

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF
LEE COUNTY, GEORGIA IMPOSING A MORATORIUM UPON
THE ZONING, REZONING, DEVELOPMENT, PERMITTING AND
CONSTRUCTION OF CERTAIN ANCILLARY HEALTHCARE FACILITIES IN
LEE COUNTY
UNTIL JANUARY 20, 2023 AND FOR OTHER PURPOSES**

WHEREAS, the Georgia Department of Community Health previously approved a Certificate of Need (“CON”) for the construction of a Hospital in Lee County, Georgia by LCMC OPCO, LLC d/b/a Lee County Medical Center (“LCMC”); and

WHEREAS, by a Letter of Determination dated August 5, 2022, the terms of the CON were revised to separate the Hospital Project into two (2) separate phases, with Phase 1, scheduled to end on December 15, 2022, being the phase during which the financing for the construction of the Hospital would be completed, and Phase 2, which is the Hospital construction phase beginning after the financing has been closed; and

WHEREAS, while the actual location of the Hospital in Lee County is already established, the development and construction of a Hospital in Lee County has brought about concerns regarding the appropriate location or locations, from a zoning standpoint, of additional and Ancillary Healthcare Facilities in Lee County that will likely result from the presence of the Hospital, and the governing body of the County needs time to plan and provide for orderly growth and expansion of such ancillary health care opportunities for the citizens of Lee County; and

WHEREAS, such development in Lee County will likely result in increased demands for roads, water connections, sewer connections, other public utilities, off-street parking, traffic control devices, and similar improvements that are consistent with proper and comprehensive planning; and

WHEREAS, Lee County needs sufficient time to review and revise its existing Lee County Land Use Plan and the Lee County Code of Ordinances in order for there to be orderly development and growth of Ancillary Healthcare Facilities within the County; and

WHEREAS, in order to have the time necessary to review and revise the County’s Land Use Plan and Zoning Code relative to such Ancillary Healthcare Facilities, the governing body of the County deems it appropriate to adopt a temporary moratorium on the zoning and rezoning applicable to such ancillary healthcare facilities, and on the development, permitting and construction of such ancillary healthcare facilities for the period of time as established in this moratorium; and

WHEREAS, this temporary moratorium is adopted pursuant to the police powers of the governing body of Lee County for the purpose of protecting the public interest in order to

avoid uncontrolled development of Ancillary Healthcare Facilities within the County, the moratorium is narrowly tailored to meet such purposes, and the moratorium is being established for the shortest reasonably possible duration so that the purposes of the moratorium can be met in a reasonable time period.

NOW THEREFORE, be it resolved by the governing body of Lee County, and it is hereby resolved by authority of the same, as follows:

1. There is hereby imposed on the unincorporated areas of Lee County a temporary moratorium upon the zoning, rezoning development, permitting, and construction of Ancillary Healthcare Facilities as herein defined. Such moratorium shall be in effect within the unincorporated areas of Lee County for the time period established in Paragraph 2 below.

2. This moratorium shall be effective as of the date and time it is adopted by the governing body of Lee County, and shall continue in effect until January 20, 2023, at midnight, unless such time limitation is hereafter amended by the governing body of Lee County.

3. During the moratorium period, the Lee County Planning and Zoning staff and the Lee County Board of Commissioners shall seek to establish and adopt appropriate amendments to the Lee County Comprehensive Land Use Plan and the Lee County Zoning Code of Ordinances to provide for the orderly zoning, rezoning, development, permitting and construction of Ancillary Healthcare Facilities within the unincorporated areas of Lee County.

4. This moratorium shall not be applicable to any Ancillary Healthcare Facilities for which a building permit has been issued by the appropriate Lee County department as of or prior to the date hereof.

5. For the purposes of this Resolution, the following shall be applicable:

(A) The term "Hospital" shall mean an institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of such institution, such related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

(B) The term "Ancillary Healthcare Facilities" shall mean medical doctor offices (not including dental offices, optometry offices, or physical therapy services), free-standing emergency clinics or facilities, free-standing surgical, x-ray, medical imaging, and out-patient medical services.

(C) The term "Lee County Comprehensive Land Use Plan" shall mean the Land Use Plan presently in existence for the unincorporated area of Lee County adopted by the Lee County Board of Commissioners on February 12, 2019.

(D) The term "Lee County Zoning Code" shall mean the Lee County Zoning Code adopted in accord with Article IX, Section II, Paragraph IV of the Constitution of the

State of Georgia of 1983, as amended, said Zoning Code being codified in Chapter 70 of the Code of Ordinances of Lee County, Georgia.

All Resolutions or parts of Resolutions in conflict herewith are hereby rescinded.

This Resolution shall be effective as of the date and time of its adoption as set out below.

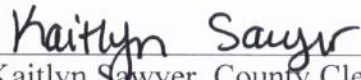
SO RESOLVED, effective this 24 day of September, 2022, at 6 o'clock, P. M. by the governing body of Lee County.

**Board of Commissioners
of Lee County, Georgia**

By: _____


Billy Mathis, Chairman

Attest: _____


Kaitlyn Sawyer, County Clerk