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REEL 3104 PAGE

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TYPE: NON-COASTAL SUBDIVISION

Recording Requested by and
When Recorded, Mail To:Monterey County Planning and
Building Inspection Department
Post Office Box 1208
Salinas, CA 93906

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ATTORNEY

MAY 11 9 52 AM '94

OFFICE OF RECORDER
COUNTY OF MONTEREY
SALINAS, CALIFORNIA

Space above for Recorder's Use

Permit No. PC-93142
Applicant Name Cañada Woods Trust
Project Planner Ann Towner

INDEMNIFICATION AGREEMENT

THIS AGREEMENT, made and entered into by and between the County of Monterey, a political subdivision of the State of California, hereinafter called "County" and Cañada Woods Trust, hereinafter called Owner(s),

WITNESSETH:

WHEREAS, Owner(s) is/are the record owner(s) of the real property described in Exhibit "A" attached hereto and made a part hereof, hereinafter referred to as the subject property; and

WHEREAS, the subject property is located within the Carmel Valley Master Plan ("Plan") area; and

WHEREAS, pursuant to the Plan and other applicable Monterey County regulations, Owner(s) applied to Monterey County for a Combined Development Permit for the development of the subject property; and

WHEREAS, Combined Development Permit No. PC-93142 was granted on March 15, 1994, by the Board of Supervisors pursuant to the

fees does not necessarily provide for road improvements.

- 39.3.3 (Fire hydrant marking): Road improvement plans and other plans for development are subject to review and approval by the Mid-Valley Fire District to ensure compliance with applicable policies.
- 40.2.1.1 (100' setback from Carmel Valley Road): Compliance will occur at the building permit stage. No development is shown within the setback on the plans submitted for this Combined Development Permit.
- 40.2.1.2 (Provision for public vista areas): Public riding and hiking trails are required (see condition no. 93). These trails provide opportunities for public vistas.
- 40.2.1.3 (Block views from Carmel Valley Road): Views from Carmel Valley Road to the north will not be significantly effected (see p. 78 of the EIR). On p. 78 of the EIR it is also stated that the proposed commercial development would not disrupt or degrade the visual qualities of the critical viewshed.
- 40.2.1.4 (Improvements to Carmel Valley Road require undergrounding of utilities): All utility lines shall be underground per the County's Subdivision Ordinance. This requirement is incorporated as condition of approval no. 98.
- 41.1.2.1 Provision for bus stops at Carmel Valley Road): Yes, compliance is stated in the EIR on p. 138. Condition of approval no. 114 requires bicycle storage in proximity to the bus stop.
- 51.2.8 (County service area for recreation area maintenance): This policy is not directly applicable since it is a County directive. However, public trails required by condition of approval will be open to the public only when administered by a public entity.
- 51.2.11 (Nearby access to riding and hiking trails and parks): Riding and hiking trails are required (see condition no. 93 and p. 87 of EIR for discussion). Garland Park Regional Park is approximately 3 miles from the site.
- 51.2.13 (Equestrian recreational activities): Riding and hiking trails are required (see condition no. 93 and p. 87 of EIR for discussion).

The upper portion of the property lies within subarea 31.

The project includes the proposal to take all of the sewage generated from the upper residential lots in subarea 31 and dispose of the sewage in subarea 32, and create additional commercial lots within subarea 32. This would allow excess sewage to be disposed of in subarea 32 that would otherwise be permitted. According to the EIR (see p. 117) due to the level of planned sewage treatment, the project would result in a lower nitrate-nitrogen loading than currently exists or is allowed under the Carmel Valley Wastewater Study.

The basis of allowing transfer of effluent capacity between subbasins is documentation provided by Montgomery Engineers. Montgomery Engineers has stated that when calculating the maximum number of units in a subarea, development credits can be exchanged between subareas that are hydrologically connected to each other. Subareas 31 and 32 are hydrologically connected (31 lies immediately upslope of 32). These types of transfers do not allow a potential increase in the overall number of units to be built in Carmel Valley.

34. Finding: The proposed 58-lot Canada Woods subdivision will increase the need for utilization of access to public natural resources such as existing or proposed public trails adjacent to the subdivision as well as the recreational opportunities on the Carmel River.

Evidence: Under Monterey County Code Title 19, Subdivision Ordinance, Chapter XII, Section 19.12.010, Recreation Requirements, as a condition of approval for a tentative map, the 58 lots comprising the residential component of the proposed Canada Woods subdivision will generate 177 new residents.

35. Finding: A) Dedication of a public recreational trail through the Canada Woods Subdivision responds to the public need identified in the above finding.
B) Dedication of a public recreational trail through the proposed 58-lot Canada Woods subdivision is necessary and convenient to insure conformity to or implementation of policies contained in the Monterey County General Plan and the Carmel Valley Master Plan.

Evidence: The design and location of new development shall consider and incorporate provisions for appropriate transportation modes (Policy 37.5.1 - MCGP)

Evidence: Pedestrian and bicycle paths shall be separated from major roads and highways, where appropriate, and also shall be provided between adjacent commu-

- nities, where appropriate (Policy 39.2.6 - M.C.G.P.)
- Evidence: To provide for a safe convenient bicycle transportation system integrated with other transportation modes. (Goal 45 - M.C.G.P.)
- Evidence: To provide recreational opportunities, preserve natural scenic resources and significant wildlife habitats, and significant historic resources by establishing a comprehensive county regional parks and trails system. (Goal 51 - M.C.G.P.)
- Evidence: All valley residents should have nearby access to hiking and riding trails and small neighborhood open areas or parks. (Policy 51.2.11 - C.V.M.P)
- Evidence: Equestrian-oriented recreational activities shall be encouraged when consistent with the rural character of the valley. (Policy 51.2.13 - C.V.M.P.)
36. Finding: The requirement of a public recreational trail as proposed in the conditions of approval is consistent with sound design and improvement standards for the proposed Canada Woods subdivision.
- Evidence: The Monterey County Parks Department has examined for consistency of the proposed subdivision with the goals, objectives, and policies of the Greater Monterey Peninsula Trails Plan, the draft Carmel Valley Trails Plan, and the 1971 Recreational Trails Plan. Upon such examination, the Parks Department found the proposed Canada Woods subdivision consistent with the applicable policies of these trail plans and that the requirement for trail access will not create a significant adverse environmental impact on the proposed subdivision.
37. Finding: There is a need to develop riding and hiking trails and bicycle routes in a manner consistent with the Carmel Valley Master Plan.
- Evidence: The developer is committed to work with the Carmel Valley Trails Committee and the Transportation Agency of Monterey County to design and develop the trails as shown on the tentative mmap.
38. Finding: The project has received environmental analysis prior to consideration of the vesting tentative map as required by County Code Section 19.03.025B(2).
- Evidence: The subdivision file for SB-886 shows that the final EIR #91-001 was submitted to all required hearing bodies at the Preliminary Project Review Map stage including: the Carmel Valley Citizens Subdivision Evaluation Committee, the Standard Subdivision Committee, the Planning Commission and the Board of Supervisors. The final EIR was also submitted to the Standard Subdivision Committee, the Planning Commission and the Board of Supervi-