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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF LINCOLN

ORDINANCE # 203

Lincoln County Legal Counsel

AN ORDINANCE AMENDING ORDINANCE #139 THROUGH AN AMENDMENT TO THE ZONING MAPS BY MAKING A ZONE AND LAND USE PLAN CHANGE AMENDMENT AND DECLARING AN EMERGENCY

WHEREAS the Lincoln County Planning Commission granted a land use plan change from forest land to suburban residential on property owned by C.Dave Davis, located approximately 1.1 miles southeast on Slick Rock Creek County Road from Highway 18 at Rose Lodge and identified on Lincoln County Assessor's Map 6-10-35, 900, 903, and 904; and

WHEREAS the Lincoln County Planning Commission approved a comprehensive plan amendment from forest lands to suburban residential based on planning staff report, adopting its findings of fact, and reaching the following conclusions:

- "a. The Lincoln County Comprehensive Plan is acknowledged as being in compliance with the statewide planning goals.
- "b. Subject property had public water and on-site sewage disposal systems legally installed on it prior to June of 1980, which is when Lincoln County adopted its current plan and zoning.
- "c. Subject property was intended by the applicant to be developed but was not platted along with his adjacent developments to the south and east platted in the 1960's and 1970's.
- "d. Lincoln County zoned the subject 11.17 acre parcel in error because the actual commitment to the property was overlooked in the planning/re-zoning process."; and

WHEREAS Lincoln County Planning Commission approved the zoning map amendments from timber conservation to single family residential and incorporated the staff report, findings of fact, and reaching the following conclusions:

- "a. Provided the Comprehensive Plan designation for the property is changed to Suburban Residential, this zone change to R-1 would be consistent with the plan.

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"b. The T-C zone on the property was adopted in error along with the plan designation as the commitment to the property which justifies the R-1 zone, was overlooked during the planning process.

"c. The appropriateness of the zone change to R-1 will substitute for a finding of need based on the fact that the property should have received the R-1 zone during the zone adoption hearings in 1980. Documents exist to establish the commitment to residential development but were not made available to staff or the commission until recently." ; and

WHEREAS the planning commission approved the taking of an exception to the forest lands goal based on compelling reasons and facts presented in the staff report that established that the 11.17-acre parcel was committed to nonresource use; and

WHEREAS the Board is in agreement with the findings of fact and conclusions reached by the planning commission in this matter;


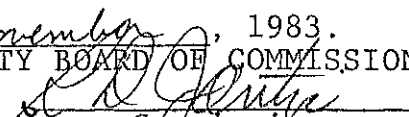

NOW, THEREFORE, the Lincoln County Board of Commissioners ORDAINS as follows:

SECTION I: That those portions of zoning maps on Lincoln County Assessor's Map 6-10-35, 900, 903, and 904, be rezoned from T-C to R-1 Single Family Residential; and that the land use plan change from forest land to suburban residential on the same property be approved and the Board hereby adopts the findings of fact and conclusions of the planning staff and commission.

That an exception to the forest land goal is appropriate and approved by the planning commission based on the compelling reasons and facts presented in the staff report and are hereby incorporated in this ordinance.

SECTION II: That this ordinance, being necessary for the immediate preservation of public peace, health, and safety, an emergency is declared to exist and this ordinance takes effect upon its adoption.

That a copy of this ordinance be forwarded to the assessor and planning and development departments.

DATED this 2nd day of November, 1983.
 LINCOLN COUNTY BOARD OF COMMISSIONERS
Chairman  Commissioner
 Commissioner