



BILL HORN
CHAIRMAN
SUPERVISOR, FIFTH DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

September 14, 2015

Ms. Erin Peth
Executive Director
Fair Political Practices Commission
Attn: Legal Division
428 J Street, Suite 620
Sacramento, CA 95814

Re: Request for Advisory Letter re Potential Conflict of Interest

Dear Ms. Peth:

This is a request for an advice letter pursuant to Government Code section 83114(b). We seek advice regarding whether San Diego County Supervisor Bill Horn may participate in a decision related to a land use decision.

QUESTION

May Supervisor Horn participate in the decision-making process (including formally voting on the project) regarding a proposed development entitled "Lilac Hills Ranch".

FACTS

Supervisor Horn has been the County Supervisor for San Diego Supervisory District No. 5 for twenty-one years. Supervisors are elected by district wide election. Supervisor Horn owns approximately 36.8 acres in Valley Center located in north San Diego County ("Property"). The Property has a street address on West Lilac Road.

Supervisor Horn's residence is located on the Property. Supervisor Horn grows avocados, Valencia oranges and tangelos on the Property and sells the crops wholesale. He has actively farmed the Property since 1972. The Property is subject to the Williamson Act and can only be used for agricultural purposes. Supervisor Horn does not sell anything grown on the Property to retail customers. No retail or wholesale customers come to the Property to purchase any agricultural products.

Supervisor Horn's residence is approximately 1,500 feet from West Lilac Road. The driveway from the entrance to the Property on West Lilac Road to Supervisor Horn's residence is approximately one mile long. The section of West Lilac Road between Lilac Road and Circle R Drive that fronts the Property is a meandering semi-rural two lane road that is approximately 1.9 miles long.

The proposed Lilac Hills Ranch Project would develop approximately 600 acres of land in Valley Center with 1,700 homes, retail and other buildings. The developer would also be required to make offsite improvements including street and sewer improvements. The County Board of Supervisors would need to agree to rezone the property, to allow a higher density, in order to develop the property in the manner proposed by the developer. A vote on this matter will likely occur in mid-October 2015.

Supervisor Horn's Property is located to the east/southeast of the proposed development. A map showing the location of the Property in relation to the proposed development is attached for your reference. As the crow flies, the nearest boundary of the Property to the proposed development is approximately 1.3 miles. The driving distance from the entrance to the Property on West Lilac Road to the nearest boundary of the proposed development via the most direct route is approximately 2.0 miles. The nearest offsite improvement that the developer would be required to make as part of the development would be approximately eight-tenths of a mile from the nearest boundary of the Property.

The traffic study prepared as part of the Environmental Impact Report for the Lilac Hills Ranch Project classifies the section of West Lilac Road between Circle R Drive to Lilac Road as a "Light Collector w/ Reduced Shoulder (2.2F)". The County road standards provide that if the Average Daily Vehicle Trips ("ADT") of this classification of road are less than 5,800 per day, the road has a Level of Service of "A".

The County Road Standards defines Level of Service A as "free' vehicular flow with few conflicts or interruptions." Because this section of West Lilac Road does not meet all of the requirements for a road designated as a Light Collector w/ Reduced Shoulder, the traffic study reduced the maximum number ADT's by ten percent from 5,800 to 5,220 before the Level of Service increases to Level B. In addition, utilizing the County road standards, as modified by the traffic study, no mitigation of the traffic impacts is necessary until the ADTs reach Level D, which is more than 7,800 ADTs.

The traffic study for the Lilac Hills Ranch Project also indicates that the existing ADT for the section of West Lilac Road that services Property is 1,170 (22% of Level A). The traffic study estimates that after full buildout of all 5 phases of the Lilac Hills Project the ADT for the same section of West Lilac Road would increase to 2,470 (47% of Level A and 31.67% of Level D.) By way of example, based on the traffic study, there is currently, on average, one car on West Lilac Road every 74 seconds. After full buildout of the Lilac Hills Ranch Project there would be one car every 35 seconds. By definition the traffic on that portion of West Lilac Road that services the Property is currently, and would remain, Level A - free vehicular flow with few conflicts or interruptions.

DISCUSSION

We do not believe that the approval and buildout of the Lilac Hills Ranch Project would have a reasonably foreseeable financial effect on Supervisor Horn's financial interests in his business. The agricultural use of the Property would remain the same as currently exists. The product grown on the Property would continue to be grown and then shipped offsite to be sold to wholesale. The value of the agricultural business would remain the same.

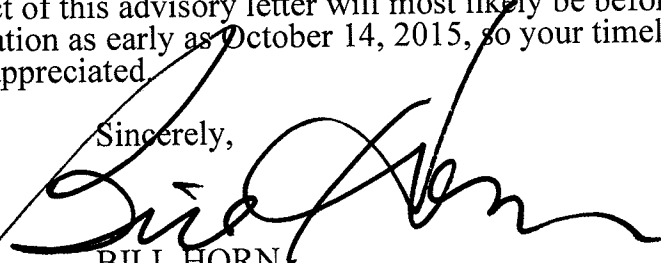
Similarly, we do not believe that Supervisor Horn's financial interest in the real property would change as a result of the approval and buildout of the Lilac Hills Ranch Project. The Project would not alter the intensity of use, including parking, of property surrounding the Property, and would not alter the view, noise levels, or air quality,

including odors, of the Property. Also, we do not believe that the Project would increase or decrease the development potential or income producing potential of the Property. As mentioned above, the Property is subject to the Williamson Act and must continue to be used for agricultural. Even if Supervisor Horn were to revoke his election to be bound by the Williamson Act, the Property would remain subject to the Act for ten more years.

CONCLUSION

Thank you for your review and consideration of this matter. As mentioned above, the Project that is the subject of this advisory letter will most likely be before the Board of Supervisors for consideration as early as October 14, 2015, so your timely review and response would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Horn", written over the typed name and title.

BILL HORN
Chairman
Supervisor, 5th District
County of San Diego