

# Land Use Work Flow

Planning Department  
2024



## Variance

A land use variance is a request to deviate from current zoning requirements when a use is not permitted in a zone. It is the intent that the variance be used only to overcome some exceptional physical condition of land that prevents any reasonable use of the property. A Variance shall be granted only when the applicant demonstrates that the Variance will not be contrary to the public interest, is not self-created, and that practical difficulty and unnecessary hardship will result if it is not granted.

The City offers “Pre-Application” meetings in which you can gain a better understanding of the review process and potential requirements for your project from various City departments before you formally submit your land use application and pay the application fee. Apply for the Pre-Application Meeting on Open Gov (no fee).

[Chapter 17.72 CONDITIONAL USE PERMITS AND VARIANCES \(codepublishing.com\)](#)

### (80-120 Days)

1. (28-day period) Application deemed:
  - ✓ Complete & letter of “Complete Application” will be mailed to applicant (Staff will determine if Application requires SEPA review)
  - ✗ incomplete & letter requesting clarification will be sent in which applicant has 14 days to submit updates before application is closed.
2. (70 days to complete) If applicable, SEPA (State Environmental Policy Act) will need to be applied for. Please see SEPA Application.
3. (10-30 days prior to the date of hearing) Mailed Notice of Public Hearing for the Project with the Hearing Examiner to
  - Applicant
  - All owners of property within 300 feet of the subject property
4. (10-30 days prior to the date of hearing) Publishing notice to the City paper. Public can send in letters to City Hall commenting on the project up to 7 days prior to the Hearing Examiner Public Hearing
5. (60-day period) City staff and Hearing Examiner Set Appropriate Date for Hearing. City staff will deliver staff report to the Hearing Examiner at the Open Record Public Hearing. The Hearing Examiner will listen to report as well as public comments. No decision is made at the time of the hearing.

6. (10 working days following conclusion of all testimony and hearings) Hearing Examiner renders a:

- ✓ Notice of Decision
- ✗ Recommendation for Adjustment

The Hearing Examiner shall make and enter written findings from the record and conclusions, support their decision

7. (7-day period) City staff will send out a mailed notification of Hearing Examiners decision to:

- Applicant
  - Whomever made public comment at hearing with Hearing Examiner/ Parties of Record
8. (14-day period) Appeal period, within 14 calendar days from the date the final decision of the Hearing Examiner is rendered, to the City Council.
- A) Following the 14-Period Applicant is able to start applying for permits.
  - B) (Second and Fourth Monday of each month) The City Council may adopt all, none, or portions of the findings and conclusions from the Hearing Examiner's recommendation. City Council should be prepared to make findings for any suggested changes the Hearing Examiner conditions. Appellants have 21 calendar days from the date of City Council final action to file an appeal with the Yakima Superior Court.

If you disagree with a decision or recommendation, you the opportunity to appeal. Please see SMC: 19.06 for appeal process and procedure.

[Chapter 19.06 CLOSED RECORD DECISIONS AND APPEALS](#)