

Exhibit F  
Notice of Appeal (2/9/11)  
PLN070366 - Wayland

Wayland Minor Subdivision Appeal  
(PLN110079)

Merrill Minor Subdivision Appeal  
(PLN110078)

Board of Supervisors  
January 10, 2012

PLN110079

# NOTICE OF APPEAL (BOS)



Monterey County Code  
Title 19 (Subdivisions)  
Title 20 (Zoning)  
Title 21 (Zoning)

RECEIVED  
MONTEREY COUNTY  
2011 FEB 19 AM 10:47  
CLERK OF THE BOARD  
PH DEPUTY

No appeal will be accepted until a written decision is given. If you wish to file an appeal, you must do so on or before FEB 10 2011 (10 days after written notice of the decision has been mailed to the applicant). Date of decision JAN 26 2011.

1. Please give the following information:
  - a) Your name Warren Wayland
  - b) Address Post Office Box 1879 City Salinas Zip 93902
  - c) Phone Number 831-759-6306
  
2. Indicate your interest in the decision by checking the appropriate box:
  - Applicant \_\_\_\_\_
  - Neighbor \_\_\_\_\_
  - Other (please state) \_\_\_\_\_
  
3. If you are not the applicant, please give the applicant's name: \_\_\_\_\_
  
4. Indicate the file number of the application that is the subject of the appeal and the decision making body.
  
5.
 

	File Number	Type of Application	Area
a) Planning Commission:	<u>PLN 070366</u>	<u>Minor Subdivision</u>	<u>CMPA</u>
b) Zoning Administrator:	_____		
c) Subdivision Committee:	_____		
d) Administrative Permit:	_____		

Attachment "A"

7. Reasons forming basis for appeal.

- a) Lack of fair and impartial hearing.
  - i) Application of 2010 General Plan policies to subdivision map application filed in 2007 and found complete in 2008.
  - ii) Departure from adopted standard (MCL) for the presence of arsenic in water.
  - iii) Departure from adopted standard for septic percolation tests.
  - iv) Disregard of LUAC recommendation for project approval.
  
- b) Findings and decision not supported by the evidence.
  - i) Numerous citations of "evidence" are actually conclusory findings not supported by evidence (e.g. Finding #2, [c], [e], [f] and [g]).
  - ii) The evidence cited in support of Finding #2 is the 2010 General Plan which is inapplicable to this application.
  - iii) Finding #2 (1) and (2) the proposed project is not consistent with applicable general plan is not supported by substantial evidence (see section 7(a)(i) above).
  - iv) Finding #2 (3) and (4) that site is not suited for the type and density of development proposed is not supported by substantial evidence in the record.
  - v) Finding #2 (5) that the design of the project is likely to cause substantial environmental damage and substantially and avoidably injure fish or wildlife or their habitat is not supported by substantial evidence.
  - vi) Citations to the 2010 General Plan are not substantial evidence to support Finding #2 (see section 7(a)(i) above).
  
- c) The decision was contrary to law.
  - i) Application of 2010 General Plan policies to subdivision map application filed in 2007 and found complete in 2008 is contrary to Government Code §66474.2.

- ii) Departure from adopted standard (MCL) for the presence of arsenic in water is arbitrary and capricious.
- iii) Departure from adopted standard for septic percolation tests is arbitrary and capricious.
- iv) Citing as evidence conclusory statements not supported by evidence (e.g. Finding #2, [c], [e], [f] and [g]) is contrary to law.

**8. Disagreement with findings.**

- a) Numerous citations of "evidence" are actually conclusory findings not supported by evidence (e.g. Finding #2, [c], [e], [f] and [g]).
- b) The evidence cited in support of Finding #2 is the 2010 General Plan which is inapplicable to this application.
- c) Finding #2 (1) and (2) the proposed project is not consistent with applicable general plan is not supported by substantial evidence (see section 7(a)(i) above).
- d) Finding #2 (3) and (4) that site is not suited for the type and density of development proposed is not supported by substantial evidence in the record.
- e) Finding #2 (5) that the design of the project is likely to cause substantial environmental damage and substantially and avoidably injure fish or wildlife or their habitat is not supported by substantial evidence.

APN 173-062-009-000  
(OWNERS)  
WAYLAND WARREN TR ET AL  
PO BOX 1879  
SALINAS CA 93902

(AGENT)  
MAUREEN WRUCK PLANNING  
CONSULTANTS  
C/O JOEL PANZER  
21 W. ALISAL STREET, STE. 111  
SALINAS, CA 93901

(INTERESTED PARTY)  
TINKER STOLICHI  
1014 MONTEREY-SALINAS HWY  
MONTEREY, CA 93908

APN 173-061-003-000, 173-072-040-000,  
173-075-029-000  
PASADERA COUNTRY CLUB LLC  
100 PASADERA DR  
MONTEREY CA 93940

APN 173-011-011-000  
STOLICH WHITNEY L TR  
1014 MONTEREY-SALINAS HWY  
SALINAS CA 93908-8822

APN 173-011-008-000, 173-011-009-000,  
173-011-012-000, & 173-011-027-000  
MONTEREY COUNTY SPCA INC  
PO BOX 3058  
MONTEREY CA 93942

APN 173-061-003-000  
PARKS FOUNDATION OF MTY COUNTY  
% PASADERA COUNTRY CLUB  
100 PASADERA DR  
MONTEREY CA 93940

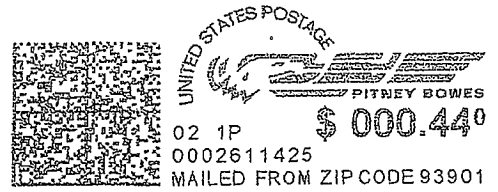
SYNDER NANCY M TR  
34 EL PASEO PLACE  
SALINAS CA 93901

APN 173-062-007-000 & 173-011-008-000  
MERRILL THOMAS TR ET AL  
14320 RESERVATION RD  
SALINAS CA 93908

APN 173-062-003-000 & 173-062-004-000  
WAYLAND F WARREN & MARJORIE  
H WAYLANDS TRS  
900 MTY - HWY  
SALINAS CA 93908

070366

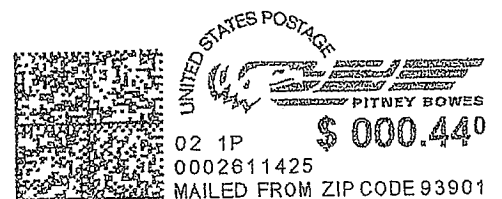
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(OWNERS)  
WAYLAND WARREN TR ET AL  
PO BOX 1879  
SALINAS CA 93902

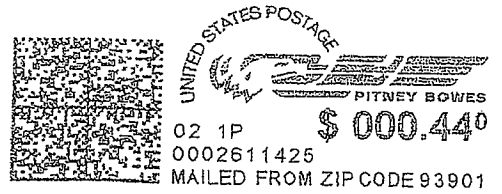


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173-075-029-000  
PASADERA COUNTRY CLUB LLC  
100 PASADERA DR  
MONTEREY CA 93940

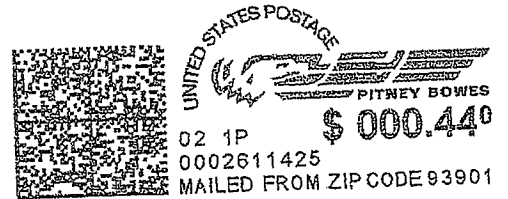


APN 173-061-003-000  
PARKS FOUNDATION OF MTY COUNTY  
PASADERA COUNTY CLUB

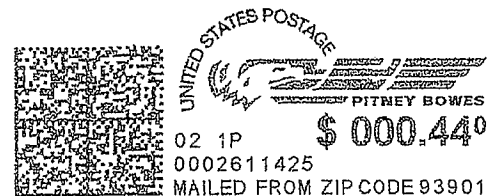




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WAYLAND F WARREN & MARJORIE  
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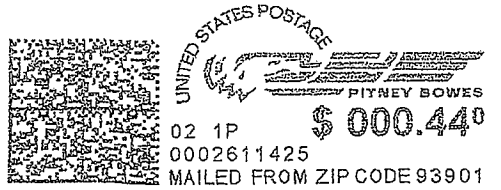


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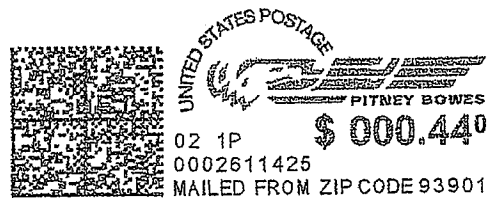


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STOLICH WHITNEY L TR  
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SALINAS CA 93908-8822

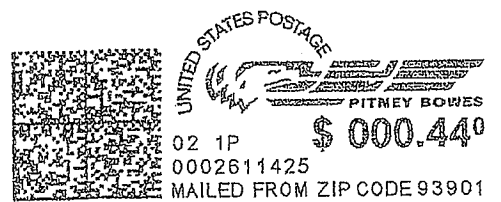
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