

# Mono County Community Development Department

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Planning Division

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## Director Review 20-017 Housing Mitigation Ordinance Exemption/GARCIA

**APPLICANT:** Ramon Garcia

**SUBJECT PROPERTY:** 435 Dawson Ranch Road, Hammil Valley (APN 025-200-083)

**PROPOSAL:** Exemption for Housing Mitigation Ordinance (HMO) fees associated with the construction of a single family residence. The residence will not be permitted to allow for short-term rentals, in accordance with the exemption stated in 15.40.060, Paragraph "I".



*Location of subject property (highlighted in blue)*

Pursuant to the Mono County General Plan, Chapter 31 Director Review Procedures, based upon the following findings, you are hereby notified that Director Review 20-009 has been:

- Granted as requested.  
 Granted subject to the attached Conditions of Approval.  
 Denied

## **BACKGROUND**

The subject property is located at 435 Dawson Ranch Road in Hammil Valley (APN 025-200-083) and is designated Rural Residential (RR). New single family residences are subject to HMO fees, in accordance with Mono County Code (MCC) Chapter 15.040. HMO fees may be waived if found to be compatible with any of the exemptions in MCC Chapter 15.040.060.

The applicant is applying for an exemption under 15.040.060, Paragraph I:

*Single-Family Residential (SFR) Units prohibiting short-term rentals. If a planning permit is necessary to document the condition in this exemption, a Director Review (DR) permit shall be processed, and the permit fee shall be waived. If a planning permit is necessary for any reason other than, or in addition to, those strictly pertaining to this exemption, including pursuant to Chapter 16 of the Mono County General Plan, no fee waiver shall be granted, the applicant shall be subject to all applicable permit processes and fees, and the provisions of this exemption shall be included in the permit conditions along with all other applicable conditions.*

The exemption, as documented by this Director Review permit, would waive the \$10,353.68 HMO fee for the proposed 2,648-square foot residence. Fees are calculated based on a \$3.91 per square foot requirement for single family residences, as set forth by Resolution R19-83.

## **DIRECTOR REVIEW FINDINGS**

Under Mono County General Plan, Land Use Element, Chapter 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 exemption does not change the physical impact of the proposal. The proposal must still be issued a building permit prior to construction and must meet all applicable provisions of the Rural Residential land use designation and Land Development Regulations.

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 accessed by Dawson Ranch Road via Hwy 6. This project will not alter traffic capacity or patterns. Single family residences are a permitted use under the RR land use designation.

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.*

Single family residences are a permitted use under the RR land use designation. The HMO exemption does not expand the use and will not create any additional impacts that could be detrimental to public welfare. The prohibition of short-term rentals for the proposed residence under MCC 15.040.060 will ensure that the property is used for long-term housing only.

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

The proposal is consistent with the intent of the RR land use designation and Tri-Valley area plan policies.

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.*

The project is eligible for an HMO fee exemption under MCC 15.040.60, Paragraph I.

The proposal is required to receive a building permit prior to construction. Approval of a building permit is contingent upon consistency with adopted standards and policies as set forth in the Land Development Regulations, this General Plan, and any applicable area plan.

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

The proposal is exempt from CEQA, as an exemption from HMO fees will not cause any alterations to the property or future residence.

## **CONDITIONS OF APPROVAL**

DR 20-017 is issued with the following conditions:

1. The project shall comply with Mono County Building Division requirements, including all required permits for the construction of a single family residence.
2. The residence is prohibited from being used as a short-term rental (rentals of fewer than 30 days), pursuant to MCC 15.040.060, Paragraph I.
3. 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. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in compliance with the terms of the Director Review.
  - B. There is 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.
4. Extension: If there is a failure to exercise the rights of the Director Review within two years 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.

5. 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 permittee 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 10 days following the issuance of the Director's decision. This decision may be appealed within 10 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: \_\_\_\_\_

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