



Solano Local Agency Formation Commission

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Staff Report

DATE: October 21, 2013

TO: Local Agency Formation Commission

FROM: Elliot Mulberg, Interim Executive Officer

SUBJECT: **Comments on Middle Green Valley Recirculated DEIR**

Recommendation: That the Commission review and either reaffirm, modify, or rescind the comments that were submitted.

Background:

The Middle Green Valley Environmental Impact Report was prepared and certified by Solano County in July 2010. A lawsuit challenging the adequacy of the EIR, specifically the water supply analysis, was subsequently filed and the Court ruled in favor of the petitioner. In response to the Court's ruling, the County has prepared a revised water supply analysis and Recirculated DEIR.

The project calls for the formation of a County Service Area (CSA) to provide water, wastewater, recycled water, storm water, and parks to the project. The formation of the CSA would be an action that would be taken by LAFCO at some future date. In that case LAFCO would be the responsible agency for CEQA purposes and would make use of this CEQA document for the CSA formation.

The Recirculated DEIR was available for comments for 45 days beginning August 27 and ending October 10. Given that our Commission hearing is after the deadline I requested an extension so that our comments could be addressed in the EIR. We were told County staff would try to address our comments but there was no guarantee that would occur. Due to the uncertainty, staff felt it important to submit comments by the October 10 deadline.

Attached are the comments that were prepared. The comments addressed only the water section of the DEIR. They have to do with identifying certain sections of Cortese-Knox-Hertzberg that may apply to the project; a review of option B, using groundwater as a source; and

considering the possible cumulative impacts of the Woodcreek 66 development, particularly if the applicant chose to use groundwater in that subdivision.

Please review the comments and reaffirm our submittal, provide any changes you feel are appropriate, or direct staff to rescind the comments.