincorporated areas. The Cottonwood Fire Protection District will not agree to any annexation by the Anderson Fire Protection District of any of these areas which are at present in the Cottonwood Fire Protection District or in any of their Sphere of Influence.

Sincerely,

Chief Eugene Zahara



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



July 12, 2013

Kristen Maze
City of Anderson Development Services
1887 Howard Street
Anderson, CA 96007

RECEIVED
AUG 16 2013
CITY OF ANDERSON
PLANNING/PUB. WORKS

**Subject: Draft Initial Study/Pre-Zone for Annexation 13-01, City of Anderson,
Shasta County, California**

Dear Ms. Maze:

The California Department of Fish and Wildlife (Department) has reviewed the draft Initial Study for the above referenced project (Project). The Project is located in southeast Anderson, south of the Anderson City limit line and east of Interstate 5 to Anderson Creek and as far south as Industry Lane. The Department offers the following comments and recommendations on the Project in our role as the State's trustee for fish and wildlife resources, and as a responsible agency under the California Environmental Quality Act (CEQA), California Public Resources Codes §21000 *et seq.*

Project Description

As described in the project description provided by the City of Anderson, the project is an annexation and pre-zone amendment of approximately 342 acres to the City of Anderson. There are 36 parcels that are proposed for annexation. These parcels are either built residential, industrial development, or undeveloped. The General Plan designation for the majority of the area is industrial and commercial with a small portion designated as Rural Holding, and two parcels that will maintain existing religious structures designated as Public Semi-Public (PSP). This application will pre-zone the properties to M2 Heavy Industrial, C2 Highway Commercial, RE Rural Estate, PSP zones that are consistent with the General Plan designations.

Project Comments

The proposed action clearly qualifies as a discretionary project pursuant to CEQA. CEQA Guidelines Section 15357 defines a discretionary project as "a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been

conformity with applicable statues, ordinances, or regulations." Additional CEQA requirements for this project are discussed in the Local Agency Formation Commission's (LAFCO) document entitled, "*LAFCOs, General Plans, and City Annexations*"¹.

"The CEQA Guidelines define a project as the whole of an action, not the separate governmental actions that may be necessary to complete it. Ideally, a single environmental document will be prepared to address the annexation as well as all related general plan amendments, rezoning, SOI, or other proposals. The CEQA document should include an evaluation of the environmental effects from future development of the affected annexation territory based on what would be allowed under the existing or proposed general plan and zoning provisions. The document should address, among other concerns, the policy issues raised in Sections 56301 and 56375. If the EIR identifies one or more significant environmental impacts and the annexation is approved, the LAFCO and the city will be responsible for making findings pursuant to Sections 15091 and 15093 of the CEQA Guidelines justifying their actions".

The Initial Study prepared by the City is not an adequate CEQA document as it does not address the environmental effects from future development based on what would be allowed under the proposed zoning provisions. The Initial Study should have addressed the environmental effect of the proposed project; the change in zoning from Vacant Lot: Industrial Lot/Commercial to Highway Commercial (C2) for instance.

"In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project (CEQA Guidelines §15064 (d))".

Therefore, the City of Anderson needs to prepare a Negative Declaration (ND), Mitigated Negative Declaration (MND), or an Environmental Impact Report (EIR) based on the environmental impacts of the proposed project. In order to comply with CEQA, please refer to the CEQA Guidelines or the City of Anderson's Code of Ordinances, Title 17, Chapter 17.64 Environmental Review.

The CEQA document should conduct an analysis of potential impacts based on the new zoning, and mitigation measures should be developed when needed to address a significant impact. Furthermore, the CEQA document must be submitted to the State Clearinghouse for distribution to state agencies. In general, CEQA requires lead agencies to submit draft EIR, proposed ND, and proposed MND to the State Clearinghouse (SCH) when:

¹ Governor's Office of Planning and Research. LAFCOs, General Plans, and City Annexations, February 7, 2012.

Ms. Kristen Maze
July 12, 2013
Page 3

- A state agency is the lead agency, a responsible agency, or a trustee agency;
- A state agency otherwise has jurisdiction by law with respect to the project; or
- The proposed project is of statewide, regional, or areawide significance. (Pub. Resources Code, § 21082.1, subd. (c)(4); CEQA Guidelines, §§ 15205, subd. (b), 15206, subd. (b)(1)-(7).)²

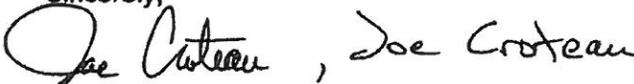
Because the project site contains undeveloped areas supporting wildlife habitat, submittal of your draft CEQA document to SCH is required. Submitting CEQA documents to SCH as required by law helps to ensure responsible and trustee agency input from CDFW during lead agency environmental review.³

Project Recommendations

The previous comment letter dated May 20, 2013, is attached and discusses our recommendations for this project.

The Department appreciates the opportunity to comment on this Project. If you have any questions regarding the Department's comments please contact Amy Henderson at (530) 225-2779 or e-mail Amy.Henderson@Wildlife.ca.gov.

Sincerely,


for **Curt Babcock**
Habitat Conservation Program Manager

Attachment

ec: see Page 4

² The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

³ See, e.g., Pub. Resources Code, §§ 21082.1, subd. (c)(4), 21083, subd. (d); see also §§ 21069, 21070 (responsible and trustee agencies defined).

Ms. Kristen Maze
July 12, 2013
Page 4

ec: Amy Henderson, Kristin Hubbard, Ali Aghili,
California Department of Fish and Wildlife
Amy.Henderson@wildlife.ca.gov,
Kristin.Hubbard@wildlife.ca.gov,
Ali.Aghili@wildlife.ca.gov

Ms. Kristen Maze
City of Anderson Development Services
kmaze@ci.anderson.ca.us

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013
(213) 576-7083



August 5 2013

Kristen Maze
City of Anderson
1887 Howard Street
Anderson, CA 96007

Dear Ms. Maze:

Re: SCH 2013072040 Anderson Pre-zone & Annexation Project DND

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Section (RCES) is in receipt of the *Draft Mitigated Negative Declaration (DMND)* for the proposed City of Anderson (City) Pre-Zone & Annexation Project.

The project area includes active railroad tracks. RCES recommends that the City add language to the Pre-Zone & Annexation Plan so that any future development adjacent to or near the railroad/light rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

If you have any questions in this matter, please contact me at (213) 576-7076, ykc@cpuc.ca.gov.

Sincerely,


Ken Chiang, P.E.
Utilities Engineer
Rail Crossings Engineering Section
Safety and Enforcement Division

C: State Clearinghouse



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

August 16, 2013

Kristen Maze
City of Anderson
1887 Howard Street
Anderson, CA 96007

Subject: Pre-zone & Annexation 13-01
SCH#: 2013072040

Dear Kristen Maze:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 15, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2013072040
Project Title Pre-zone & Annexation 13-01
Lead Agency Anderson, City of

Type MND Mitigated Negative Declaration
Description Located along the southeast side of The City of Anderson. The properties are situated east of the I-5 freeway. The two arterial streets, Deschutes and Locust Road go through the area. The proposed project is an annexation and zone amendment of approximately 385 acres into the City of Anderson. The area is either existing residential or industrial development with the exception of 60 acres that is designated commercial property between the City limit line and the industrial area.

Lead Agency Contact

Name Kristen Maze
Agency City of Anderson
Phone 530 378 6643 **Fax**
email
Address 1887 Howard Street
City Anderson **State** CA **Zip** 96007

Project Location

County Shasta
City Anderson
Region
Lat / Long
Cross Streets Deschutes and Locust Roads
Parcel No. Various
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 273
Airports Redding Municipal
Railways UPRR
Waterways Sacramento River
Schools No
Land Use Industrial, Commercial, Rural Holding and Public Semi Public

Project Issues Air Quality; Public Services; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Landuse

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 1; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 2; State Water Resources Control Board, Division of Financial Assistance; Regional Water Quality Control Bd., Region 5 (Redding); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 07/17/2013 **Start of Review** 07/17/2013 **End of Review** 08/15/2013



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

EDMU. J. BROWN JR., Governor
CHARLTON H. BONHAM, Director



August 13, 2013

Ms. Kristen Maze
City of Anderson Development Services
1887 Howard Street
Anderson, CA 96007

RECEIVED

AUG 15 2013
CITY OF ANDERSON
PLANNING/PUB. WORKS

**Subject: Draft Initial Study/Pre-Zone for Annexation 13-01 (SCH# 2013072040),
City of Anderson, Shasta County, California**

Dear Ms. Maze:

The California Department of Fish and Wildlife (Department) has reviewed the draft Initial Study (IS) (SCH# 2013072040) submitted by the City of Anderson (City) for the above referenced project (Project). The Project is located in southeast Anderson, south of the Anderson City limit line, and east of Interstate 5 to Anderson Creek, and as far south as Industry Lane. The Department offers the following comments and recommendations on the Project in our role as the State's trustee for fish and wildlife resources and as a responsible agency under the California Environmental Quality Act (CEQA), California Public Resources Codes §21000 *et seq.*

The Department has commented twice on this Project (May 20, 2013, and July 12, 2013, letters attached) and our concerns remain unaddressed. For example, the Department has requested an assessment of environmental impacts resulting from the proposed zone change from Rural Residential to Highway Commercial specifically for Assessor Parcel Numbers 201-950-022, 023 and 024. The IS prepared by the City does not address the environmental effects resulting from future development on these parcels. Because future approvals could be ministerial in nature, the analysis needs to be conducted prior to the zone change. CEQA requires analysis of reasonably foreseeable impacts resulting from future development pursuant to the proposed zoning provisions.

"In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project (CEQA Guidelines §15064 (d))."

The IS states: "The pre-zone and annexation would allow future development that would be subject to CEQA review at the time development is proposed". As previously stated, some future approvals for certain land uses under the proposed zoning would be ministerial and not considered a "Project" under CEQA; therefore, this comment is only partially correct. It appears that projects could be approved without additional CEQA review which is why it is important to conduct an assessment of environmental impacts

Ms. Kristen Maze
August 13, 2013
Page 2

at this time. The Department therefore requests a more comprehensive environmental analysis addressing reasonably foreseeable impacts to public trust biological resources along with development of mitigation measures as appropriate. Additionally, we recommend that the annexation be placed on hold until this analysis is complete.

If you have any further questions or comments, please contact Environmental Scientist Amy Henderson by phone at (530) 225-2779 or by email at amy.henderson@wildlife.ca.gov.

Sincerely,



Curt Babcock
Habitat Conservation Program Manager

Attachments

ec: Mss. Donna Cobb, Kristin Hubbard and Amy Henderson
Mr. Michael vanHatten
California Department of Fish and Wildlife
donna.cobb@wildlife.ca.gov, kristin.hubbard@wildlife.ca.gov,
amy.henderson@wildlife.ca.gov, michael.vanhattem@wildlife.ca.gov

State Clearinghouse
state.clearinghouse@opr.ca.gov

Ms. Kristen Maze
City of Anderson Development Services
kmaze@ci.anderson.ca.us

NOTICE OF DETERMINATION

CITY OF ANDERSON, 1887 Howard Street, Anderson, CA 96007

TO: Shasta County Clerk,
Attn: Cathy Darling-Allen
P.O. Box 990880
Redding, CA 96099-0880

FROM: City of Anderson
1887 Howard Street
Anderson, CA 96007

DATE OF DETERMINATION: September 17, 2013

SUBJECT: Pre-zone 13-01

PROJECT TITLE: Environmental Determination 13-04 for Pre-zone 13-01

STATE CLEARINGHOUSE NUMBER: 2013072040

CONTACT PERSON: Kristen Maze, Development Services Director
City of Anderson
1887 Howard Street
Anderson, CA 96007

PROJECT LOCATION: The project is approximately 385 acres in the southeast area of Anderson along Deschutes Road and Locust Road, situated east of Interstate 5 within the City sphere of influence.

PROJECT DESCRIPTION: The proposed project is to pre-zone for approximately 385 acres at the above location for future annexation into the City limits of Anderson.

This is to advise that the City Council of the City of Anderson has adopted a Mitigated Negative Declaration on September 17, 2013 and made the following findings:

The City Council of the City of Anderson ordained the following:

- a. The Mitigated Negative Declaration with the mitigations prepared for this project are in compliance with CEQA Guidelines, Section 15074;
- b. The pre-zoning district of Heavy Industrial (M-2), Highway Commercial (C-2), Agriculture (A) and Public/Semi-Public (PSP) as proposed is compatible with existing goals and policies of the City's adopted General Plan.

13-046

- c. The Development Services Director shall modify the official Zoning Map of the City of Anderson in accordance with this Ordinance to indicate thereon the zoning applicable to the subject property.

The City Council of the City of Anderson makes the following findings:

- a. The ordinance is necessary and proper at this time and is not likely to be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed uses; and
- b. The proposed project will not be detrimental or injurious to property and improvements in the area of the proposed zone amendment; and
- c. The proposal will not be detrimental or injurious to the general welfare of the City or County; and
- d. The proposed project is consistent with the City General Plan and consistent with the most restrictive designations, policies and provisions of such plans or maps contained therein and shall not differ in any respect from one another; and
- e. The proposal is within the City's Local Agency Formation Commission (LAFCo) sphere of influence and permits for the orderly development of land presently adjacent to the City.

This is to certify that the Mitigated Negative Declaration with comments and responses and record of approval is available to the General Public at:

City of Anderson City Hal
1887 Howard Street
Anderson, CA 96007



Kristen Maze, Director
Development Services Department
City of Anderson

September 20, 2013

Date

FILED
THIS NOTICE WAS POSTED ON
09/30/2013
IT WILL REMAIN POSTED THROUGH
10/30/2013
A PERIOD OF 30 DAYS
CATHY DARLING ALLEN, COUNTY CLERK
BY: 
DEPUTY CLERK

State of California—Natural Resources Agency
 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
2013 ENVIRONMENTAL FILING FEE CASH RECEIPT

PRINT CLEAR

RECEIPT# ShastaCo.2013022
STATE CLEARING HOUSE # (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY City of Anderson - Development Services	DATE 09/30/2013
COUNTY/STATE AGENCY OF FILING Shasta	DOCUMENT NUMBER 13-046

PROJECT TITLE
Environmental Determination 13-04 for Pre-zone 13-01

PROJECT APPLICANT NAME City of Anderson	PHONE NUMBER ()
--	---------------------

PROJECT APPLICANT ADDRESS 1887 Howard St	CITY Anderson	STATE CA	ZIP CODE 96007
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PROJECT APPLICANT (Check appropriate box):

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$2,995.25	\$	0.00
<input checked="" type="checkbox"/> Negative Declaration (ND)(MND)	\$2,156.25	\$	2,156.25
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	\$850.00	\$	0.00
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP)	\$1,018.50	\$	0.00
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00	\$	50.00
<input type="checkbox"/> Project that is exempt from fees			
<input type="checkbox"/> Notice of Exemption			
<input type="checkbox"/> CDFW No Effect Determination (Form Attached)			
<input type="checkbox"/> Other _____		\$	_____

PAYMENT METHOD:

Cash
 Credit
 Check
 Other ck # 69477

TOTAL RECEIVED \$ 2,206.25

SIGNATURE X <i>John J. [unclear]</i>	TITLE 09/30/2013
--	---------------------

ORDINANCE NO. 782

AN ORDINANCE OF THE CITY OF ANDERSON TO PRE-ZONE APPROXIMATELY 385 ACRES TO HIGHWAY COMMERCIAL (C-2), HEAVY INDUSTRIAL (M-2), AGRICULTURE (A) AND PUBLIC SEMI-PUBLIC (PSP) IN ANTICIPATION OF ANNEXATION FOR THE SOUTH ANDERSON DESCHUTES ROAD AREA

WHEREAS, a request has been filed by Roseburg Forest Products to pre-zone approximately 385 acres in the southeast area of Anderson along Deschutes Road and Locust Road situated east of Interstate 5 for annexation to the City of Anderson. (see Exhibit A).

WHEREAS, the City has established a General Plan designation for the proposed annexation area as a part of their sphere of influence adopted by the Local Area Formation Committee.

WHEREAS, a City may pre-zone unincorporated territory to determine the zoning that will apply to such territory upon annexation to the City (Government Code §65859); and

WHEREAS, the Planning Commission of the City of Anderson held a public hearing to consider this pre-zoning action on June 17, 2013 duly noticed pursuant to Government Code §65090; and

WHEREAS, a Notice of Public Hearing was published in the Anderson Valley Post, local newspaper on September 4, 2013; and

WHEREAS, A Mitigated Negative Declaration under the Californian Environmental Quality Act (CEQA) guidelines Section 15074 has been prepared for this project and is in compliance with the State Clearinghouse review requirements pursuant to the California Environmental Quality Act.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF ANDERSON DOES HEREBY ORDAIN AS FOLLOWS:

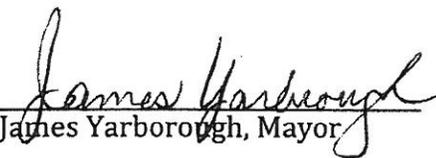
1. The Mitigated Negative Declaration with the mitigations prepared for this project are in compliance with CEQA, as shown in Exhibit B and attached hereto;
2. The pre-zoning district of Heavy Industrial (M-2), Highway Commercial (C-2), Agriculture (A) and Public Semi-Public as proposed and depicted on Exhibit C zoning map and attached hereto is compatible with existing goals and policies of the City's adopted general plan;
3. The Development Services Director shall modify the Official Zoning Map of the City of Anderson in accordance with this Ordinance to indicate thereon the zoning applicable to the Subject Property;

4. The City Council of the City of Anderson makes the following findings;
- a. The ordinance is necessary and proper at this time and is not likely to be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use; and
 - b. The proposed project will not be detrimental or injurious to property and improvements in the area of the proposed zone amendment; and
 - c. The proposal will not be detrimental or injurious to the general welfare of the City or the County; and
 - d. The proposed project is consistent with the City general plan and consistent with the most restrictive designations, policies and provisions of such plans or maps contained therein, and shall not differ in any respect from one another; and
 - e. The proposal is within the City's Local Agency Formation Commission (LAFCo) Sphere of Influence and permits for the orderly development of land presently adjacent to the City.

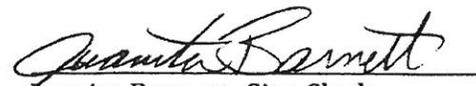
This Ordinance shall be published in the Valley Post, a newspaper of general circulation in the City of Anderson, in the manner provided by Section 36933 of the Government Code of the State of California, and shall be effective 30 days after its passage.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Anderson on September 17, 2013, and enacted at a regular meeting of the City Council of the City of Anderson on October 1, 2013, by the following vote:

AYES: Councilmembers Hunt, Hopkins, Day, Baugh and Mayor Yarbrough.
NOES: None.
ABSENT: None.
ABSTAIN: None.

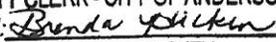

James Yarbrough, Mayor

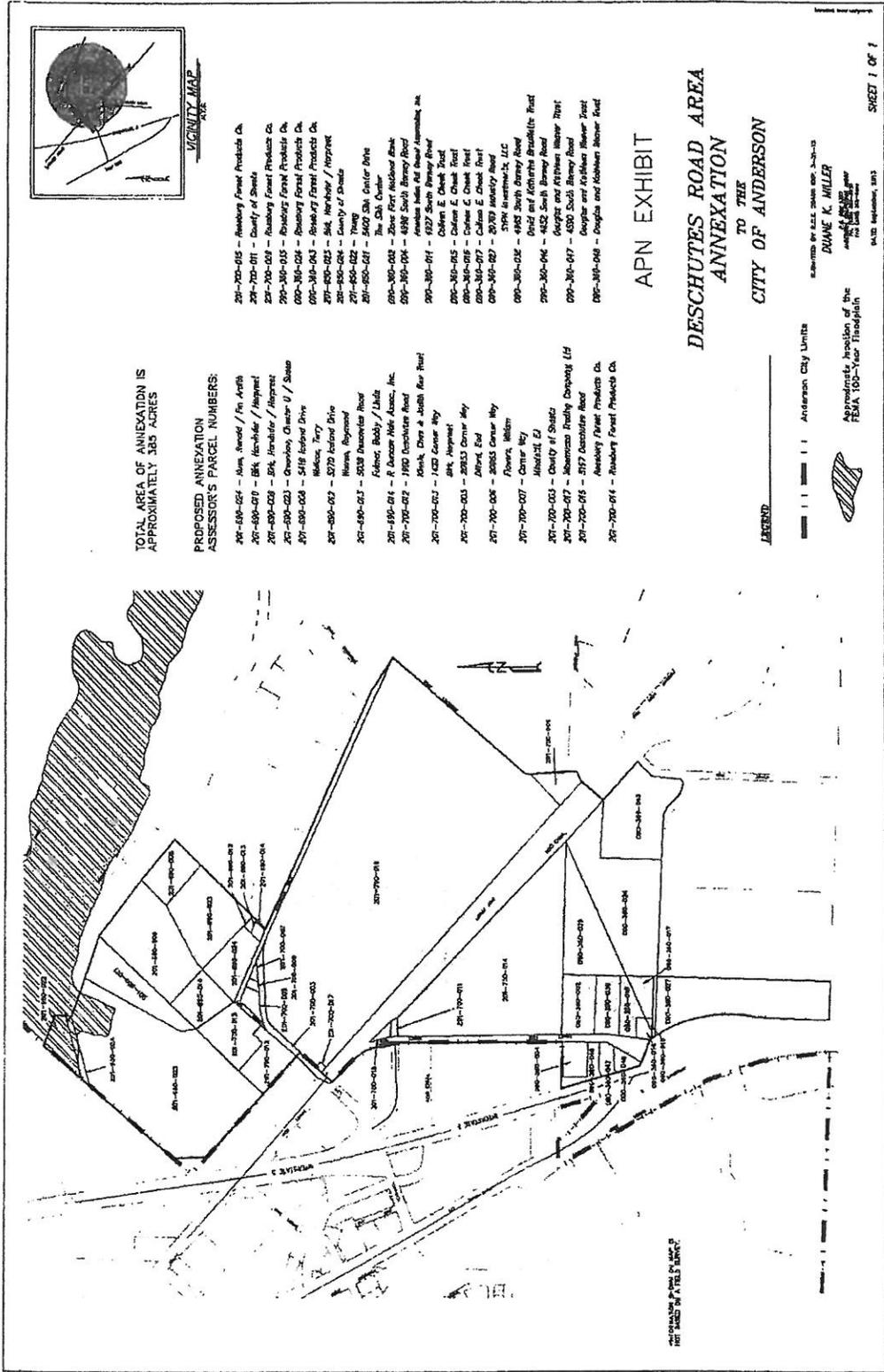
ATTEST:


Juanita Barnett, City Clerk

This instrument is a true copy
of the original on file in this office

ATTEST: OCT 02 2013

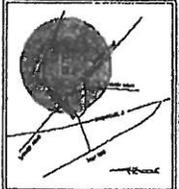
CITY CLERK - CITY OF ANDERSON
BY: 
DEPUTY



TOTAL AREA OF ANNEXATION IS APPROXIMATELY 385 ACRES

PROPOSED ANNEXATION ASSESSOR'S PARCEL NUMBERS:

- 201-694-021 - Alan Arnold / In Arith
- 201-694-019 - BK, McWhirter / Haynes
- 201-694-020 - BK, McWhirter / Haynes
- 201-694-022 - Grayson, G. w/ or / Susan
- 201-694-023 - 5418 Island Drive, Malibu, CA
- 201-694-024 - 5720 Island Drive, Malibu, CA
- 201-694-025 - 5018 Riverside Road, Malibu, CA
- 201-694-026 - R. Deacon, M. Assoc., Inc.
- 201-700-017 - 1100 Deschutes Road, Bend, OR
- 201-700-018 - 1422 Center Way, Bend, OR
- 201-700-019 - 20032 Center Way, Bend, OR
- 201-700-020 - 20003 Center Way, Bend, OR
- 201-700-021 - Center Way, Bend, OR
- 201-700-022 - County of Shasta, Mendocino, CA
- 201-700-023 - 20000 Center Way, Bend, OR
- 201-700-024 - 20000 Center Way, Bend, OR
- 201-700-025 - 20000 Center Way, Bend, OR
- 201-700-026 - 20000 Center Way, Bend, OR
- 201-700-027 - 20000 Center Way, Bend, OR
- 201-700-028 - 20000 Center Way, Bend, OR
- 201-700-029 - 20000 Center Way, Bend, OR
- 201-700-030 - 20000 Center Way, Bend, OR
- 201-700-031 - 20000 Center Way, Bend, OR
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- 201-700-038 - 20000 Center Way, Bend, OR
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- 201-700-040 - 20000 Center Way, Bend, OR
- 201-700-041 - 20000 Center Way, Bend, OR
- 201-700-042 - 20000 Center Way, Bend, OR
- 201-700-043 - 20000 Center Way, Bend, OR
- 201-700-044 - 20000 Center Way, Bend, OR
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- 201-700-046 - 20000 Center Way, Bend, OR
- 201-700-047 - 20000 Center Way, Bend, OR
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APN EXHIBIT
DESCHUTES ROAD AREA ANNEXATION TO THE CITY OF ANDERSON

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 DESCHUTES ROAD AREA ANNEXATION TO THE CITY OF ANDERSON

- Anderson City Limits
- Approximate location of the FEMA 100-Year Floodplain

DWANE K. MILLER
 Mayor, City of Anderson, OR

PROPOSED MITIGATION MEASURES

IV. BIOLOGICAL RESOURCES

MM 1- All development within the 100 year flood plain shall be restricted under applicable law.

Timing/Implementation: Prior to Construction
Enforcement/Monitoring; City of Anderson Development
Services Department

MM 2 - Prior to construction the applicant or City of Anderson Public Works Department shall ensure the applicable permits have been obtained and shall ensure that the requirements of this permits are implemented if the applicable public agency is unable or unwilling to administer their permits. Those include, but are not limited to the following:

- A Section 1600 Steambed Alteration Agreement with the California Department of Fish and Wildlife (DFW).
- A water quality certification and construction stormwater permit from the Regional Water Quality Control Board (Clean Water Action Section 401)
- An Army Corp of Engineers (ACOE) Nationwide Permit (Clean Water Action Section 404)

Timing/Implementation: Prior to Construction
Enforcement/Monitoring; Applicable Public Agency, City of
Anderson Public Works Department

MM 3 - Upon verification of the formal wetland delineation by the ACOE any identified temporary and permanent fill impacts to waters of the U.S. will be compensated through the purchase of mitigation credits from an ACOE- approved mitigation bank. This will result in No Net Loss of jurisdictional wetlands and other waters of the U.S.

Timing/Implementation: Prior to Construction
Enforcement/Monitoring; City of Anderson Development
Services Department

MM 4 - The following avoidance and minimization efforts shall be supervised by a qualified biologist and implemented to reduce

construction-related impact to possible fox sedge:

- Construction fencing shall be installed to create a buffer of at least 20 feet around the fox sedge plants prior to construction and will remain in place during the full extent of construction activities within the vicinity of the plants.
- If total avoidance of the fox sedge plants is not possible, a transplanting program will be undertaken to move the plants to a suitable alternative habitat locations in coordination with CDFW.
- If transplanting is not feasible the applicant shall consult with CDFW to determine appropriate compensatory mitigation for the loss of protected species, which may include purchase if replacement credits at an approved mitigation bank.

Timing/Implementation: Prior to Construction
Enforcement/Monitoring; City of Anderson Development
Services Department, CDFW

MM 5 - For construction taking place during the nesting season (which varies by species) of protected birds, a focused survey for active nests shall be conducted by a qualified biologist within 15 days prior to the beginning of construction related activities at the site of the nests. If an active raptor or migratory bird nest is found, the applicant will consult with a qualified biologist from the appropriate agency (CDFW or USFWS) regarding compliance measures under applicable law. If an active raptor or migratory bird nest is identified, then mitigation measures shall include an avoidance buffer that would be established of 100 feet for nesting raptors and 50 feet for migratory birds, otherwise functionally equivalent protection measures may be employed if recommended by a qualified biologist and upon concurrence by the appropriate qualified agency biologist. If a lapse in project-related on-site work of 15 days or longer occurs, survey and consultation with the appropriate agency (CDFW or USFWS) shall be re-conducted before construction work can be reinitiated, provided the previous protection measures are insufficient to meet the protection requirements of the species under applicable law.

Timing/Implementation: Prior to Construction
Enforcement/Monitoring; City of Anderson Development
Services Department, CDFW or USFWS

V. CULTURAL RESOURCES

MM 6 - Although there is no evidence to suggest that the project would result in any significant effect to historical, archeological, paleontological or unique geologic resource, or human remains, there is always the possibility that such resources or remains could

be encountered. Therefore, if, in the course of development, any archaeological, historical, or paleontological resources are uncovered, discovered or otherwise detected or observed, mineral exploration activities in the affected area shall cease and a qualified archaeologist shall be contacted to review the site and advise the County of the site's significance. If the findings are deemed significant by the Environmental Review Officer, appropriate mitigation shall be required.

Timing/Implementation: Prior to Construction
Enforcement/Monitoring: City of Anderson Development Services Department

XI. NOISE

MM 7 – During the construction phase of the project any outdoor work that will generate noise exceeding levels of any applicable City Ordinance shall be limited to between the hours of 7:00 am to 10:00 pm. With no construction permitted on Sundays pursuant to the Anderson Municipal Code Section 8.30.090 (f). Nothing in this application shall apply to the use of domestic tools, nor does this effect construction totally within an enclosed building

Timing/Implementation: During Construction
Enforcement/Monitoring; City of Anderson Development Services Department

