

2 **SSB 6597** - S AMD - 134

3 By Senators Hargrove, McCaslin and Owen

4 NOT ADOPTED 2/12/96 - ROLL CALL VOTE 21-28

5 On page 2, beginning on line 14 strike everything through "harmed."  
6 on line 30 and insert the following:

7 "(a) A reasonable use exception is intended for use by the  
8 permitting authority in those cases in which the application of  
9 development regulations unreasonably restricts the reasonable use of a  
10 parcel of land and the restriction cannot be remedied by other  
11 authorized techniques or conditions.

12 (b) A reasonable use exception for a specific use of a parcel shall  
13 be granted under the following circumstances:

14 (i) The inability to derive reasonable use is not the result of the  
15 applicant's action; and

16 (ii) The use sought will pose no threat to the public safety and  
17 health; and

18 (c) The relief granted by a reasonable use exception shall be the  
19 minimum necessary to permit the reasonable use of the parcel."

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23 On page 3, beginning on line 18 strike everything through "harmed."  
24 on line 34 and insert the following:

25 "(a) A reasonable use exception is intended for use by the  
26 permitting authority in those cases in which the application of  
27 development regulations unreasonably restricts the reasonable use of a  
28 parcel of land and the restriction cannot be remedied by other  
29 authorized techniques or conditions.

30 (b) A reasonable use exception for a specific use of a parcel shall  
31 be granted under the following circumstances:

32 (i) The inability to derive reasonable use is not the result of the  
33 applicant's action; and



1 (3) A reasonable use exception for a specific use of a parcel shall  
2 be granted under the following circumstances:

3 (a) The inability to derive reasonable use is not the result of the  
4 applicant's action; and

5 (b) The use sought will pose no threat to the public safety and  
6 health; and

7 (4) The relief granted by a reasonable use exception shall be the  
8 minimum necessary to permit the reasonable use of the parcel."

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12 On page 6, beginning on line 11 strike everything through "harmed."  
13 on line 27 and insert the following:

14 "(2) A reasonable use exception is intended for use by the  
15 permitting authority in those cases in which the application of  
16 development regulations unreasonably restricts the reasonable use of a  
17 parcel of land and the restriction cannot be remedied by other  
18 authorized techniques or conditions.

19 (3) A reasonable use exception for a specific use of a parcel shall  
20 be granted under the following circumstances:

21 (a) The inability to derive reasonable use is not the result of the  
22 applicant's action; and

23 (b) The use sought will pose no threat to the public safety and  
24 health; and

25 (4) The relief granted by a reasonable use exception shall be the  
26 minimum necessary to permit the reasonable use of the parcel."

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30 On page 7, beginning on line 9 strike everything through "harmed."  
31 on line 25 and insert the following:

32 "(2) A reasonable use exception is intended for use by the  
33 permitting authority in those cases in which the application of

1 development regulations unreasonably restricts the reasonable use of a  
2 parcel of land and the restriction cannot be remedied by other  
3 authorized techniques or conditions.

4 (3) A reasonable use exception for a specific use of a parcel shall  
5 be granted under the following circumstances:

6 (a) The inability to derive reasonable use is not the result of the  
7 applicant's action; and

8 (b) The use sought will pose no threat to the public safety and  
9 health; and

10 (4) The relief granted by a reasonable use exception shall be the  
11 minimum necessary to permit the reasonable use of the parcel."

--- END ---

EFFECT: This series of amendments changes the conditions under which reasonable use exceptions to development regulations must be granted. Reasonable use exception is required, not permissive, when development regulations unreasonably restrict the use of a parcel of land.