

# Mono County Community Development Department

PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, 924.1801 fax  
[commdev@mono.ca.gov](mailto:commdev@mono.ca.gov)

Planning Division

PO Box 8  
Bridgeport, CA 93517  
760.932.5420, 932.5431 fax

## NOTICE OF DECISION Director Review 18-005 / Like

### Accessory Building Constructed Prior to Main Home on Undeveloped RR parcel

**APPLICANT:** Philip Like

**SUBJECT PROPERTY:** APN 024-110-020, 65 Colby Drive, Benton

**PROPOSAL:** To allow the construction of a 1,200-square foot accessory building prior to the construction of a home on a currently undeveloped lot. The proposed building will serve as storage until the owner constructs a future home.



**Figure 1: Location of project, highlighted in blue.**

Pursuant to the Mono County General Plan, Chapter 31 Director Review Procedures, and based upon the following findings, you are hereby notified that Director Review 18-005 has been:

	Granted as requested
X	Granted subject to the attached Conditions of Approval
	Denied

## **BACKGROUND**

Director Review 18-005 will allow for construction of a 1,200-square foot (30' x 40') accessory building on an undeveloped lot (APN 024-011-020) prior to construction of a home at 65 Colby Drive in Benton. The property has a land use designation of Rural Residential (RR) with a land area of 92,785 square feet. It is the owner's intent to apply for a building permit by 2019 to construct a single-family residence on the lot. The accessory building would be for storage prior to, during, and after future home construction.

The RR land use designation is intended to permit larger-lot single-family dwelling units with ancillary rural uses in areas away from developed communities. Accessory buildings are among the permitted uses in RR, provided they are constructed simultaneously with or subsequent to the main building. A Director Review may permit constructing the accessory building prior to the primary structure, provided there is documented intent to construct the primary structure within a reasonable time frame, the project is minor in nature, and the project is exempt from CEQA (General Plan Land Development Regulations, Chapter 31). In this instance, a primary residence is proposed in the near future, the accessory building will only be used for personal storage and cause minimal disruption, and the project is exempt from CEQA.

## **DIRECTOR REVIEW FINDINGS**

Under Mono County General Plan, Chapters 31.030, the Community Development Department director may issue a Director Review permit after making all the following findings:

- 1. All applicable provisions of the Land Use Designations and Land Development Regulations are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features.*

The subject property is an undeveloped lot with a Rural Residential (RR) designation. The proposed accessory building is a permitted use but requires a Director Review due to its being constructed prior to the primary structure.

The accessory building will meet all land development regulations, including setbacks, and will not prohibit the construction of a compliant single-family residence within the next 24 months.

- 2. The site for the proposed use relates to streets and highways adequate in width and type to carry the quantity and kind of traffic generated by the proposed use.*

The property is adequately accessed by Hwy 120, Clark Ranch Road, and Colby Drive, all of which are public roads. The project will not significantly alter traffic patterns.

- 3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located.*

The proposed use will have impacts similar to existing construction in this developing residential area. There are currently six lots accessed from Clark Ranch Road containing single-family homes and six undeveloped lots, including all three lots on the Colby Drive cul-de-sac.

Visual, auidial, and environmental impacts are not significantly different than any other current development in the area.

4. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan.*

The RR designation is intended to permit larger-lot single-family dwelling units with ancillary rural uses in areas away from developed communities. The accessory building would provide storage and workspace for future home construction on the parcel and is consistent with the RR designation.

The project is also consistent with the goals of the Tri-Valley Area Plan by providing rural residential development and uses that support such development.

**Objective 26.A. Tri-Valley Area Plan:**

*Integrate compatible residential development into the existing community character in Benton.*

5. *The improvements indicated on the development plan are consistent with all adopted standards and policies as set forth in the Land Development Regulations, this General Plan and any applicable area plan.*

As noted, the proposed accessory building constructed on an undeveloped lot is consistent with the Rural Residential land use designation, General Plan and Tri-Valley Area Plan. Additionally, the project is minor in nature, exempt from CEQA, and has a timeline for construction of a primary residence, making it eligible for approval under Director Review.

6. *The project is exempt from the California Environmental Quality Act (CEQA).*

This project qualifies for a Class 3 exemption. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures.

**CONDITIONS OF APPROVAL  
DR 18-005**

DR 18-005 is issued with the following conditions:

1. Project shall comply with Mono County Building Division requirements.
2. The garage will not be used for a Home Occupation (MCGP 04.290) and will only be used for storage as stated in the project description.
3. Owner shall submit an application for a single-family home building permit within 24 months unless this Director Review is modified.
4. Termination. A Director Review shall terminate, and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
  - A. Failure to commence the exercise of such rights, as determined by the Director, within one year from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review.
  - B. Discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.
  - C. No extension is granted as provided in Section 31.080.
6. Extension: If there is a failure to exercise the rights of the Director Review within one year of the date of approval, the applicant may apply for an extension for an additional one year. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary. Conditions of Approval for the Director Review may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also deny the request for extension. Exception to this provision is permitted for those Director Reviews approved concurrently with a tentative parcel or tract map; in those cases, the approval period(s) shall be the same as for the tentative map.
7. Revocation: The Planning Commission may revoke the rights granted by a Director Review, and the property affected thereby shall be subject to all the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the commission shall hold a hearing thereon after giving written notice thereof to the permitted at least 10 days in advance of such hearing. The decision of the commission may be appealed to

the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

This Director Review permit shall become effective 15 days following the issuance of the Director's decision. This decision may be appealed within 15 days by filing a written notice of appeal with the secretary of the Planning Commission. If an appeal is filed, the permit will not be issued until the appeal is considered and the Planning Commission renders a decision.

PREPARED BY: Bentley Regehr, Planning Analyst    DATE OF DECISION: April 12, 2018

SIGNED: \_\_\_\_\_  
Wendy Sugimura, Interim Community Development Director