

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

Merrill (PLN110078)
Wayland (PLN110079)

Board of Supervisors
February 7, 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
P.H. 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>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) 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

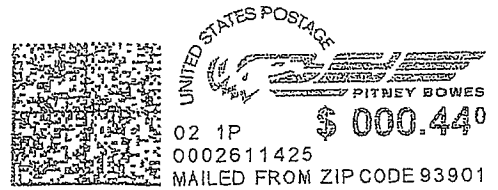
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PARKS FOUNDATION OF MTY COUNTY
% PASADERA COUNTY CLUB
100 PASADERA DR
MONTEREY CA 93940

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
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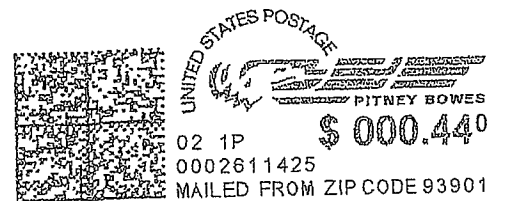
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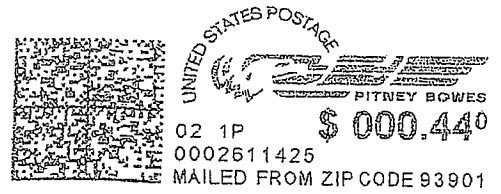
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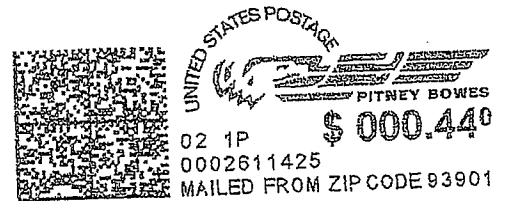
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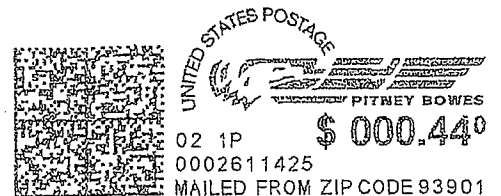
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PARKS FOUNDATION OF MTY COUNTY
PASADERA COUNTY CLUB



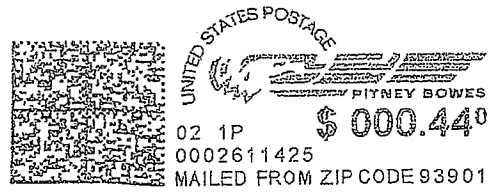
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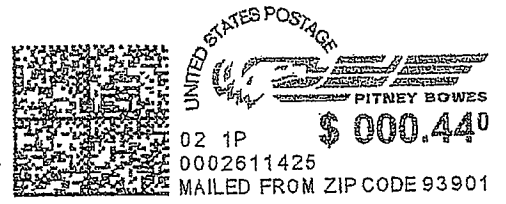
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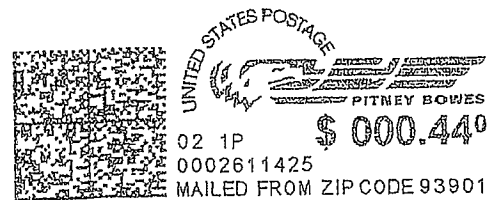
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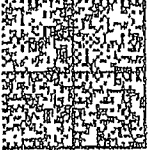
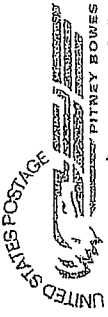
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MONTEREY COUNTY SPCA INC
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MONTEREY CA 93947



PITNEY BOWES
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MAILED FROM ZIP CODE 93901

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