

Draft Responses to Comment Letter W

**Rancho Guejito Corporation
 Michael Hansen with Sheppard, Mullin, Richter & Hampton LLP
 March 18, 2013**

	Comment	Response to Comment
W -1	On behalf of our client, Rancho Guejito Corporation, we appreciate the opportunity to submit comments on the Draft Forest Conservation Initiative (FCI) General Plan Amendment and the associated Draft Supplemental Environmental Impact Report (SEIR). The General Plan Amendment (GPA) revises the general plan’s land use designations on approximately 72,000 acres of private land that was subject to the FCI in place from 1993 to 2010, including Rancho Guejito, and approximately 400 acres of adjacent private land not previously subject to the FCI.	This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
W -2	Please note that two lawsuits are pending in court which could result in the invalidation and rescission of the General Plan Update program environmental impact report (GPU EIR) upon which the FCI SEIR relies. In September 2011, Rancho Guejito filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, San Diego Superior Court Case No. 37-2011-000974236-CU-TT-CTL (General Plan EIR lawsuit) alleging, among other things, that the GPU EIR violated CEQA. In November 2011, Rancho Guejito filed a second Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, San Diego Superior Court Case No. 37-2011-00100332-CU-WM-CTL (General Plan Lawsuit), alleging substantive violations of the State Planning and Zoning Law related to deficiencies in the General Plan Update. If the court grants the petition for either the General	The County acknowledges the two lawsuits filed in 2011 challenging the adequacy of the General Plan Update and its Program Environmental Impact Report (PEIR). Both of these lawsuits are currently pending and no judicial determination has been made regarding the General Plan Update or the PEIR. These lawsuits have no bearing on the FCI Lands GPA analyzed by this SEIR. CEQA specifies that when litigation is filed and no final order is entered holding an environmental document inadequate, the document is presumed to comply with the statute (Cal. Pub. Resources Code Section 21167.3; 14 Cal. Code of Regulations Sections 15231 and 15233). Here, the presumption is that the 2011 General Plan Update and PEIR are adequate, and therefore, it is appropriate for the County to use the PEIR as a basis for this SEIR.

Draft Responses to Comments

	Comment	Response to Comment
	Plan Lawsuit or the General Plan EIR Lawsuit, the conclusions in the SEIR would likely be thrown into question and subject to challenge.	
W -3	The GPA also states that it includes modifications to the County’s Agricultural Preserve designations by removing the “A” zoning designator from most of the lands in the County that are not subject to a Williamson Act contract. We understand that the specific locations of the lands removed from the “A” designator will occur at a later date in a separate County rezone action, and that the subject FCI GPA action does not propose to add or remove “A” designators from Rancho Guejito.	The County agrees with this comment. The General Plan Implementation Plan includes measure 5.3.1.E, Agricultural Preserve Inventory, which includes conducting a comprehensive review and inventory of agricultural preserves and update data to remove parcels from preserve status that are no longer applicable.
W -4	<p>Rancho Guejito’s current and planned future land use is agriculture; however, Rancho Guejito has either completed non-renewal or has requested non-renewal for all of its property formerly subject to Williamson Act contracts. Because the primary purpose of the “A” designator was to dovetail with the Williamson Act contracts, we do not believe that the “A” designator is appropriate on any Rancho Guejito property. We look forward to commenting on the specific rezone proposal and working with staff on that issue when it is proposed by the County at a later date.</p> <p>Thank you for providing us the opportunity to comment.</p>	This comment is acknowledged. See response to comment W-3 above.