



CONDITIONAL USE PERMIT

An Informational Guide

DEPARTMENT OF PUBLIC WORKS AND PLANNING

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WHAT IS A CONDITIONAL USE PERMIT (CUP)?

The Fresno County Zoning Ordinance requires a Conditional Use Permit (CUP) for certain uses of land or types of businesses which are not allowed as a matter of right in a particular Zone District.

Approval of a CUP requires a public hearing before the Planning Commission. Certain types of uses also require a hearing before the Board of Supervisors. Notice of the hearing is mailed to all surrounding property owners within 300 feet of the project site.

WHAT ARE THE SUBMITTAL REQUIREMENTS FOR A CUP?

Prior to submitting a CUP Application, the applicant must obtain a Conference Checklist (Pre-Application Review) which is prepared by the Permit Assistance and Zoning Counter. This Checklist allows County staff to identify information specific to the property which may affect submittal and processing of the Application.

The application package for a CUP includes the following:

- CUP Application form and Filing Fees;
- Initial Study (IS) Application form and Filing Fees (please review separate handout entitled Environmental Review);
- A current ownership deed with an accurate legal description of a subject parcel;
- Project description/Operational Statement;
- Nine copies of a detailed Site Plan (drawn to scale, showing all existing and proposed structures) plus an electronic copy or 8-1/2"x11" copy of the Site Plan;
- Eight copies of Floor Plans and Elevation drawings;
- Photographs of the subject site (if deemed necessary by the County staff);
- The Pre-Application Review.

Prior to submittal of the application package, the applicant may request a "pre-development meeting" to discuss the proposal with staff from County Departments and other reviewing

agencies.

WHAT IS THE PROCESS A CUP GOES THROUGH?

After the applications for the CUP and IS are determined to be complete and accepted, the applications are routed to County Departments and various other agencies for review. Following the comment period, staff conducts the Initial Study and reviews the CUP to determine if the Findings required to grant a CUP can be made. These Findings are as follows:

1. That the site of the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by the use;
2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
3. That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof;
4. That the proposed use is consistent with the Fresno County General Plan.

After staff completes its analysis of the required Findings and the IS, a notice announcing the hearing date before the Planning Commission is mailed to the property owner, applicant, and surrounding property owners. A Staff Report is then prepared for the Planning Commission. The Report includes a summary of the analysis and a recommendation for approval (with or without Conditions) or denial of the CUP. The Staff Report is made available to the Commission, the applicant, and the public prior to the hearing. The Planning Commission hearing is held in the Board of Supervisors Chambers located on the Third Floor of the Hall of Records, 2281 Tulare Street, Fresno.

APPEAL PROCESS

After a decision is made on the CUP Application, there is a 15-day appeal period during which the applicant or any other affected party may appeal the determination of the Planning Commission to the Board to Supervisors. The Appeal form and Filing Fee must be submitted to the Clerk of the Board of Supervisors within the 15-day appeal period.

HOW LONG DOES THE CUP PROCESS TAKE?

The processing time for CUP Applications varies depending on the complexity of the project. Generally, a CUP Application will require a minimum of 65 days to process. This time period is extended if additional information is required of the applicant during the Initial Study/application review process. The applicant will be notified within 30 days of the application receipt date if additional information or special studies are needed in order to continue processing the application. The processing time will be substantially greater if an Environmental Impact Report (EIR) is required.

AFTER THE CUP IS APPROVED, WHAT NEXT?

The approval of a CUP does not address all requirements that must be met in order for

development to proceed. Other requirements may include a Site Plan Review Application, Grading Permits, Building Permits and associated fees. In addition, fees may be required by other agencies (e.g. school district, flood control district).

County staff is available to answer any questions you may have regarding the Conditional Use Permit process. Please call (559) 600-4497 for assistance.

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