

CHAPTER XX.74 REASONABLE USE EXCEPTION

- xx.74.010 Purpose.**
- xx.74.020 Scope.**
- xx.74.030 Applicability.**
- xx.74.040 Application Requirements.**

xx.74.010 Purpose. The County recognizes that the strict application of this Title may, in some cases, deny all reasonable economic use of private property. In such cases, the applicant may seek a reasonable use exception from the standards of this Title.

xx.74.020 Scope. The standards and regulations of this Title are not ~~intended, and~~ intended and shall not be construed or applied in a manner, to deny all reasonable economic use of private property. If an Applicant demonstrates to the satisfaction of the County that strict application of these standards would deny all reasonable economic use of the property, development may be permitted subject to appropriate conditions.

xx.74.030 Applicability.

- A. A landowner/applicant may apply for a reasonable use exception pursuant to this title if the landowner/applicant has reason to believe that the application of this title denies any fundamental attribute of private property ownership inconsistent with the limitations upon other properties in the zone in which the property is situated.
- B. A landowner/applicant may apply for a reasonable use exception pursuant to these regulations if the landowner/applicant has reason to believe that the application of this Title denies all economically viable use of private property as a whole or creates a severe impact on a landowner's/applicant's economic interest in the property as a whole.
- C. A landowner/applicant, who satisfies one or more of the above criteria, may apply for a reasonable use exception, without first having applied for a variance, only if the requested reasonable use exception includes relief from standards for which a variance cannot be obtained.

xx.74.040 Application Requirements.

- A. The application for a reasonable use exception shall include the following information:
 - 1. A description of site; and a description of the areas of the site which do not conform to the regulatory requirements of the ordinance from which the applicant seeks the reasonable use exception;

2. A description of the proposed development, including a site plan;
 3. An analysis of the modification needed to the standards of the ordinance from which the applicant seeks the reasonable use exception to accommodate the proposed development; and
 4. Such other information as the county determines reasonably necessary to evaluate the issue of reasonable use as it relates to the proposed development including, but not limited to, the information required by the reasonable use exception submittal requirements' checklist.
- B. The County shall make a final decision as to whether the reasonable use exception will be granted based upon the following criteria:
1. Whether the application of this title would prohibit all economically viable or beneficial uses of the property, absent a demonstration by the county that the proposed use(s) are prohibited by the laws of nuisance or other preexisting limits on the property which prohibit such use(s);
 2. Whether there are no other reasonable uses to which the property can be put;
 3. Whether the proposed use poses an unreasonable threat to the harm sought to be avoided by the application this title, or to the public health, safety or welfare on or off the exception site;
 4. Whether the inability of the applicant to derive reasonable use of the property is the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after the effective date of the resolution codified in this Chapter;
 5. Whether the exception to bulk, dimensional and performance standards is the minimum necessary to allow for reasonable use of the property;
 6. Whether the use and activity to which the property is put is consistent with the permitted uses and activities within the zone district; and
 7. Whether such use is consistent with the general purposes of this title and the public interest.