

WHAT IS A CONDITIONAL USE PERMIT (CUP)?

Certain uses of land or types of businesses specified in the Madera County Zoning Ordinance require a conditional use permit application. Approval of a conditional use permit requires the submittal of an application form, site plan, operational statement, Findings of Fact, and payment of filing fees. (Forms and fee chart are available online)

The conditional use permit application requires a public hearing before the Madera County Planning Commission, and all surrounding property owners within 300 feet of the site of the proposed use are notified of the public hearing by mail. Once a conditional use permit is approved, the conditional use permit provides that certain conditions be satisfied before building permits can be issued or the use otherwise commences. Conditional use permits are normally permanent approvals and may be transferred automatically to future property owners of the site.

WHAT ARE THE SUBMITTAL REQUIREMENTS FOR A CUP?

Applications for a conditional use permit may be obtained online, at the Planning Department counter or mailed upon request. The application form requires the signature of the property owner and the Assessor's Parcel Number (APN) for the property. A site plan, drawn to scale, is also required to process the application. The site plan should show all existing and proposed structures.

The California Environmental Quality Act (CEQA) requires that an environmental study be prepared for some types of projects for which a conditional use permit is needed. The environmental evaluation review can result in a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report. Technical reports, such as biological reports, traffic studies, archaeological reports, and groundwater reports, may also be required when an environmental study is performed.

WHAT IS THE PROCESS A CUP GOES THROUGH?

After a conditional use permit application has been accepted as complete, the application will be set for a public hearing, except in cases where an environmental evaluation is required, in which case the Environmental Committee will review the project and an environmental evaluation will be prepared before a public hearing date is set. Under normal circumstances, the Madera County Planning Commission will be the decision-making body to act on the conditional use permit application. This Commission meets the first Tuesday (excluding holidays) of every month and begins its meetings at 6:00 p.m.

After the hearing date for consideration of the conditional use permit application has been selected, a "staff report" will be prepared. The staff report contains information on the proposed use, an analysis of the proposed use in relation to surrounding properties, and a staff recommendation to the decision-making body. Recommended conditions of approval are included as part of the staff report. Copies of the staff report are normally available four (4) to five (5) working days before the scheduled public hearing. Applicants are strongly encouraged to carefully read the recommended conditions attached to the staff report and to contact the staff planner with any questions or concerns prior to the date of the public hearing.

HOW LONG DOES IT TAKE TO PROCESS A CUP?

In most cases where an environmental evaluation may be needed, the Environmental Committee composed of various county agencies will perform the review of the application at an informal meeting (Environmental Committee). Affected applicants will be contacted in advance of the committee meeting and invited to participate in the review of the application at the meeting. In cases where a Negative Declaration is required, processing time will be approximately two (2) to three (3) months after a complete application is filed.

Where an Environmental Impact Report is required, applicants should allow ten (10) to twelve (12) months to process the application.

AFTER THE CUP IS APPROVED, WHAT NEXT?

After a decision is made on the conditional use permit application, there is a fifteen (15) day appeal period during which the applicant, or any other affected party, may appeal the decision to the Board of Supervisors. During this appeal period, no permits can be issued related to the approved use.

An approved conditional use permit does not include approval of grading or building permits that may also be needed for the proposed development.

Before permits can be obtained, the applicant will have to demonstrate that any conditions of approval which must be satisfied prior to the issuance of permits have been satisfied. Staff is available to answer any questions you may have regarding the conditional use permit process. Please telephone (559) 675-7821 if the Department can be of assistance.