



**CRHV COMMUNITY FORUM**  
**NEW BUSINESS**  
**Carson Creek Preserve Plan**  
**Carson Crossing Road Future Plans**

**Concerned Residents of EDH Heritage Village**

A nonprofit public benefit corporation

# Carson Creek Preserve Plan Overview

## BACKGROUND

CRHV asked Lennar to exercise its responsibility as the Preserve Manager to remove the lights and take other measures. Lennar declined.

Carson Creek Preserve Plan (“Plan”) reveals new information:

- Disclosure of Endangered Species
- Owners and Manager Specifications

Carson Creek Preserve Plan includes 128-acre wetlands, open space, waterways and public trail system

The “Plan” exposes many irregularities and non-disclosure issues

CRHV has requested a meeting with key parties in order to clarify concerns and issues. Lennar resists such a meeting.

THIS IS WHAT WE UNDERSTAND BASED ON INFORMATION & BELIEF ...

# ABOUT THE “PLAN”

- Draft *Long-Term Carson Creek Preserve Plan* is a contract between U.S. Corp of Engineers, California Fish & Wildlife, Heritage HOA and Golden State Land Conservancy
- The Plan has not been signed or approved yet. Lennar is pushing to commit our HOA.
- The Plan locks the HOA into the agreement forever
- The 313 page Plan, written by HELIX Environmental on behalf of Lennar, details:
  - Lennar is the current Preserve owner & manager. GSLC & HOA will become the manager and owner
  - A \$1,206,401 non-wasting endowment to be established covering costs of the Preserve Manager
  - All other costs and liabilities are the responsibility of the HOA as Preserve Owner.
  - There are NO LIMITS on the potential financial impacts on HOA member homeowners.
  - HERITAGE HOA is responsible for Preserve costs benefitting the new Lennar development

***QUESTION: Should the current HOA Lennar Board members commit homeowners to this long-term agreement ... OR defer the decision to the residents controlled HOA Board?***

## ISSUE #1: Heritage Park Omitted

- The plan details every structure including homes, trails, fences, commercial buildings, culverts, roadways, etc.
- The plan identifies easements and agreements
- The plan even identifies the non-existent 30-acre regional park south of Heritage
- Relies on a 25 year old environmental impact report to justify construction

### *HOWEVER, CONSIDER WHAT THE PLAN DOES NOT ADDRESS*

- Fails to mention Heritage Village Park ... as if it is invisible
- Neglects to mention excess lighting (including 50-foot stadium lights, acres of impervious surfaces, noise producing amenities)
- Ignores the Parkland Dedication Agreement that creates an easement
- Does not acknowledge the impact of Park on the Preserve and its inhabitants

***SHOULD A PLAN BE ALLOWED TO STAND THAT OBVIOUSLY OMITTS THE SIGNIFICANT EXISTENCE OF THIS PUBLIC PARK?***

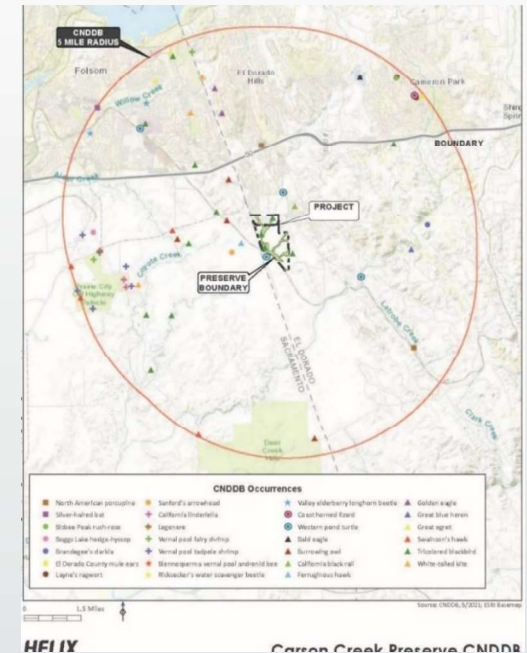
## ISSUE #2: Environment Impacts & Reports

- HELIX Environmental observed existence of endangered and species of special interest within the Preserve. *This is previously unreported substantive information.*

### **HOWEVER, CONSIDER WHAT THE PLAN DOES NOT ADDRESS**

- Fails to seek a new environmental impact review
- California Environmental Quality Act states “a new CEQA EIR is required when new information of substantial importance, which was not known.”
- Previous EIR is over 25 years old that found no species of special interest or endangered
- Do these new findings trigger a new Environmental Impact Review?

***Could a new EIR force the removal of the lights & result in other mitigation?***



HELIX Canyon Creek Preserve CNDR HELIX maps species within 5 miles of the Preserve

The following special-status wildlife species have a *high* potential to occur within the Preserve: western pond turtle (*Actinemys marmorata*), burrowing owl (*Athene cunicularia*), tricolored blackbird (*Agelaius tricolor*), and white-tailed kite (*Elanus leucurus*). California Fish and Wildlife has observed within the Preserve including: northern mockingbird (*Mimus polyglottos*), mourning dove (*Zenaidura macroura*), turkey vulture (*Cathartes aura*), cliff swallow (*Petrochelidon pyrrhonota*), northern harrier (*Circus cyaneus*), red-winged blackbird (*Agelaius phoeniceus*), and western scrub-jay (*Aphelocoma californica*). A variety of other migratory bird species may also utilize the Preserve for nesting or foraging.



# Plan Omission Overlooks Heritage Park Impacts

## What are the threats to this ecological treasure?

- The excessive lights may impact the feeding and flight patterns of endangered species like the burrowing owl, tricolored blackbird, and the white tail kite that are present in the Preserve. Migrating birds like the golden eagle cliff swallow, and red-winged blackbird may be impacted by the lights, tall chain-link court fences, noise, etc.
- Excessive run-off negative may impact the western pond turtle and barriers restrict the common beaver and other wildlife.
- 37 species are listed as endangered or special concern near the Heritage Village Park



CRHV will engage additional expert opinion on impacts

## ISSUE #3: Preserve Ownership & Management Reality

According to the Carson Creek Preserve Plan

- ✓ Lennar is the current owner and manager of the Carson Creek Preserve
- ✓ Golden State Land Conservancy is designated the Preserve Manager into perpetuity
- ✓ Master Homeowner Association (HOA) is to become the Preserve Owner "in the future"

### ***HOWEVER, CONSIDER WHAT THE PLAN DOES NOT ADDRESS***

- ✓ Heritage Covenants, Conditions and Restrictions (CC&R) of 11/25/2015: "the Master Association to manage, maintain and preserve said Preserve" Further, The Master Association shall have the sole and exclusive right and duty to manage, operate, control, repair, replace, or restore."
- ✓ Heritage homeowner closing documents state: "Preserve is owned and maintained by the Master Association and its use is controlled by an Open Space Management Plan"

**Who REALLY owns and manages the Preserve ???**

## ISSUE #4: HOA Liabilities

- Lennar publicly stated that the HOA has no adverse liabilities or costs as the Preserve owner

### ***HOWEVER, CONSIDER WHAT LENNAR DOES NOT ADDRESS***

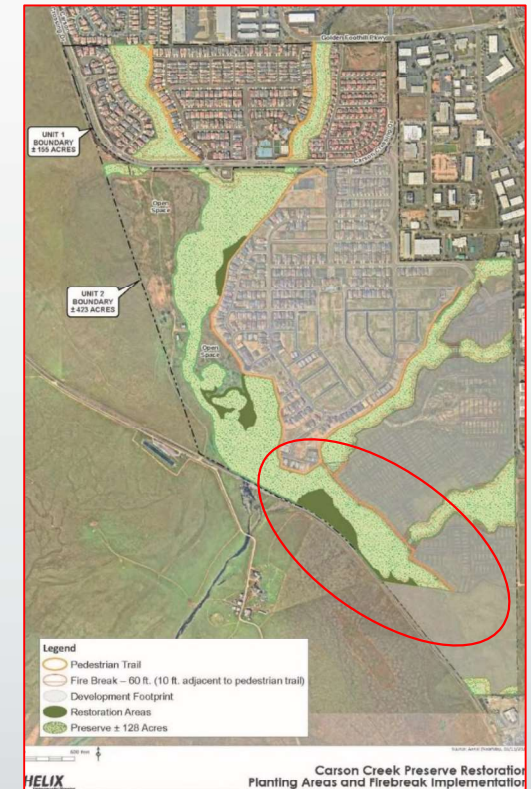
- “The Preserve Owner will be responsible for ongoing maintenance of any structures or other improvements within the Preserve, as well as other management activities”
- “The Preserve Owner ... will assume responsibility for culvert maintenance.”
- “Any remediation necessary as a result of activities implemented by the Preserve Owner or other entity with maintenance responsibilities within the Preserve (County, El Dorado Irrigation District, etc.) and/or habitat restoration projects will be funded by the Preserve Owner”
- “The Preserve Owner’s responsibilities and duties shall include, *but not be limited to*:
  - ✓ Maintenance of Fencing, Signage, and Gates;
  - ✓ Maintenance of Pedestrian Trails;
  - ✓ Establishing and Maintaining Fire Breaks;
  - ✓ Constructed Slope Maintenance;
  - ✓ Upland Erosion Control.”

***WHY SHOULD THE HOA MEMBERS BEAR THE RESPONSIBILITIES,  
COSTS, & LIABILITIES WITHOUT LIMITS?***



# HOA COST EXAMPLES: Trails, Fencing, Catastrophic Events

- HOA is responsible for maintenance, repair and replacement of multi-use public trails  
NOTE: This maps shows the extension of the trail south along the eastern side of the new Heritage II development
- HOA is responsible for the maintenance, repair and replacement of 39,556 feet (7.6 miles) of barbed wire, wood/cable, tubular, and other fences around perimeter
- HOA is responsible for bank erosion, damage, restoration, drainage, etc.
- HOA is responsible for the costs resulting from catastrophic events
- HOA is responsible for compliance with the fire management agreement
- HOA is subject to "*force majeure*"



**WHY ARE SUCH POSSIBLE COSTS NOT FULLY DOCUMENTED AND DISCLOSED?**

# ISSUE #5: Comprehensive Preserve Management

- The Plan references the responsibilities of the Preserve Manager to inspect and oversee
- Lennar has represented that all management tasks will not impact the HOA
- A Lennar funded endowment will be established to cover the cost of the Preserve Manager

## ***HOWEVER, CONSIDER WHAT IS NOT ADDRESSED ...***

- The HOA must still perform tasks including those of restoration, repair & replacement as directed by the Preserve Manager
- HOA bears all the related costs without limit

### Preserve Manager Rights impacting the Preserve Owner (HOA per Conservancy Easement):

- Direct the Preserve Owner to perform repairs, replacement and other mitigation at the HOA expense
- Determine violations at its sole discretion and enforce compliance of the Preserve owner
- Order structural improvements and restoration at its sole discretion
- Determine restoration requirements at its sole discretion
- Executive other rights as outlined in the Conservancy Easement
- Rights are granted to the Preserve manager by USACE into perpetuity

***PRESERVE MANAGEMENT COSTS PAID FROM FUNDED ENDOWMENT  
HOA (meaning homeowners) COST ARE NOT COVERED***

## ISSUE #6: Implications of Government Mandates

- The Plan confirms that the Preserve includes Federal wetlands and waterways governed by the U.S. Corp of Engineers
- California Department of Fish & Wildlife is the primary State level overseer of the Preserve
- Central Valley Water Quality Control Board issues permits based on periodic reviews of state waters
- Briefly references are made to the role of local governments including El Dorado County and EID.

### ***HOWEVER, CONSIDER WHAT IS NOT ADDRESSED ...***

- As Federally designated lands, the HOA as Preserve owner could be subject to other agencies including EPA, BLM, and US Fish & Wildlife ... any one of them could impose requirements
- The Plan fails to mention the administrative impacts of the California Endangered Species Act
- El Dorado County, EIR and other local government entities have sweeping powers that can be imposed on the HOA as the Preserve owner
- Central Valley Water Quality Control Board permits expire in April 2022
- Only the US Corp of Engineers and CA Fish and Wildlife are approving the Plan, yet other governmental bodies of interest are not parties to the agreement

***Why are potential governmental mandates not adequately disclosed?***

# ISSUE #7: New Lennar Development Disclosure

- Plan briefly mentions the new Heritage 409 home development but fails to reveal the costs carried by our Heritage HOA

## CONSIDER HOW WE BEAR ADDITIONAL COSTS?

- The new Lennar development is surrounded on three sides by the Carson Creek Preserve
- Our Heritage Village is solely responsible as the Preserve owner for the repairs, maintenance, restoration, and replacement of the wetlands, open space, fencing, etc.
- Lennar received approval by a vote of 3 to 2. It allows the new development to be built without Preserve obligations. In essence, the vote affirms that the burden is to be carried by pur Heritage Village residents.

***Is this action proper, ethical or legal ???***



Heritage residents asked the Board of Supervisors for an extension of 30 days to discover more information. The Board refused our request, by 3-2 vote and Lennar won.

## OTHER ISSUES EXIST & NEED RESOLUTION

Many other issues exist, such as ...

- Property description, size and maps differ
- Management endowments estimates increased by \$830K to \$1,251K in just five years
- Costs and budgets projections lack substantiation
- Not all parties of interest are included in the agreement
- Trail system specification are inconsistent with existing trails
- Wildfire liabilities are not identified

Additional discrepancies emerge when the Plan is combined with Lennar representation, CC&R, closing documents, and other information

***HOW CAN THIS PLAN BE ENFORCED UNTIL ALL FACTORS ARE FULLY DISCLOSED WITH AGREEMENT OF IMPACTED PARTIES?***

# NEXT STEPS

**SEEK THE TRUTH AND FULL DISCLOSURE  
DEMAND DISCREPANCIES BE CORRECTED  
OPPOSE THE LENNAR EXECUTION OF THE PLAN  
FULLY ENGAGE ALL REGULATORY AUTHORITIES  
UNDERTAKE OTHER ACTIONS AS NECESSARY**

