



INLAND EMPIRE

RESOURCE CONSERVATION DISTRICT

Date: April 9th, 2024

TO: TEAM RCD Board of Directors

FROM: Mandy Parkes, District Manager - IERCD

RE: Greer Ranch Conservation Easement - Meeting Summary and Next Steps

In March of 2024, TEAM RCD invited IERCD to attend a meeting focused on the Greer Ranch Conservation Easement property, located in the Greer Ranch planned community in Murrieta. On April 2nd this meeting took place from 11 AM - 12:30 PM, with the following attendees:

TEAM RCD: Teri Biancardi

IERCD: Mandy Parkes

Greer Ranch HOA:

- Robert Odor, HOA Board President
- Dana Haygood, Avalon Management (Greer Ranch HOA Manager/Site Staff)

Murrieta Fire Department

- Gabriel Young, Fire Inspector
- Two additional fire personnel (didn't get their names/contact info)

Greer Ranch Landscaping Contracting Company

- Martin (didn't get full name)

The meeting was requested by the Greer Ranch HOA, for the purposes of discussing roles and responsibilities connected to the conservation easement. In preparation for the meeting, TEAM RCD and IERCD discussed developing a presentation on conservation easement overview, attached to this memo for TEAM RCD review. During the meeting, Ms. Parkes presented on the important points of the PowerPoint, focusing primarily on the following project facts:

Greer Ranch Conservation Easement Overview: The Greer Ranch Conservation Easement (CE) was conceptualized as part of the original Greer Ranch development, required in exchange for impacts to jurisdictional habitat (areas of open space, vegetation, wildlife partially or entirely under the regulatory authority of local, regional, state, and/or federal resource and/or wildlife agencies) associated with the construction of Greer Ranch homes and community infrastructure. The conservation easement includes created/uplifted habitat areas within the Greer Ranch neighborhood, and a large perimeter, unimproved open space. The attached presentation describes the term "Conservation Easement" and

the meeting also included a quick description of the definition and purpose of this easement, with parties including:

- Grantee: Elsinore Murrieta Anza Resource Conservation District (EMARCD), the predecessor agency to TEAMRCD. The legal transition of EMARCD into TEAMRCD puts TEAM as the Grantee of the easement, meaning that the rights and requirements specifically assigned to the Grantee are the responsibility of TEAM. No other rights or responsibilities, listed or implied, are the responsibility of the Grantee. Grantee refers to the party receiving the property rights associated with the recordation of the conservation easement, transitioning them from the fee title owner (Grantor) to the Grantee, ensuring that the property is unable to be developed and otherwise adversely impacted in a manner negatively affecting the mitigation areas associated with this project. TEAM received \$135K for long-term management of the property which sounds large, but perpetuity is a long time and only the annual interest is available for active work - which, at rates of investment for public agencies in CA, is not a ton of cash.
- Third-party beneficiaries: regulatory agencies United States Army Corps of Engineers (ACOE) and US Fish and Wildlife Service (USFWS) have all rights associated with Grantee conveyed to their respective agencies as well, which they can exercise in the event that there is a failure to remain in compliance on the part of the Grantee.
- Grantor: In the easement, Lennar Greer Ranch Venture LLC (a limited liability division of the larger homebuilder, Lennar Homes), the builder of the property, is identified as the Grantor. In most cases, the property builder begins the process as the Grantor, then transfers that status to the HOA associated with the constructed community. However, fee title can be easily transferred among entities and the easement runs with the land, meaning Grantor requirements transfer along with fee title interest. In this case, it is not clear who is in fact the grantor of the full easement property, due to (1) confusion between the HOA and Lennar on whether or not the property was transferred to them and (2) the documents associated with this memo, showing transfer of the all or part of the easement to the City of Murrieta. As with Grantee, the Grantor has a set of responsibilities and rights associated with this property, and (as seen in the PPT) represents the vast majority of requirements to keep the site safe, legally compliant, and actively maintained.
 - **Action Item:** Determining who actually owns the full underlying fee title interest in Greer Ranch. It appears Lennar Greer Ranch LLC was the original owner, but then parcels were transferred to the City and/or Greer Ranch HOA (see fee title transfer doc at the beginning of the Greer Ranch CE file).
 - Note, this is CRUCIAL to understand who is on the hook to serve as the Grantor, the overwhelmingly responsible party for the bulk of the duties at this property
- IERCD: contracted agency assisting with implementation of Grantee work. More at www.iercd.org

The typical process of conservation easement development and long-term maintenance and management includes:

1. Initial five-year uplift: as described above, Greer Ranch contains interior improved areas and large existing open space around the development. The existing and unimproved perimeter open space needed no additional work; however, the system of interior habitat areas required

development and implementation of a Habitat Mitigation and Maintenance Plan (HMMP), funded by the project proponent, Lennar Greer Ranch Venture LLC (a limited liability division of the larger homebuilder, Lennar Homes). In order for the Grantor of the property to transition into active long-term maintenance and monitoring, this five-year uplift must receive “agency approvals” from regulatory agencies who issued original project permits. This is a requirement of the property proponent and permittee applicant, Lennar Greer Ranch and not TEAM or Greer Ranch HOA. Two possibilities here:

- a. The mitigation areas never received sign-off and in that case, it is possible that TEAM RCD has no current responsibility for site maintenance or monitoring of these uplifted areas until that happens, which is typically how easements work in situations where there is active habitat work followed by long-term maintenance and monitoring.
 - i. **Action Item:** Mandy is researching this via:
 1. Questions to regulatory agencies including US Fish and Wildlife Service and US Army Corps of Engineers on whether or not approvals were ever issued for created habitat areas
 2. Question to BBK Legal on whether or not TEAM has an active responsibility to monitor the property in the absence of sign-off of created areas.
 - b. The five-year uplift may have received approvals and if so, proof of those approvals should be in the files of USACE and USFWS. IERCD will secure those and provide them to TEAM for files.
2. Long-Term Maintenance and Monitoring, which involves cooperation between Grantor and Grantee to complete work required to maintain the property at or above the condition at the time of easement recordation, in this case May of 2009. The attached presentation is clear on what each party MUST do and what each party has the RIGHT to do.

Essentially, the real questions and issues here are between Lennar Greer Ranch LLC; Greer Ranch HOA; and possibly the City of Murrieta, with the biggest question being the ownership of underlying fee title of the easement parcels. In the meeting, it appeared these were owned by Lennar but in reviewing the attached full easement document, it appears at least one of the parcels was transferred to the City in 2015. This will be determined by review of a current title report, then information reported back to the project parties so they can take next steps. No matter the outcome of Grantor role, TEAM RCD’s role remains unchanged, just continuing to serve in a Grantee role where the focus is on regular site visits and non-quantified removals of invasive species and trash. TEAM RCD is absolutely in full compliance in their role and they will remain the Grantor even if the ownership of underlying fee title changes.

Next Steps:

- IERCD will continue quarterly monitoring of the property while details are being figured out
- TEAM is being asked to submit a letter to Greer Ranch HOA noting their role as Grantee of the CE, and using easement language to underscore that role. Greer Ranch HOA is planning to provide this letter to Lennar Homes in an effort to help further define levels of responsibility of possible Grantors on site.