

**MINUTES OF THE
NASH COUNTY PLANNING BOARD MEETING
HELD MONDAY, APRIL 16, 2018 AT 7:00 P.M.
CLAUDE MAYO, JR. ADMINISTRATION BUILDING – THIRD FLOOR
FREDERICK B. COOPER COMMISSIONERS ROOM**

BOARD MEMBERS PRESENT

Harold Colston
Moses Brown
DeLeon Parker, Jr.
Chris Sandifer
Kevin Smith

BOARD MEMBERS ABSENT

Leonard Breedlove, Chairman
Jeffrey Tobias, Vice-Chairman
Barbara Pulley
Sandra Edwards

STAFF MEMBERS PRESENT

Nancy Nixon, Planning Director
Adam Tyson, Senior Planner
Windy Braswell, Planning Technician

OTHERS PRESENT

Timothy C. Brown

1. Appointment of Acting Chairman.

In the absence of both Chairman Breedlove and Vice-Chairman Tobias, the appointment of an Acting Chairman to preside over the meeting was required.

BOARD ACTION: Mr. Smith offered a motion which was duly seconded by Mr. Brown to appoint Mr. Sandifer to serve as Acting Chairman for the meeting. The motion was unanimously carried.

2. Call to Order.

Acting Chairman Sandifer called the meeting to order at 7:00 p.m.

3. Determination of a Quorum.

Acting Chairman Sandifer recognized a quorum.

4. Approval of the Minutes of the February 19, 2018 Regular Meeting.

The minutes of the February 19, 2018 regular meeting were mailed to the members of the Board for review. Acting Chairman Sandifer asked for any revisions or corrections. None were offered.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Smith to approve the minutes of the February 19, 2018 regular meeting as submitted. The motion was unanimously carried.

5. Conditional Use Rezoning CU-170802 Amendment Request Made by Rhonda Edgerton, the Property Owner, and Timothy C. Brown, the Operator of Browns Truck & Trailer Inc., to Permit Truck Customization and Additional Outdoor Commercial Vehicle Parking Along With the Existing Automobile Towing Service in the 1.67 Acre RC-CU (Rural Commercial Conditional Use) Zoning District Located at 2450 W Hornes Church Road, Bailey, NC 27807.

Acting Chairman Sandifer recognized Mr. Tyson to present the staff report.

Mr. Tyson began by stating that in accordance with the requirements of the Nash County Unified Development Ordinance Article III, Section 3-1, Subsection 3-1.3 (E), a written notice of this public meeting was sent by first class mail on April 4, 2018 to the applicant, to the owner of the subject property, and to the owners of all surrounding properties any portion of which is located within 600 feet of the subject property.

Mr. Tyson then presented the staff report and supplemental materials related to the request to amend Conditional Use Rezoning CU-170802 as submitted to the Board in the April 16, 2018 Nash County Planning Board Meeting agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the request to amend Conditional Use Rezoning CU-170802 on March 29, 2018 and recommended denial based on a previous version of the proposed site plan which located the additional commercial truck parking on the front portion of the lot without any proposed screening buffer. The TRC determined that the visual impact of the additional, unscreened commercial truck parking right along the road would not be consistent with the Nash County Land Development Plan for the surrounding residential area and that the request in its initial form should be considered unreasonable "spot zoning." At the suggestion of the TRC, the applicant submitted the current, revised site plan which was intended to make the visual impact of the proposed operation more comparable to that of the surrounding residential lots by relocating the additional commercial truck parking behind the existing building away from the road and proposing the installation of a vegetative screening buffer. He noted that the TRC had not reviewed the revised site plan.

Mr. Tyson concluded the report by informing the Board that the applicant, Mr. Timothy C. Brown, was present at the meeting to represent the request. He offered to take any questions from the Board regarding the staff report on the request.

Acting Chairman Sandifer asked if there was any explanation as to why the individual who made the complaint regarding the site had not offered any additional comments.

Mr. Tyson speculated that the complaint may have stemmed from the prominence and high visibility of the commercial tow trucks parked on the site and noted that the complaint referenced the visual impact of the trucks, but made no reference to any noise issues or other related activities. He explained that upon investigating the complaint, the County determined that both the location of the parked trucks as well as the truck customization activity were not permitted by the previously approved site plan or rezoning and that the remedy would involve an amendment to both.

Acting Chairman Sandifer asked who provided the current site plan.

Mr. Tyson responded that the current site plan was prepared by the Planning Staff in consultation with the applicant.

Acting Chairman Sandifer questioned the distance that the vegetative buffer would actually be from the rear property line.

Mr. Tyson answered that the ordinance requires a minimum 25' separation distance between the commercial activity area and the property line and that the vegetative buffer would be required to be installed within that 25' wide area, however, the ordinance does not further specify where within that 25' wide area the vegetative buffer must be located.

Mr. Brown questioned the suggested condition which would defer the installation of the northern portion of the vegetative screening buffer until "the adjacent agricultural tract to the north is further developed for residential use." Specifically, he asked whether the addition of one home would require the installation of the buffer.

Mr. Tyson acknowledged that the phrase "further developed" was not more specifically defined in the condition. He also noted that there was already currently one home located on the adjacent tract to the north, however, it was located a significant distance from the commercial activity, so the vegetative buffer may not be determined to be necessary at this time. He explained that if the commercial activity on the subject tract had been located more than 100' from the property line, then the ordinance would not have required screening at all. He noted that the existing home on the northern tract was located about ten times further than that away from the property line in question.

Ms. Nixon added that if another home were to be built 900' from the subject property line, no screening buffer would be automatically required. However, if a resident of that home were to make a complaint to the County regarding the adjacent commercial property, then the screening buffer requirement could possibly be triggered.

Acting Chairman Sandifer asked if there was any discretion on the part of the County as to when the screening buffer requirement would be triggered.

Ms. Nixon answered that if a complaint was received from a resident of the adjacent tract to the north, then the County would take action on that complaint.

Acting Chairman Sandifer recognized the applicant, Mr. Timothy C. Brown, and invited him to address the Board.

Mr. Brown addressed the Board stating that he had no problem complying with any action requested by the County, that there were no towed vehicles located on the subject lot, and that the commercial tow trucks being customized on the site were new.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Brown to recommend the following consistency statement for adoption by the Nash County Board of Commissioners in relation to the request to amend Conditional Use Rezoning CU-170802:

“The request to amend Conditional Use Rezoning CU-170802 is reasonable and in the public interest because it is:

- (1) Consistent with the Nash County Land Development Plan’s recommendations for the establishment of rural commercial land uses in the Suburban Growth Area because:**
 - (a) The proposed land uses may be accommodated by a private on-site water supply well and an on-site septic system;**
 - (b) The site has frontage along and direct access to W Hornes Church Road, a state-maintained secondary road;**
 - (c) The site is located in proximity to other, similarly nonresidential land uses located along W Hornes Church Road such as the Bailey Fire Department Station 2 and the former site of the Pearson’s Peak Auto Garage; and**
 - (d) The potential impact of the proposed automobile towing service and truck customization activity on the surrounding, existing residential development will be limited by the requirements of the revised, approved site plan which locates the additional outdoor commercial vehicle parking space in the rear of the property behind both the existing building and a proposed vegetative screening buffer; AND**
- (2) Considered reasonable “spot zoning” because:**
 - (a) Approval of the request will allow the continued and further reuse of an existing, viable commercial structure;**
 - (b) The site is located in proximity to other, similarly nonresidential land uses located along W Hornes Church Road such as the Bailey Fire Department Station 2 and the former site of the Pearson’s Peak Auto Garage;**
 - (c) The limited nature of the request as a conditional use rezoning will restrict the site to the development and operation of the specifically approved land uses only in accordance with the approved site plan; and**
 - (d) The potential impact of the proposed automobile towing service and truck customization activity on the surrounding, existing residential development will be limited by the requirements of the revised, approved site plan which locates the additional outdoor commercial vehicle parking space in the rear of the property behind both the existing building and a proposed vegetative screening buffer.”**

The motion was unanimously carried.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Smith to recommend approval of the request to amend Conditional Use Rezoning CU-170802 to permit truck customization and additional outdoor commercial vehicle parking along with the existing automobile towing service in the 1.67 acre RC-CU (Rural Commercial Conditional Use) Zoning District located at 2450 W Hornes Church Road, Bailey, NC 27807. The motion was unanimously carried.

BOARD ACTION: Mr. Smith offered a motion which was duly seconded by Mr. Parker to recommend approval of a Conditional Use Permit for the development of an automobile towing service and truck customization operation with outdoor commercial vehicle parking in relation to Conditional Use Rezoning CU-170802 as amended, based on the following findings:

If completed as proposed, the development:

- 1) Will not materially endanger the public health or safety;
- 2) Will not substantially injure the value of adjoining or abutting property;
- 3) Will be in harmony with the area in which it is to be located; and
- 4) Will be in general conformity with the Nash County Land Development Plan or other plans officially adopted by the Board of Commissioners;

And subject to the following conditions as suggested by the Nash County Technical Review Committee with the exception of a change to Suggested Condition #5 in order to require the immediate installation of the entire proposed vegetative screening buffer including both the western and northern portions:

- 1) The permitted use of the subject property shall be limited to an automobile towing service and truck customization operation only;
- 2) The subject property shall be developed only in accordance with the revised, approved site plan and in compliance with all other applicable development regulations;
- 3) No outdoor disassembly or salvaging of vehicles shall be permitted on the site and all truck customization activities shall be performed inside the existing building;
- 4) All vehicles parked or stored on the site shall be located only in the appropriate areas as designated on the revised, approved site plan;
- 5) The 25' wide vegetative screening buffer depicted on the revised, approved site plan shall be installed and maintained to satisfy either the adjoining incompatible land use screening requirements of UDO Article XI, Section 11-3, Subsection 11-3.3(B) or the alternative screening method requirements of Subsection 11-3.4; and
- 6) The applicant shall obtain and submit a Driveway Permit for a change of use issued by the North Carolina Department of Transportation.

The motion was unanimously carried.

6. Text Amendment Request A-180401 to Amend the Nash County Unified Development Ordinance, Article IX, Section 9-4, Table 9-4-3 to Repeal the 24% Maximum Built-Upon Lot Area Limitation Required for Nonresidential Zoning Districts.

Acting Chairman Sandifer recognized Mr. Tyson to present the staff report.

Mr. Tyson presented the staff report and supplemental materials related to Text Amendment Request A-180401 as submitted to the Board in the April 16, 2018 Nash County Planning Board Meeting agenda document. He noted that the Nash County Technical Review Committee (TRC) considered Text Amendment Request A-180401 to repeal the 24% maximum built-upon lot area limitation required for nonresidential zoning districts on March 29, 2018 and recommended approval.

Mr. Tyson concluded the report by reminding the Board that because this agenda item concerned a proposed text amendment that was not site-specific but that could potentially apply county-wide, there were no public notice requirements for this meeting of the Planning Board and legal notices would be published in the local newspapers prior to an actual public hearing before the Board of Commissioners. He offered to take any questions from the Board regarding the staff report on the request.

Acting Chairman Sandifer asked for an example of an industry that would be excluded by the current 24% maximum built-upon lot area limitation.

As an example, Mr. Tyson made reference to the recent General Rezoning Request Z-180201 which involved an approximately 5.25 acre lot located at the intersection of S NC Highway 231 and Cone Rd. He noted that although the property is not located in a designated Watershed Protection Overlay District, the total allowable built-upon area including rooftop and/or pavement on this site would be capped at approximately 1.25 acres by the current 24% maximum built-upon lot area limitation. Furthermore, he stated that the Planning Staff is unable to find a reason or explanation in the Unified Development Ordinance for this limitation. He explained that in the case of General Rezoning Request Z-180201, although the Board of Commissioners had deemed the entire 5.25 acre tract appropriate for commercial rezoning, the applicant would be forced to confine his proposed restaurant and self-storage unit complex to only approximately 1.25 acres.

Acting Chairman Sandifer asked what limitations were imposed within the designated Watershed Protection Overlay Districts.

Mr. Tyson answered that the Watershed Protection Overlay District regulations were actually imposed by the State with mandated enforcement by the County. He explained that within the districts, the same 24% maximum built-upon lot area limitation would apply, however, those regulations include methods to allow, when appropriate, an applicant to exceed the limitation by either utilizing specific pavement types or accepted onsite best management practices (BMPs) such as swales or retention ponds.

Acting Chairman Sandifer asked if different limitations could be imposed by those responsible for regulating stormwater management in the Tar-Pamlico and Neuse River Basins.

Mr. Tyson clarified that both the stormwater management rules and the watershed protection overlay district regulations previously discussed were imposed by the State and could not be altered or repealed by Nash County. He noted that this fact could be an argument for the potential redundancy of the local limitation being discussed here while the State rules remain in effect.

Acting Chairman Sandifer asked why there had been no notices published in the newspaper regarding this proposed ordinance amendment.

Mr. Tyson stated that public notices are not required to be published in the newspaper prior to the consideration of an amendment by the Planning Board as this public meeting is not a formal public hearing.

Acting Chairman Sandifer expressed his concerns regarding potential public discontent resulting from the lack of notification about the ordinance amendment and any perceived negative impact to the public.

There was a discussion among the Board members regarding who could possibly be negatively impacted by the proposed ordinance amendment as well as discussion about the possibility of tabling the amendment request.

Mr. Colston stated that, in his opinion, the ordinance requirements in question were redundant due to the already existing limitations imposed by the State regulations. He reminded the Board members that it was their duty to either simply recommend or not the proposed action to the Board of Commissioners and that the Board of Commissioners would preside over the formal public hearing as well as make the final decision.

Mr. Smith asked how the amount of 24% was decided upon.

Mr. Tyson replied that the Planning Staff had been unable to provide an answer to that question when it had been posed by developers or applicants and that was the reason that they proposed this text amendment.

Mr. Smith stated that even if the requested ordinance amendment was delayed now, at some point, it would either need to be repealed or a specific percentage of lot area would need to be agreed upon. He stated that with no knowledge as to where that figure could be derived from, he would support moving forward with the text amendment because of the existing State regulations to govern stormwater management.

Ms. Nixon explained that the County administers the stormwater regulations imposed by the State within the Tar-Pamlico River Basin for commercial developments that exceed one half acre and for residential developments that exceed one acre. The State administers the stormwater regulations directly for the remainder of the County located in the Neuse River Basin as triggered by the submittal of sedimentation and erosion control plan applications. She explained that the biggest difference from the local regulation suggested for repeal is that both the stormwater and watershed regulations include options to allow higher density development by addressing the retention of runoff water onsite and releasing it over time.

Ms. Nixon speculated that the 24% figure could have been an attempt to apply some consideration of maximum built-upon area to portions of the County that were located outside the protected watershed districts during a time before the State's stormwater regulations were applied to the entire County.

Mr. Tyson agreed that was a plausible hypothesis as the 24% figure mirrors the regulations applied within the Watershed Protection Overlay Districts.

Mr. Smith asked if it would be fair to assume that there was some environmentalist input into the adopted percentages.

Mr. Tyson responded that a key difference was that the stormwater regulations do not establish a firm cap on built-upon area. They require a project-specific engineered calculation based on proposed site development which accounts for nitrogen and phosphorous thresholds to result in more site-specific requirements or limitations.

BOARD ACTION: Mr. Colston offered a motion which was duly seconded by Mr. Smith to recommend the following consistency statement for adoption by the Nash County Board of Commissioners in relation to Text Amendment Request A-180401:

“Text Amendment Request A-180401 to amend the Nash County Unified Development Ordinance, Article IX, Section 9-4, Table 9-4-3 in order to repeal the 24% maximum built-upon lot area limitation required for nonresidential zoning districts is reasonable, in the public interest, and consistent with the Nash County Land Development Plan because the zoning requirement:

- (1) Has no clearly articulated purpose or intent;**
- (2) Applies too broadly across the entire planning jurisdiction;**
- (3) Is inflexible because it includes too few options to allow higher density development in cases where it may be potentially appropriate; and**
- (4) Is redundant due to the other already existing environmental built-upon area limitations of UDO Article XII, Section 12-1 applicable within the designated Watershed Protection Overlay Districts, the stormwater management requirements of UDO Article XII, Section 12-3, and the onsite well and septic system regulations enforced by the Nash County Environmental Health Department.”**

The motion was unanimously carried.

BOARD ACTION: Mr. Colston offered a motion which was duly seconded by Mr. Brown to recommend approval of Text Amendment Request A-180401 to amend the Nash County Unified Development Ordinance, Article IX, Section 9-4, Table 9-4-3 in order to repeal the 24% maximum built-upon lot area limitation required for nonresidential zoning districts. The motion was unanimously carried.

7. Text Amendment Request A-180402 to Amend the Nash County Unified Development Ordinance, Article XI, Section 11-4, Subsection 11-4.73 (B) to Revise the Minimum Separation Distance Required Between a Non-Hazardous Solid Waste Disposal Facility and Residentially Used Property.

Acting Chairman Sandifer recognized Mr. Tyson to present the staff report.

Mr. Tyson presented the staff report and supplemental materials related to Text Amendment Request A-180402 as submitted to the Board in the April 16, 2018 Nash County Planning Board Meeting agenda document. He noted that the Nash County Technical Review Committee (TRC) considered Text Amendment Request A-180402 to revise the minimum separation distance required between a non-hazardous solid waste disposal facility and residentially used property on March 29, 2018 and recommended approval. He also explained the difference between a sanitary landfill facility for household or commercial garbage (which Nash County does not currently operate) and a demolition

and construction debris landfill for inert debris such as stumps, limbs, leaves, concrete, brick, wood, and uncontaminated soil (which Nash County does currently operate.)

Mr. Tyson explained that currently, UDO Article XI, Section 11-4, Subsection 11-4.73 specifies that: "All structures, buildings, and landfilling operations shall be a minimum of 300 feet from a residentially used lot." He noted that a lot would be considered residentially used even if the residence on the lot was located a substantial distance away from the shared boundary with a solid waste disposal facility. The proposed text amendment would increase the minimum required separation distance between a sanitary landfill facility and any adjacent existing dwellings to 500 feet (as measured to the dwelling itself, as opposed to the property line) while maintaining the currently required 300 foot minimum separation from a residentially used lot boundary. He further clarified that the proposed text amendment would apply stricter requirements for actual sanitary landfill facilities, but would relax some of the development standards required for other solid waste disposal sites such as convenience centers. He offered to take any questions from the Board regarding the staff report on the request.

Mr. Colston asked Mr. Tyson to clarify what would actually be within that 300 foot buffer zone.

Mr. Tyson replied that, assuming the hypothetical sanitary landfill facility was surrounded by residentially used properties, the landfill site itself must include a 300 foot wide separation distance around the perimeter of the facility which would be a contiguous portion of the same parcel.

Acting Chairman Sandifer asked if the 300 foot zone would be required to include anything specific such as vegetative screening.

Mr. Tyson answered that this particular standard involved just a minimum separation distance and not a screening requirement, however, as an industrial operation, a landfill facility would trigger the normal incompatible land use screening requirements that apply broadly to all commercial or industrial land uses located adjacent to residentially zoned or used property.

Mr. Colston asked if any of the nine existing convenience center sites would currently be in violation of the proposed 500 foot separation distance from an existing dwelling.

Mr. Tyson replied that he could not answer that particular question without conducting further research on the existing convenience center sites, however, he stated that any existing convenience center site that did not comply with the proposed new standard would be considered a legal, non-conforming land use as they were permitted prior to the adoption of the new regulations.

Mr. Colston asked what would happen if the owner of an adjacent residential property decided at a later date to build a dwelling closer to the solid waste disposal site than the currently proposed 500 foot separation distance.

Mr. Tyson replied that the residential property owner would be entitled to make that decision with the full knowledge of the existence and location of the existing solid waste disposal site. He also noted that sanitary landfill facilities as well as solid waste collection sites, convenience centers, and transfer sites would all require the issuance of a conditional use permit by the County prior to their establishment, meaning that the Planning Board and Board of Commissioners would have the opportunity to review a site plan for the specific location and attach additional conditions as warranted.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Smith to recommend the following consistency statement for adoption by the Nash County Board of Commissioners in relation to Text Amendment Request A-180402:

“Text Amendment Request A-180402 to amend the Nash County Unified Development Ordinance, Article XI, Section 11-4, Subsection 11-4.73 (B) in order to revise the minimum separation distance required between a non-hazardous solid waste disposal facility and residentially used property is reasonable, in the public interest, and consistent with the Nash County Land Development Plan because the revised requirements will:

- (1) Increase the minimum required separation distance between a sanitary landfill facility and any adjacent existing dwellings; while also**
- (2) Affording some additional flexibility for the developer when considering possible future convenience center sites adjacent to large residentially used lots when the actual existing dwelling is located far from the shared property line.”**

The motion was unanimously carried.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Smith to recommend approval of Text Amendment Request A-180402 to amend the Nash County Unified Development Ordinance, Article XI, Section 11-4, Subsection 11-4.73 (B) in order to revise the minimum separation distance required between a non-hazardous solid waste disposal facility and residentially used property. The motion was unanimously carried.

8. Text Amendment Request A-180403 to Amend the Nash County Unified Development Ordinance, Article XII, Section 12-3, Subsection 12-3.3.9 to Revise the Tar-Pamlico River Basin Overlay District Stormwater Management Offsite Partial Offset Nutrient Reduction Buy-Down Option.

Acting Chairman Sandifer recognized Ms. Nixon to present the staff report.

Ms. Nixon presented the staff report and supplemental materials related to Text Amendment Request A-180403 as submitted to the Board in the April 16, 2018 Nash County Planning Board Meeting agenda document. She noted that the Nash County Technical Review Committee (TRC) considered Text Amendment Request A-180403 to revise the Tar-Pamlico River Basin Overlay District stormwater management offsite partial offset nutrient reduction buy-down option on March 29, 2018 and recommended approval.

Ms. Nixon summarized the proposed text amendment as accommodating the following changes to the Tar-Pamlico River Basin Overlay District regulations for new development in order to align the local process with current State regulations: 1) updating references to the “North Carolina Ecosystem Enhancement Program (EEP)” to the “North Carolina Division of Mitigation Services Nutrient Offset Program;” 2) adding procedures for the use of private mitigation bank services; and 3) a change to require the mitigation of both nutrients – phosphorous and nitrogen – when set thresholds are exceeded, whereas the current ordinance only requires the mitigation of the more expensive of the two calculated values.

Acting Chairman Sandifer asked how many private mitigation banks are available in our area.

Ms. Nixon answered that there is only one private mitigation bank operating in this area.

Acting Chairman Sandifer asked who approves these private mitigation banks.

Ms. Nixon replied that private mitigation banks were approved by the State and while she was unaware of the details of the approval process, the State does provide a list of approved private mitigation banks for each section of the Neuse and Tar-Pamlico Basins.

Acting Chairman Sandifer asked about where, specifically, the credits come from.

Ms. Nixon explained that if there are no credits available from the private mitigation bank, then the applicant would go directly to the State which always has the capacity to sell credits. She stated that there is never a point at which a project cannot move forward due to the non-availability of credits.

Acting Chairman Sandifer asked if, at any point, the State would refuse a project due to an over-saturation of a particular nutrient.

Ms. Nixon explained that in the event of an over-saturation of a nutrient, the State would utilize the funds that had been collected in the applicable river basin and implement a project within the affected area designed to mitigate the over-saturation. She stated that basically, the State would design one larger, more impactful project instead of several different developers taking smaller, less impactful individual measures throughout the basin.

Mr. Smith asked if the current ordinance only requires payment on the higher of the two nutrient overages, but the State requires payment on both, what happens to the applicants of current projects who find themselves in that situation.

Ms. Nixon answered that it was actually because of a recent project that the County became aware of this change at the State level which requires the payment for both nutrient overages. She explained that the State had notified the County of the discrepancy, but had also allowed any currently pending buy-out situations to comply with the County ordinance standards requiring payment on just the higher nutrient overage. However, she cautioned that since the County has now been made aware of the change, the State may not be as forgiving for future projects and could potentially ask the County to pay for any unmitigated overages.

BOARD ACTION: Mr. Smith offered a motion which was duly seconded by Mr. Parker to recommend the following consistency statement for adoption by the Nash County Board of Commissioners in relation to Text Amendment Request A-180403:

“The requested text amendment is reasonable and in the public interest and consistent with the Nash County Land Development Plan because:

- (1) The amendment updates the ordinance to conform to the current state stormwater management requirements and reflect current procedures in dealing with stormwater mitigation payments in the Tar-Pamlico Overlay District.**

- (2) The amendment is consistent with the Nash County Land Development Plan Policy #2 for protecting environmentally sensitive areas in the Tar-Pamlico Overlay area by continuing to require the most intensive nutrient impacts to be treated onsite and providing a state-approved mechanism for partially mitigating the remaining development impacts.”

The motion was unanimously carried.

BOARD ACTION: Mr. Brown offered a motion which was duly seconded by Mr. Colston to recommend approval of Text Amendment Request A-180403 to amend the Nash County Unified Development Ordinance, Article XII, Section 12-3, Subsection 12-3.3.9 in order to revise the Tar-Pamlico River Basin Overlay District stormwater management offsite partial offset nutrient reduction buy-down option. The motion was unanimously carried.

9. Other Business.

Ms. Nixon reported that on March 12, 2018 the Nash County Board of Commissioners approved General Rezoning Request Z-180201 made by Taranpreet Singh, the property owner, to rezone the approximately 5.25 acre lot located at the northwest corner of the intersection of S NC Highway 231 and Cone Road from A1 (Agricultural) to RC (Rural Commercial).

10. Adjournment.

There being no further business, Acting Chairman Sandifer adjourned the meeting at 8:30 p.m.