

Exhibit G  
Notice of Appeal (2/9/11)  
PLN070376 - Merrill

Wayland Minor Subdivision Appeal  
(PLN110079)  
Merrill Minor Subdivision Appeal  
(PLN110078)

Board of Supervisors  
January 10, 2012

PLN110078

# NOTICE OF APPEAL (BOS)<sup>ED</sup>



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

MONTEREY COUNTY

2011 FEB -9 AM 10:49

CLERK OF THE BOARD

DH 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 Susan Merrill
- b) Address 14320 Reservation Road City Salinas Zip 93908
- c) Phone Number \_\_\_\_\_

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.

- |                           | File Number      | Type of Application      | Area        |
|---------------------------|------------------|--------------------------|-------------|
| a) Planning Commission:   | <u>PLN070376</u> | <u>Minor Subdivision</u> | <u>GMPA</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) 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.
  - 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 and contradicts findings to the contrary.
  - 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) Citing as evidence conclusory statements not supported by evidence is contrary to law.

**8. Disagreement with findings.**

- a) Numerous citations of "evidence" are actually conclusory findings not supported by evidence.
- 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 and is contradicted by other findings.
- 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.

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

173-062-003-000 & 173-062-004-000  
WAYLAND F WARREN & MARJORIE H  
WAYLAND TRS AND  
BRAMERS JOHN & JENNIFER  
900 MONTEREY SALINAS HWY  
SALINAS CA 93908

173-011-011-000  
STOLICH WHITNEY L TR &  
TINKER STOLICHI (INTERESTED  
PARTY)  
1014 MONTEREY-SALINAS HWY  
MONTEREY CA 93908

APN 416-193-013-000  
MEADOR J DOUGLAS & LU ANN  
TRS  
9648 POPLAR CT  
CARMEL CA 93923-8031

173-061-003-000  
PARKS FOUNDATION OF MTY  
COUNTY  
C/O PASADERA COUNTY CLUB  
100 PASADERA DR  
MONTEREY CA 93940

173-062-007-000 & 173-062-008-000  
WAYLAND F WARREN ET AL  
& MERRILL THOMAS TR ET AL  
(OWNER)  
14320 RESERVATION RD  
SALINAS CA 93908

APN 416-141-014-000  
PROPERTIES REAL ESTATE 2008-09  
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(AGENT)  
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416-141-003-000  
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