

# **NC HIGHWAY 57 SPEEDWAY AREA SMALL AREA PLAN TASK FORCE REPORT**

**A collaborative effort between the Economic Development  
Department, Planning and Inspections Department,  
and Durham County**

**March 9, 2007**

**ADOPTED AUGUST 21, 2007**

**Orange County, North Carolina**

## **Task Force Members**

Anita Badrock  
Karen Barrows  
Moses Carey  
Darrell Chandler  
Jonathan E. Huppert  
Barry Jacobs  
Debra Logner  
Mac Miller  
Bruce Peters  
Kevin D. Peters  
James Walker  
Helen Youngblood, Durham County Planning

## **Board of County Commissioners**

Moses Carey, Chair  
Alice Gordon  
Valerie Foushee  
Barry Jacobs, Vice Chair  
Mike Nelson  
  
Dianne Reid, Economic Development  
Craig N. Benedict, Planning Director

## **Staff**

Glenn R. Bowles, Jr.  
Michael Harvey

## EXECUTIVE SUMMARY

Orange County is revising its Comprehensive Plan. Simultaneous with this planning effort is a parallel effort to identify opportunities in the rural portion of Orange County to encourage economic development in appropriate settings. The NC Highway 57 Speedway Area was selected as such an opportunity because of the several businesses in the area and their non-conforming status, the protected watershed within which they are located, the County's desire to encourage compatible non-residential development while, at the same time, protecting the existing rural character of the area.

The NC 57 corridor area proposed for this Small Area Plan contains approximately 38 parcels encompassing approximately 930 acres of land area. NC Highway 57 bisects the Study Area diagonally from southwest to northeast and the Person County line. Mile Branch Road, Bacon Road, and Bunny Road intersect with the NC Highway 57 north to south along the corridor. (Please refer to **Figure 1. Study Area Map** on page 3.)

The Small Area Plan development included the following: an inventory and assessment phase, an identification of issues and concerns, public feedback through a number of scheduled meetings, and the drafting of the Plan for public review and implementation. To accomplish these tasks the BOCC appointed a twelve member Task Force made up of residential property owners, commercial property owners, at-large county residents, Durham and Person County representatives, and two BOCC members.

The Plan analyzed existing conditions and made recommendations regarding acceptable development trends and land uses within the area, the need for additional community services and transportation issues and concerns, and issues surrounding existing non-conforming, non-residential land uses and their effect on existing and future land use development patterns within the area. Special attention was given to ongoing traffic and access management concerns identified by local residents as a major problem within the area, concerns over water quality and quantity, noise and noxious odors, and an appropriate level of residential and non-residential development to preserve the existing quality of life.

The Task Force developed its own charge. The charge can be found in Table 1 on pages 8 and 9. The different topics listed in the charge form the basis for the study goal statements and policies found on pages 25 through 41. Specific Conditions of approval for the Speedway and the go-kart facility found on pages 32 and 33 and 36 and 37 came directly from the Task Force charge, with the exception of lighting, signage and impervious cover concerns. The proposed quarry Special Conditions on pages 33 to 36 came from the Task Force charge, the existing Durham County SUP, and the conditions developed for another quarry in Orange County.

During the course of the planning efforts, it was discovered that NCDENR air quality permits for a cement plant and an asphalt plant and a mining permit for the quarry were issues, modified and/or renewed several times since 1994 without Orange County certification of zoning compliance. Any new modification or renewal shall have such certification before NCDENR approval.

## NC Highway 57 Speedway Area Small Area Plan

The Task Force would allow expansion of the non-conforming, non-residential properties to enlarge perimeter buffering, but not to expand the principle activities. Further, the Task Force is suggesting that a Rural Economic Development Area (REDA) be created to facilitate a process to bring such non-conforming activities into compliance. The traditional rezoning and special use permit processes were not felt to afford the community sufficient protection and assurances of maintaining a rural life style and character. The proposed REDA district is found in Figure 4 on page 39, the REDA process on page 42, and the proposed ordinance on page 47.

The four planning Principles contained within the report include:

1. Preservation and protection of the rural character and nature of the area,
2. Minimization of negative impacts to natural systems/environmentally sensitive areas,
3. Restrict growth and development so that it complements the rural character and lifestyles, and
4. Maintenance of present service levels for existing infrastructure.

To implement these Principles the following Goals are put forward:

1. The Study Area is located in a rural portion of the County where local residents have chosen to reside in an effort to escape the congestion and hectic pace of urban areas. Any additional development within the area shall augment or enhance, rather than detract from, the rural character and nature of the area.
2. The Study Area represents a 'gateway' into the County that establishes an entry corridor where travelers form opinions as to the quality of life within the area as a whole. To that end, steps should be taken to address design elements within the Study Area to aesthetically enhance this entranceway into Orange County.
3. The lack of reliable, consistent potable water supplies and poor soil conditions for septic drain fields limit development opportunities within the Study Area. Future development proposals should not adversely impact existing groundwater supplies and should be reviewed and approved with this factor in mind.
4. Stormwater runoff shall be maintained on site in conformity with existing standards and policies regardless of the age or approval date of the project.
5. Air quality issues shall be an intricate part of any future permit reviewed within the Study Area.
6. Existing non-residential, non-conforming land uses should be made into conforming uses of property through amendments to the Zoning Ordinance and Comprehensive Plan and should then be brought into compliance with existing, or proposed, development criteria to address off-site impacts.
7. With respect to the quarry operation, the land use is already considered to be a conforming use of property, as per Section 11.6 of the Zoning Ordinance. The Task Force believes that the County should take appropriate action to address the off-site impacts of the quarry while limiting the potential for operational expansion beyond what is described in the existing end use plan. Further, the end use plan for the stone quarry calls for a 100-acre reservoir and outdoor recreational activities on both the Durham and Orange County portions of the property. The time horizon for the development of such a

## NC Highway 57 Speedway Area Small Area Plan

public asset is twenty to fifty years off, depending on aggregate rock market conditions. The creation of additional parkland within the Study Area shall be encouraged.

8. Each existing non-residential land use should be held to specific development/re-development criteria if they choose to take advantage of the sanctioned approval process for becoming conforming land uses. Any improvements to the existing raceway facilities or the stone quarry site should take the existing community character and form into consideration.
9. Infrastructure management is an important component to allowing for additional development within the Study Area. No new development should be allowed that negatively impacts existing infrastructure (i.e. groundwater, traffic generation, etc) unless an appropriate and viable solution has been approved by the County to mitigate these conditions.

Policies and Action Statements are set forth to implement these Goals.

## TABLE OF CONTENTS

SECTION	Page
<b>I. INTRODUCTION</b>	<b>1</b>
A. PROJECT BACKGROUND	1
B. STUDY AREA	2
C. <sup>1</sup> PLANNING PROCESS	4
D. SCOPE OF THE PLAN	5
E. SMALL AREA PLAN TASK FORCE CHARGE	6
<b>II. RELEVANT PLANS AND ORDINANCES</b>	<b>9</b>
A. 1981 ORANGE COUNTY LAND USE PLAN/ LAND USE ELEMENT (LUE)	9
B. ZONING ORDINANCE	9
C. SUBDIVISION REGULATIONS	10
<b>III. BACKGROUND INFORMATION – STUDY AREA ISSUES</b>	<b>12</b>
A. ENVIRONMENTAL	12
B. EXISTING LAND USE	14
C. INFRASTRUCTURE (WATER/SEWER SERVICE)	15
D. HISTORIC AND CULTURAL	18
E. ECONOMIC DEVELOPMENT	19
F. HOUSING	19
G. RECREATION, PARKS, AND OPEN SPACE	19
H. COMMUNITY CHARACTER AND FORM	20
<b>IV. MAJOR ISSUES AND TASK FORCE RECOMMENDATIONS</b>	<b>21</b>
A. LAND USE	21
B. LAND USE PLAN AMENDMENTS	21
C. LAND USE PLAN MAP AMENDMENTS	21
D. ZONING/ECONOMIC DEVELOPMENT TEXT AMENDMENTS	22
E. ZONING MAP AMENDMENTS	22
F. RECOMMENDATIONS	22
G. COMMUNITY CHARACTER AND FORM	23
H. PROTECTION OF THE LOCAL ENVIRONMENT – GROUNDWATER	25
I. PROTECTION OF THE LOCAL ENVIRONMENT – STORMWATER RUNOFF	26
J. PROTECTION OF THE LOCAL ENVIRONMENT –	

	<b>AIR QUALITY</b>	<b>26</b>
<b>K.</b>	<b>EXISTING NON-RESIDENTIAL LAND USES – RACETRACKS</b>	<b>27</b>
<b>L.</b>	<b>EXISTING NON-RESIDENTIAL LAND USES – QUARRY</b>	<b>28</b>
<b>M.</b>	<b>EXISTING LAND USES –LAND USE DEVELOPMENT CRITERIA –NONRESIDENTIAL LAND USES</b>	<b>29</b>
<b>N.</b>	<b>LAND USE DEVELOPMENT CRITERIA</b>	<b>36</b>
<b>O.</b>	<b>INFRASTRUCTURE MANAGEMENT</b>	<b>37</b>
<b>V.</b>	<b>REDA – REVIEW OF PROPOSED NEW DEVELOPMENT REVIEW PROCESS</b>	<b>41</b>
	<b>A. PROPOSED PROCESS</b>	<b>41</b>
	<b>B. CONDITIONAL USES – BACKGROUND</b>	<b>42</b>
	<b>C. RURAL ECONOMIC DEVELOPMENT AREA (REDA)</b>	<b>42</b>
	<b>D. CONDITIONAL USE REVIEW CRITERIA</b>	<b>43</b>
	<b>E. REVIEW PROCEDURE</b>	<b>43</b>
<b>VI.</b>	<b>INTERGOVERNMENTAL COORDINATION</b>	<b>45</b>
<b>VII.</b>	<b>APPENDIX</b>	<b>46</b>

## LIST OF TABLES AND FIGURES

<b>Table</b>		<b>Page</b>
<b>1</b>	Issues, Concerns, and Identified Opportunities and Constraints	<b>6</b>
<b>2</b>	Study Area Land Use Summary	<b>14</b>
<b>3</b>	Impact Area Well Inventory	<b>18</b>
<b>Figure</b>		
<b>1</b>	Study Area Map	<b>3</b>
<b>2</b>	Soil Septic Limitations	<b>13</b>
<b>3</b>	Quarry Impact Area	<b>17</b>
<b>4</b>	NC Highway 57 Speedway Area <sup>1</sup> Small Area Plan	<b>40</b>

## **SECTION I. INTRODUCTION**

### **A. PROJECT BACKGROUND**

In March 2006, the Orange County Board of Commissioners (BOCC) began to review the need for re-starting the process for updating the Orange County Land Use Element of the Comprehensive Plan. By October 2006, the BOCC adopted a new process for updating the Comprehensive Plan, which included updating all of the Plan's elements, rather than focusing on the Land Use Element. This process is scheduled to extend through August 2008.

As the process was revamped at the Planning Board level, a major focus of initial discussion among staff and elected officials was the initiation of several small area plans that would outline and detail specific initiatives focusing on development constraints and opportunities within defined areas of the County for inclusion within the Land Use Element of the Comprehensive Plan.

As this discussion began, Planning Department staff identified several small area planning initiatives as being essential for completion, and for eventual inclusion within the revised and updated Land Use Element of the Comprehensive Plan. One area identified as being essential for study was along NC Highway 57 near the Person and Durham county lines, specifically focusing on the impacts of existing non-residential developments within the area and identifying acceptable levels of future development of residential and non-residential uses.

At the same time this discussion was occurring, commercial property owners within the area expressed concern over the nonconforming designation and status of their property and the impact such a designation might have on their ability to continue to utilize their property. Several businesses in the area are considered to be legally non-conforming because they were in operation before County zoning jurisdiction was established in Little River Township.

Staff determined that the development of a NC Highway 57 Speedway Area Small Area Plan, hereafter referred to as the Small Area Plan, represented the most appropriate course of action to begin addressing local residents and property owners' concerns over existing, and future, development trends within the area. The need to complete a comprehensive study of the area was based on several factors, including the following:

1. The existence of several non-residential, non-conforming, land uses , specifically: Orange County Speedway (herein referred to as the Speedway), a go-kart track, a cement plant, and a rock quarry that was located within both Orange and Durham Counties,
2. The majority of vacant property within the area is located within identified protected watersheds thereby limiting their overall development potential ,
3. The County's desire to study the feasibility of encouraging additional non-residential development in designated rural areas of the County as a whole, and

## NC Highway 57 Speedway Area Small Area Plan

4. The County's desire to protect existing development patterns within the area while still allowing for reasonable use of property.

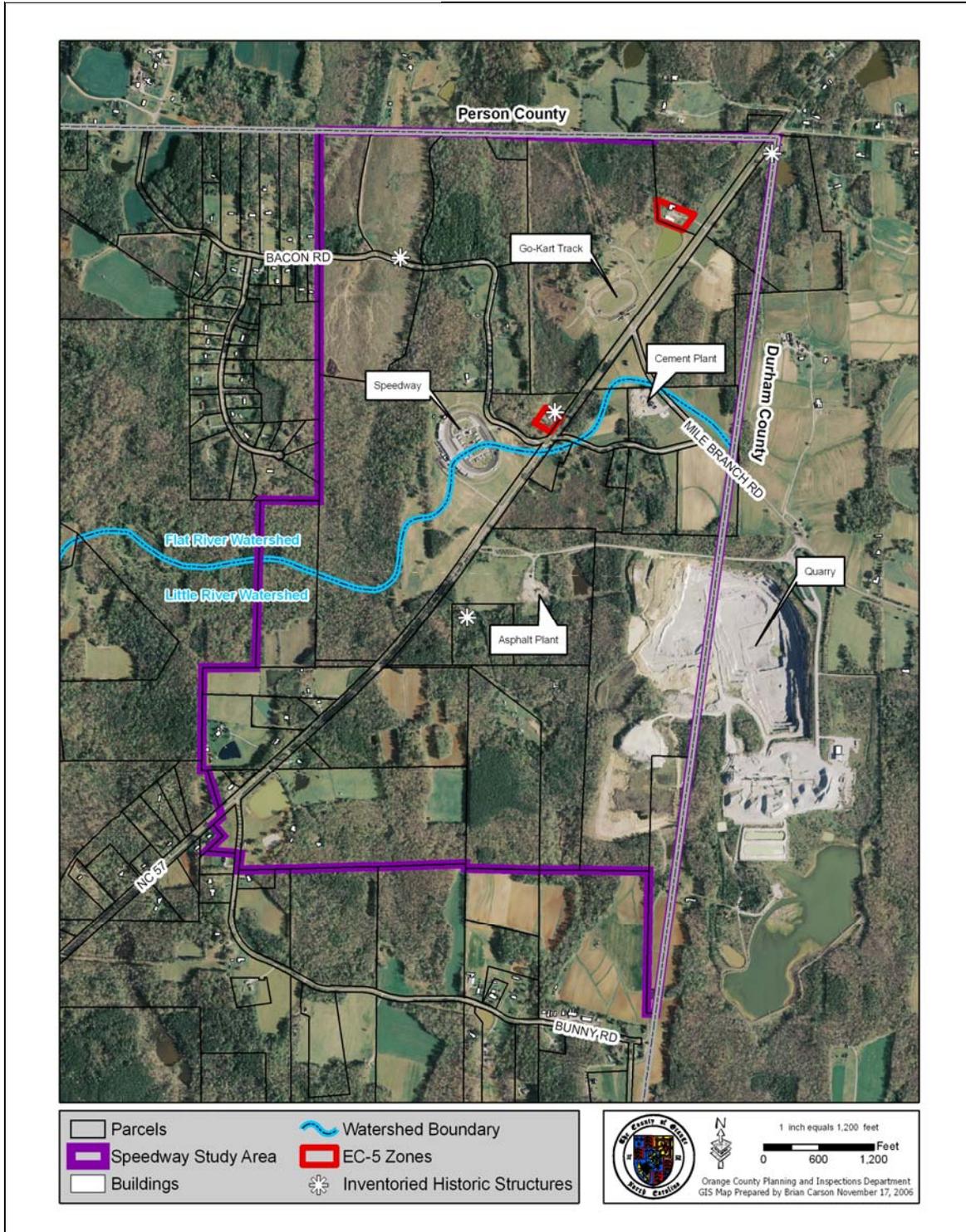
On June 27, 2006 the BOCC authorized the Planning and Economic Development staff to begin the process of developing a Small Area Plan for the NC 57 area bordering the Person and Durham County lines, in and around the Speedway property including parcels with an existing go-cart track, a former asphalt plant, a cement plant, and an existing bedrock quarry.

### **B. STUDY AREA**

The NC 57 corridor area proposed for this study, hereafter called the Study Area, contains approximately 38 parcels encompassing approximately 930 acres. NC Highway 57 bisects the Study Area diagonally from southwest to northeast. The Person County line is the northern boundary and the Durham County line is the eastern boundary. Mile Branch Road, Bacon Road, and Bunny Road intersect with NC Highway 57 north to south along the corridor.

The Study Area is located within Little River Township, which came under Orange County zoning jurisdiction in 1994. The majority of the property within the Study Area is currently zoned Agricultural Residential (AR) with two parcels zoned Existing Commercial Five (EC-5). The Study Area is also located within the Flat and Little River Protected Watershed Overlay Zoning Districts. The predominate land use is residential with four non-residential uses, including the Orange County Speedway and a rock quarry, currently in operation. (*Please refer to Figure 1. Study Area Map.*)

Figure 1. Study Area Map



### C. PLANNING PROCESS

Once the need to develop a Small Area Plan was recognized for the Study Area, County staff defined a process to develop the Plan. The following is a review of the process:

1. **Inventory and Assessment Phase:** During this initial step, Planning and Economic Development staff members collected and analyzed background data on the Study Area including a breakdown of the land uses present within the identified Study Area, the percentage of vacant lots within the area, the presence of environmental constraints that would impede or hinder additional development, and the availability of the necessary infrastructure to support additional residential and non-residential development.
2. **Identification of Issues and Concerns:** Using the background data, a current conditions brief was developed outlining the current issues concerning allowing additional residential and non-residential development within the Study Area. This brief allowed staff to develop a preliminary list of strategies to solicit additional input from local residents and to provide a backdrop for the Task Force that would be created to oversee the completion of the Plan.
3. **Public Feedback:** The next step was to obtain feedback from the area residents with the intent of obtaining a more accurate assessment of what the entire community desired for the Study Area. This step included the public input phase where staff held an initial focus group meeting outlining the overall scope and purpose of the project and soliciting initial comments from local residents and property owners. This meeting was also utilized to request volunteers to serve on the Task Force that would oversee completion of the Plan. Once the BOCC appointed the Task Force, several additional public forums were held to solicit input from local residents and property owners over development trends within the Study Area.
4. **Completion of the Plan.** Based on input from local residents, property owners, and Task Force members, a complete draft of the Small Area Plan will be presented to the BOCC for review and comment.

On August 22, 2006, the BOCC appointed a twelve member Task Force made up of residential property owners, commercial property owners, at-large county residents, Durham and Person County representatives, and two BOCC members.

After two community meetings and six Task Force meetings, the Task Force was charged with developing the Plan for the Study Area and making recommendations to the full BOCC, and its advisory boards and commissions, outlining a local perspective on the appropriateness of existing land uses and development trends as well as recommendations on desirable levels of future residential and non-residential uses within the area. The rationale for appointing a Task Force is to ensure that the Plan represents the vision and needs of local residents and property owners.

As originally envisioned, the Task Force was to develop the Small Area Plan by addressing the following questions:

## NC Highway 57 Speedway Area Small Area Plan

1. What are major Study Area issues?
2. What types of land uses are appropriate for the area?
3. Under what conditions could new residential and non-residential uses be established?
4. Under what conditions could existing non-residential land uses improve their facilities and potentially become conforming activities per the Orange County Zoning Ordinance, hereafter referred to as the Zoning Ordinance?

### **D. SCOPE OF THE PLAN**

The scope of the Plan is to review the existing land use patterns and development regulations within the Study Area and devise a set of proactive standards for future land use decisions within this corridor. The Plan is also intended to review the existing non-residential developments within the Study Area to identify possible improvements to these existing activities to both address their conforming status, with respect to County regulations, and the off-site impacts these uses generate.

The Plan analyzed existing conditions and made recommendations regarding:

1. Acceptable development trends and land uses within the area,
2. The need for additional community services and transportation issues and concerns, and
3. Issues surrounding existing non-conforming, non-residential land uses and their effect on existing and future land use development patterns within the area.

Recommendations within the report attempt to balance existing development patterns within the Study Area with local residents and property owner's concerns over the impacts existing, and future, development within the area could have on identified issues. Special attention was given to:

1. Ongoing traffic and access management concerns identified by local residents as a major problem within the area,
2. Concerns over water quality and quantity,
3. Noise and noxious odors, and
4. An appropriate level of additional residential and non-residential development to preserve the existing quality of life within the area.

This Small Area Plan is intended to be a contributing component of the Orange County Land Use Element of the Comprehensive Plan. The Comprehensive Plan outlines the overall development philosophy for the County. The Small Area Plan applies the development goals and policies, which are outlined within the Land Use Element, to a specific area and identifies how these goals and policies are going to be implemented within the Study Area.

## E. SMALL AREA PLAN TASK FORCE CHARGE

With the assistance of staff, the Task Force developed its own charge, which is presented in Table 1. The Task Force Charge includes a listing of issues, a description of opportunities and constraints, and a future vision for the Study Area. Some of the statements may appear to be contradictory; but that is the dichotomy the Task Force was presented with – *reconciling commercial aspirations with neighborhood preferences*.

**Table 1. Issues, Concerns, and Identified Opportunities and Constraints.**

- **Issues and Concerns**
  - ***Development***
    - ✓ Area residents want more information on the Speedway.
    - ✓ The County should work to keep things as they are.
    - ✓ There is enough development within the area.
    - ✓ More development will exacerbate existing problems.
    - ✓ Residents are not interested in getting used to something new.
  - ***Major Safety Hazards***
    - ✓ Noise and existing traffic are of great concern.
    - ✓ Large trucks and R.V.s cannot access the existing commercial properties and have to park along the highway.
    - ✓ The Speedway, during race days, generates excessive traffic from the site.
    - ✓ Speedway patrons often sped and litter the roadside.
  - ***Soils***
    - ✓ Study Area soils do not percolate well.
  - ***Speedway/Go-Karts***
    - ✓ Go-kart owners would like to see new business opportunities.
    - ✓ Business owners should find out what would be acceptable and work to accomplish those opportunities.
  - ***Groundwater/Water Quality***
    - ✓ Water quality is a problem in the area.
    - ✓ Well water is very bad and many wells have discoloration.
- **Identified Opportunities and Constraints**
  - ***Traffic Improvements***
    - ✓ Work within the existing NC 57 right-of-way should address traffic flow problems.
    - ✓ Widening NC 57 will be difficult because many well and septic systems are located close to the road.
    - ✓ Any road improvements should be on the developer's property.

## NC Highway 57 Speedway Area Small Area Plan

- ***New Businesses***
  - ✓ Businesses with low water usage could be welcomed.
  - ✓ Business complementary to the raceways could be acceptable.
  - ✓ Storage facilities would be okay if traffic patterns or water usage do not change.
  - ✓ Recreation land uses might be acceptable so long as they do not generate off site impacts.
- ***Water***
  - ✓ Water and the lack of good soils are major constraints for future development.
  - ✓ The quarry is a probable source of water problems.
- **Future Vision**
  - ***Rural Character***
    - ✓ Development of emergency services, telephone and cable service, including the availability of high-speed Internet services, to local residents shall be encouraged.
    - ✓ Extension of other services, especially water and sewer, is not encouraged due to cost issues and other constraints.
    - ✓ Commercial expansion opportunities shall be reconciled with the desire of local residents to preserve and protect the rural character of the area and to improve upon existing development to mitigate off-site impacts.
  - ***Nuisances***
    - ✓ The need to address the identified nuisance issues, like litter and speeding, in a comprehensive format should be reviewed.
    - ✓ Commercial property owners shall identify ways to reduce off-site impacts from identified non-residential activities.
    - ✓ Programs to reduce noise from existing highway traffic and existing non-residential operations are encouraged.
  - ***New Business Opportunities***
    - ✓ There may be a need to expand non-residential land uses that supports existing, outdoor recreational land uses and have low water use needs.
    - ✓ Physical improvement to the Speedway or go-kart facilities should not create more traffic congestion, trash and litter, nuisances, and noise.
    - ✓ It is appropriate to allow additional development within the area that complements existing, adjacent, land uses and to encourage new land uses that would be appropriate based on preserving existing neighborhood aesthetics.
    - ✓ If new businesses are brought to the area, then the County should work to attract businesses that will not impact groundwater or septic system quality, would not require the expansion of NC 57, would not create additional off-site impacts, is respectful of the rural nature of the area, and complies with all environmental rules.
    - ✓ Re-development of existing non-residential property is encouraged when off-site impacts are addressed.

## NC Highway 57 Speedway Area Small Area Plan

- ✓ A request to expand the go-kart operations with a focus on a family recreation will be reviewed.
- ***Future Design Opportunities***
  - ✓ NC 57 is an Orange County entryway and should have special design treatment to welcome travelers to the area.
  - ✓ The BOCC should review the feasibility of developing entranceway areas at all major access points to the County.
  - ✓ The need for implementing architectural standards and controls for existing and future developments should be reviewed.
  - ✓ The ability to install traffic control and traffic calming techniques within the area to address traffic concerns, particularly after races and for school buses stopping on the highway should be reviewed.
  - ✓ The need for buffers around the non-residential activities should be reviewed.

## **SECTION II. RELEVANT PLANS AND ORDINANCES**

### **A. 1981 ORANGE COUNTY LAND USE PLAN/ LAND USE ELEMENT (LUE)**

The Land Use Element Map (LUEM) is currently the guiding document for planning activities in the County jurisdiction. An update to the Comprehensive Plan, including the Land Use Element (LUE) and LUEM is currently underway and has an expected completion date of August 2008. It is the intent of this study to provide up-to-date information and recommendations for possible inclusion in the Comprehensive Plan. However, original or revised recommendations of the 1981 LUE will be used for drafting this report.

The existing LUE and LUEM define the Study Area as Agricultural Residential, meaning:

*Land in the rural areas where the prevailing land use activities are related to the land (agriculture, forestry) and which is an appropriate location for the continuation of these uses.*

The Study Area is not intended to be used for non-residential development and is only meant to support residential and agricultural land uses. According to the LUE, Agricultural Residential areas are not intended to have services (i.e. water/sewer) extended to them and are not considered viable for land uses generating large amounts of traffic.

### **B. ZONING ORDINANCE**

Zoning is the traditional and nearly ubiquitous tool available to local governments to control the use of land. Broad enabling authority for counties in North Carolina to engage in zoning is granted in N.C.G.S. 153A-340. Zoning typically controls the type and intensity of use (e.g., residential, commercial, industrial) and provides minimum specifications for use such as lot size, building height, set backs, and density of population.

Large areas of the County, and the vast majority of the Study Area, have the zoning district classification of Agricultural Residential (AR). AR was established as a district whose purpose is:

*... to assist in the preservation of land suitable, as a result of location, existing farming operations, soils and topography, for agricultural, silvicultural or horticultural uses and to protect such uses from the adverse effects of incompatible land uses.*

Within the AR district regulations, certain uses are regulated to ensure that neighborhood impact is mitigated. The AR district establishes minimum specific site standards, combined with general standards that provide the necessary flexibility to impose a higher level of specific site standards dependent upon the degree of neighborhood impact anticipated from a proposed development project.

## NC Highway 57 Speedway Area Small Area Plan

The Study Area is also located within two watershed overlay zoning districts, specifically the Flat River and Little River Protected Watershed Overlay Districts. The purpose of the Watershed Overlay Districts is to:

*... prevent significant future water quality deterioration in existing or potential future drinking water reservoirs which receive stormwater runoff from land within Orange County.*

Protection of all water supplies within the State was mandated by the Watersupply Watershed Protection Act passed by the General Assembly in 1989. The quality of water in drinking water reservoirs can be affected by human activities including farming, construction of highways and roads, subdivision development, industrial development, and other land-disturbing activities.

The intent of the Protected Watershed Overlay Districts is to apply a set of regulations involving land use and, in some cases, structural best management practices that protect the watersheds by reducing the pollution from future development.

To that end, the Watershed Overlay districts establish land use management practices that involve minimum lot size, density ratios, buffer requirements, erosion control, and impervious surface restrictions to protect water quality throughout the County.

There are also two properties within the Study Area that are zoned Existing Commercial Five (EC-5). The purpose of the EC-5 District was to provide a district to be used only during the initial application of zoning in previously unzoned townships to accommodate existing commercial uses or in zoned townships to previously zoned commercial property that were not located in areas designated as Activity Nodes by the adopted LUEM. When the Little River Township was originally zoned in 1994, several existing commercial uses were zoned EC-5 to allow them to continue operation as conforming uses of property. Per Article 4 of the Zoning Ordinance, no additional property within the County can be rezoned to EC-5.

### **C. SUBDIVISION REGULATIONS**

Orange County adopted subdivision regulations for Little River Township on March 13, 1978 to regulate the division of land. The Regulations provides for orderly growth, promote environmental quality, protect property values, coordinate the development of future street right-of-ways, provide for the development of a proper land records system, and promote developments that allow for proper emergency response.

As a development tool, the most important feature of the Orange County Subdivision Regulations, herein referred to as the Subdivision Regulations, are the standards established for governing the development of infrastructure, specifically the construction and layout of roads and road right-of-ways. With few exceptions, all subdivisions within the County's jurisdiction are subject to review and approval by the staff, Planning Board, and the BOCC.

## NC Highway 57 Speedway Area Small Area Plan

There are two types of subdivisions: major and minor. Minor Subdivisions are divisions of land resulting in the creation of two to five lots, and are generally reviewed at the staff level. Major Subdivisions are those divisions of land proposing to create more than five lots; those are reviewed for technical matters by staff and through a development review and approval process that includes the Planning Board and BOCC.

All subdivisions have to make provisions for road construction as well as designating a minimum road right-of-way. Although the County has private road construction standards that are less restrictive than the North Carolina Department of Transportation (NCDOT) standards, the right-of-way requirements are the same.

As areas within the County continue to develop, the need to encourage the interconnectivity of individual roadways becomes more and more important to allow for the free flow of traffic and to create a unified traffic pattern. The availability of alternate routes, and interconnected side streets, throughout an area provides for some disbursement of traffic and alleviates some of the traffic load off the highways serving larger areas of the County. Prior understanding of this network of roads and planning for this at the subdivision level can be a powerful tool in proactively addressing transportation problems of the future.

## **SECTION III. BACKGROUND INFORMATION – STUDY AREA ISSUES**

The various existing non-residential operations in the Study Area were established prior to the adoption of comprehensive zoning regulations in 1994. As a result, they were allowed to continue operation as nonconforming land uses per Article 11 of the Zoning Ordinance. The two racing facilities and the concrete plant are not consistent with the current zoning of the area and would not be allowed to develop under current County regulations. The rock quarry is potentially consistent with existing zoning regulations, but only with the submission, and BOCC approval, of a Class “A” Special Use Permit. Other issues of significance are discussed below.

### **A. ENVIRONMENTAL**

The topography of the Study Area is gently rolling to hilly, with slopes falling away from the major drainage divide of the Little River to the south and the Flat River to the north. Both rivers are tributaries of the Neuse River.

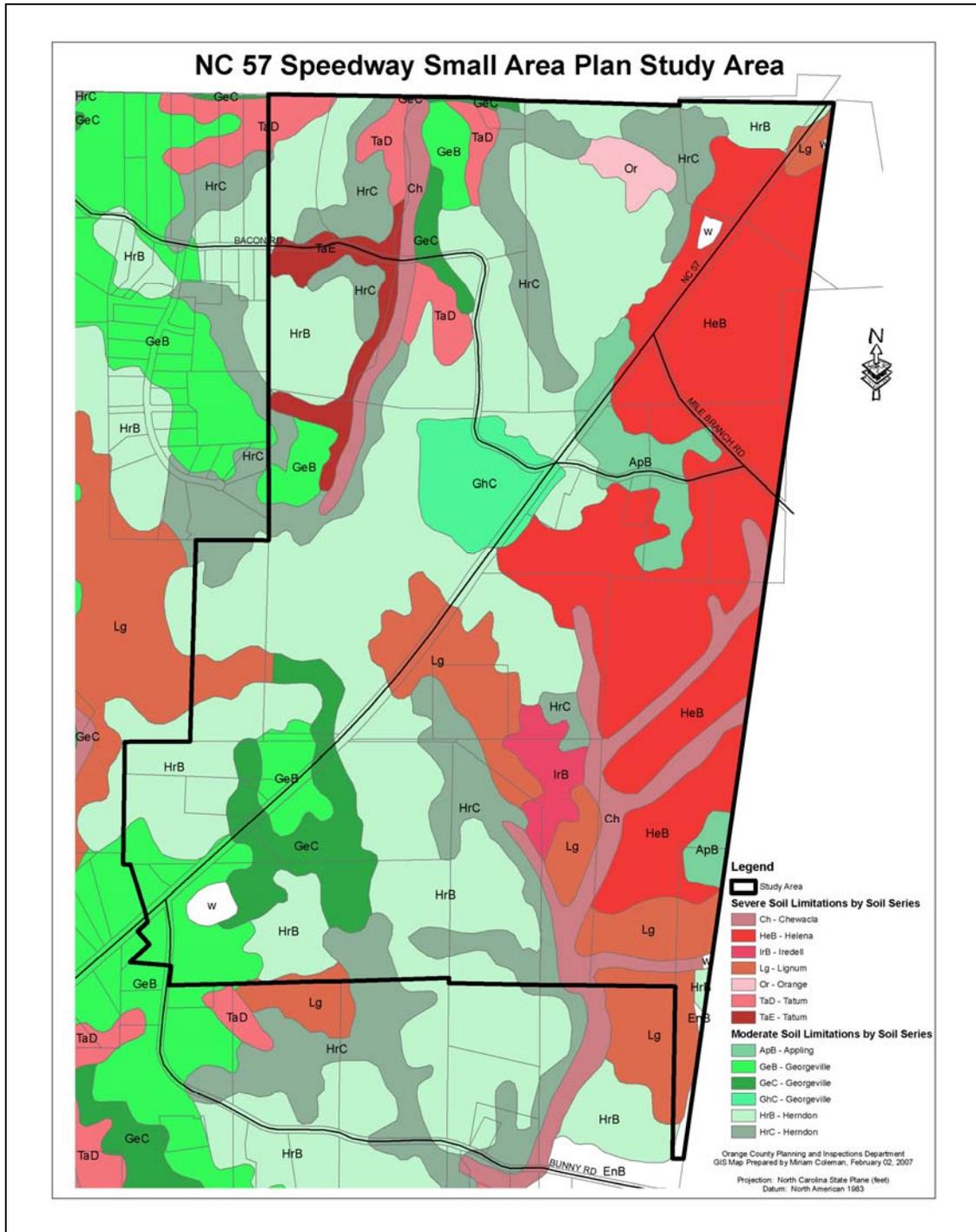
Under-lying geology has a profound influence on the settlement pattern and land use. NC Highway 57 generally divides the Study Area with granite bedrock to the east of the road and metamorphic rocks to the west. Surface soils formed from weathered granite have severe limitations for on-site septic disposal drain fields. The few residences found east of the highway are on lots larger than ten acres. The Hanson Aggregate rock quarry is at its present location primarily due to the quality of granite rock found relatively close to the surface. Bedrock is crushed and used as concrete and asphalt aggregate.

To the west, soils have moderate septic field limitations, except where slopes exceed ten percent. Figure 2 illustrates the pattern of soils with septic limitations. The soils colored red have severe limitations. The different soils colored green have moderate limitations. The variations in the red, severe limitations for septic fields, and green, moderate limitations for septic fields, help denote the different soil types.

Ground water yields across the Study Area are not sufficient to support extensive new residential or high water use non-residential growth, particularly east of NC Highway 57. Seams and fissures in the rock will yield water of low to acceptable quality, but the quantity of the yields has generally limited new housing starts.

NC Highway 57 Speedway Area Small Area Plan

Figure 2 Soil Septic Limitations.



**B. EXISTING LAND USE**

Table 2 summarizes land use activities within the Study Area. The Hanson Aggregate stone quarry (258.17 acres) and the concrete plant dominate the existing land uses east of NC Highway 57. West of the highway, the Speedway (118.59 acres) and the go-kart facility (80.52 acres) are the dominant land uses.

**Table 2. Study Area Land Use Summary.**

Uses	Quarry	Outdoor Recreation	Active Agriculture	Undeveloped	Industrial	Residential	Totals
Sub-totals	258.17 ac.	199.11 ac.	92.89 ac.	242.72 ac.	29.65 ac.	107.96 ac.	930.50 ac.
Study Area %	27.7%	21.4%	10.0%	26.1%	3.2%	11.6%	100.00%

**Quarry**

The Nello L. Teer Company, the former quarry operator, received its initial operating permit from the State of North Carolina in 1987. Durham County, at the same time, reviewed the development proposal and issued a Special Use Permit (SUP) allowing for the quarry operation to be established. Within Durham County, the quarry area is within the Little River Watershed Plan as a protected corridor. As previously indicated, the Study Area was not zoned by the County until 1994, when it was zoned AR. While the County conducted a public information meeting on the quarry development proposal in 1987 regarding the mining permit, primarily in Durham County at that time, no permit was issued.

With the establishment of County zoning authority in Little River Township in 1994, the stone quarry became a legal non-conforming land use. Hanson Aggregates has operated a granite rock quarry east of NC Highway 57 since 2002. The quarry operation is located within both Orange and Durham counties, with the majority of the quarry operation within Durham County.

The Orange County portion of the quarry contains 258 acres of leased lands and lands owned in fee simple by Hanson Aggregates. At present sixteen acres of this area are actively quarried and another 64 acres are bonded for future quarry pit expansion. The ultimate quarry pit area, according to the permit on file with North Carolina Department of Environment and Natural Resources (NCDENR), is intended to incorporate approximately 80 acres of land within Orange County.

The current permit authorizing quarry operations expires on March 8, 2008. The looming renewal question presents the quarry owners and Orange County an excellent opportunity to address the SUP issue in a proactive manner. Durham County may review their SUP during the renewal while Orange County will initiate its own new SUP review process.

### **Quarry – Asphalt Plant**

NCDENR issued an initial Air Quality permit to the Nello Teer Company to develop an asphalt plant on the quarry property in the early 1990's. The permit noted the plant as being in Durham County where the quarry administrative center is located, rather than the actual physical Orange County location. A few years after NCDENR issued its original permit the asphalt plant, located on leased lands west of the quarry within Orange County's planning jurisdiction, burned down and the plant operation ceased.

### **Concrete Plant**

The concrete plant on Mile Branch Road began operation before zoning regulations were in effect for Little River Township. The plant is a legal non-conforming use that would need rezoning to become conforming.

### **Orange County Speedway and Go-Kart Track**

The outdoor raceway facilities dominate the west side of NC Highway 57 because of their large lot size, volume of traffic generated before and after events, and in the case of the Speedway, the sheer volume of noise emanating from the raceway. Litter generated on local roadways is also of concern to local residents. The Speedway and the go-kart facilities are not currently listed as either permitted or special uses in the AR zoning district. To make them conforming there would have to be amendments to the existing Orange County Zoning Ordinance, such as a zoning amendment allowing the uses within the AR zoning district or the creation of a new zoning district. Along with these amendments there would have to be conditions of approval established governing the operational characteristics of both land uses. Because the two raceway activities were established before County zoning authority was established, the properties are considered to be legal non-conforming uses of land.

## **C. INFRASTRUCTURE (WATER/SEWER SERVICE)**

As previously indicated, there are no public sewer collection or water distribution systems available within, or planned for, the Study Area. The Study Area is not part of a Primary Service Area and water and sewer service is not anticipated, except in the advent of a documented adverse public health condition, such as contaminated well water, un-repairable wells, or where there is no alternate location on-site for a new well and no other service option is available.

During initial public input sessions, several local residents expressed concern over the sustainability of their wells. Some residents stated that their wells were contaminated as the result of blasting activities at the stone quarry.

The Orange County Environmental Health Division has offered to provide well testing services to properties within 3,000 feet of the stone quarry properties to evaluate well water problems. Figure 3 maps the quarry impact area. There are 33 residences in the quarry impact area, many of which are outside of this Small Area Plan Study Area.

## NC Highway 57 Speedway Area Small Area Plan

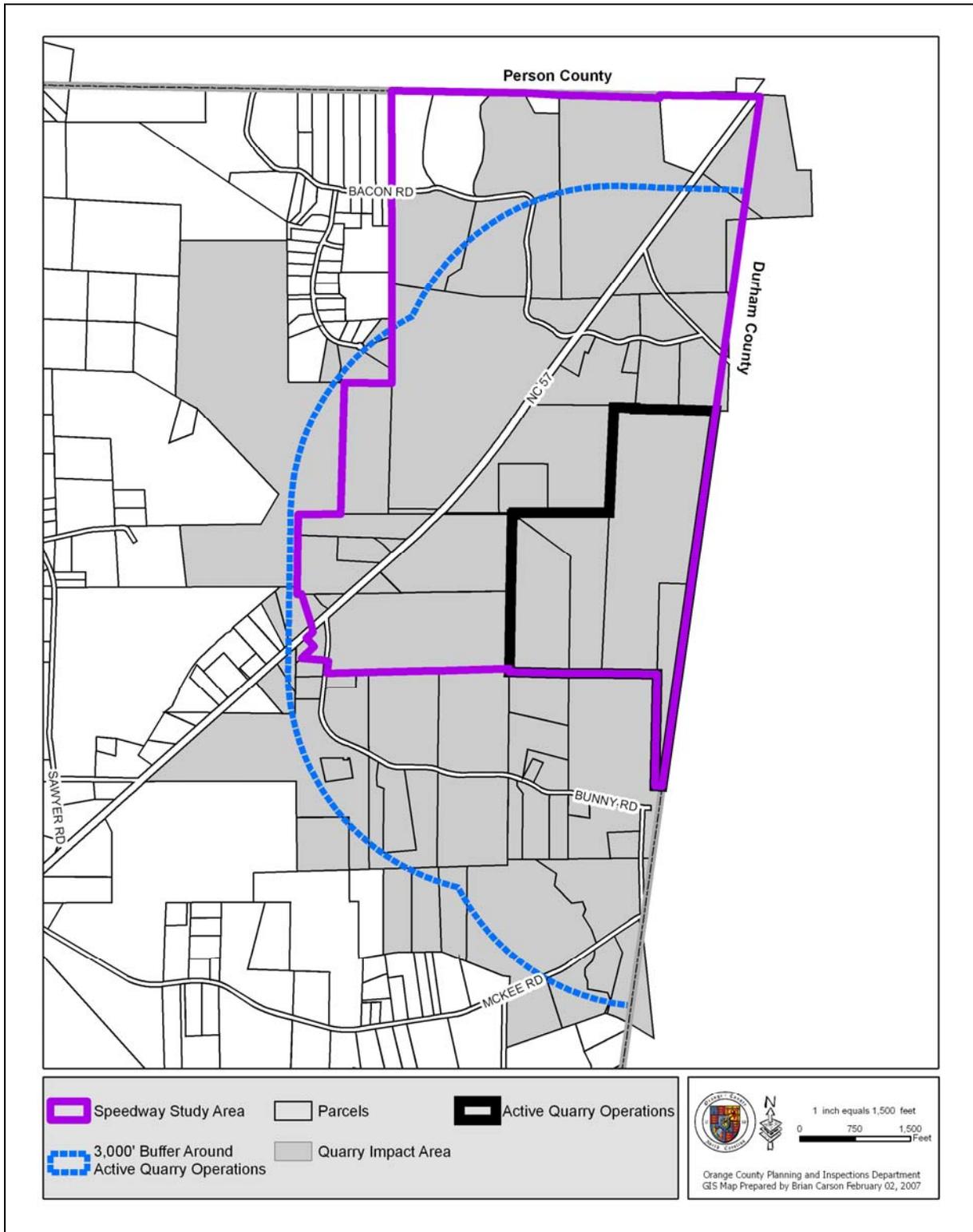
The Environmental Health Division has well records on 31 of these residences. Table 3 lists the wells, the address of the property that the well serves, its Tax Map Block and Lot Number, the year the well was drilled, its depth, casing height, yield in gallons per minute, and the results of any water testing. Only five of the wells have documented water quality tests.

Six of the wells were operational before the stone quarry began mining bedrock in the mid to late 1980's. The other 25 wells were drilled after the quarry began operations. The average well depth is 235 feet and the average well yield is just over nine gallons per minute. The County has no record of failed wells in the Study Area, although several new wells had to be re-drilled because of the lack of sufficient water yield.

According to Health Department records, only six property owners have requested, and received, well quality tests. Three of those have high iron (Fe) levels that could cause the reddish well water referenced by so many residents as a concern during the initial public information meetings.

As of the writing of this Plan, there is insufficient evidence to state that the quarry operation has or has not created problems for local wells. The Task Force members believe that further study is warranted to review the issue and make a final determination once all of the facts are in.

Figure 3. Quarry Impact Area.



**Table 3. Impact Area Well Inventory.**

<b>Property Mailing Address</b>	<b>TMBL</b>	<b>Date</b>	<b>Depth</b>	<b>Casing</b>	<b>Yield</b>	<b>Bacteria Test</b>	<b>Inorganic</b>
8530 McKee Road	1.12..4B	1993	165	53	20	Normal	Okay
8811 McKee Road	1.12..5B	1992	145	42	20		
9616 La Mesa Lane	1.4..24	1999	325	42	3		
9604 La Mesa Lane	1.4..25	1997	160	42	10		
5 Penn Plaza	1.4..26	1998	305	42	3		
9601 La Mesa Lane	1.4..27	1998	220	42	16		
340 Plantation Dr.	1.4..42						
8623 Bacon Road	1.4..5	2003	365	63	2	Total	High Mn
4004 Stonebrook Farm	1.4..6C	1993	605	53	4		
9740 NC Hwy. 57	1.4..8	1986	142	67	25		
P. O. Box 131211	1.4..9	1988	165	21	10		
8016 Bunny Road	1.5..10D	1992	145	48	12		
8203 Bunny Road	1.5..10F					Normal	
9335 NC Hwy. 57	1.5..11	2005	305	63	2		
P. O. Box 32	1.5..12	2001	185	63	2		
9420 NC Hwy. 57	1.5..18	1998	445	42	2	Normal	High Fe
9504 NC Hwy. 57	1.5..19	1983	285	27	1		
9524 NC Hwy. 57	1.5..19A	2002	205	63	4		
P. O. Box 143	1.5..1E	1987	100	30	8		
2211 Red Mountain	1.5..1G	2004	300	63	0		
P. O. Box 140	1.5..2A	1984	125	44	8	Normal	High Fe, Pb High Fe, Cu
9415 NC Hwy. 57	1.5..3	1984	225	59	4		
9400 NC Hwy. 57	1.5..3B	1989	125	4	3		
9340 NC Hwy. 57	1.5..3C	1984	185	54	6		
8612 Bunny Road	1.5..3E	1999	442	80	1		
8710 Bunny Road	1.5..6B	2004	165	63	30		
8612 Bunny Road	1.5..7						
8612 Bunny Road	1.5..7A	1998	145	57	20		
8615 Bunny Road	1.5..7C	2001	185	63	20		
8705 Bunny Road	1.5..7D	2001	165	63	20		
8620 Bunny Road	1.5..	1983	230	21	2		

Source: Orange County Environmental Health Department

Yields are expressed in gallons per minute.

Wells drilled before 1981 may not be included in this listing and data for these older wells may not be available.

#### **D. HISTORIC AND CULTURAL**

There are four houses within the Study Area that are included on the inventory of historic structures for Orange County. They include the William Tilly House on the east side of NC Highway 57 at the Person County line; the house on the Hanson Aggregates property southwest

of the former asphalt plant; the Evans house at the northwest corner of NC Highway 57 and Bacon Road; and a house on the north side of Bacon Road, west of the Speedway.

No other historic or culturally significant sites have been documented within the Study Area.

## **E. ECONOMIC DEVELOPMENT**

As previously indicated, there are four existing non-residential land uses within the Study Area that represent significant, or potentially significant, employers and economic generators. These include the stone quarry, the concrete plant, the Speedway, and the go-kart raceway. A local landscape contractor office and equipment storage facility is operating within one of the EC-5 zoning districts.

The Economic Development Commission's purpose, as outlined within its five-year strategic plan, is to:

*... make Orange County a smart, innovative place – a great place in which to live and work. We encourage public-private investments to provide jobs for county residents and to increase the non-residential tax base. Through these investments, we enhance the financial well-being and quality of life of county residents, and the ability of their local governments to provide high-quality services.*

To this end, the Economic Development Commission (EDC) sees the existing non-residential land uses as an important component of on-going programs to study the viability of expanding economic development opportunities within the rural portions of the County. EDC staff and board members, however, understand the relationship between encouraging 'balanced' growth so that the rural character of an area is preserved even with the addition of non-residential land uses to a given area.

The EDC is a partner in this planning process, and is endeavoring to work with local residents and property owners to develop appropriate goals and policies geared to addressing their concerns.

## **F. HOUSING**

There are currently sixteen single-family residences on 108 acres of land within the Study Area. Four of these structures are listed in the inventory of historic structures for Orange County. The type of housing ranges from manufactured housing units to older stick built homes. While not directly assessed, housing quality does not appear to be an identified issue.

## **G. RECREATION, PARKS, AND OPEN SPACE**

No publicly owned recreation, parkland, or open space is located in the Study Area. There are nearly two hundred acres of private recreation land in the form of an automotive speedway and a go-kart raceway and limited motocross track. The Durham County Special Use Permit references a recreational complex on the quarry property after operations have ceased.

## NC Highway 57 Speedway Area Small Area Plan

Ownership and park operations are not specifically defined, but Orange and Durham Counties have developed a cooperative agreement for the Little River Park and could expand that arrangement to include the eventual park use for the quarry.

### **H. COMMUNITY CHARACTER AND FORM**

NC Highway 57 is a two-lane road with a 55 miles per hour posted speed limit. Over the past few years, traffic counts north of Mile Branch Road average from 1,800 to 2,900 daily trips, which is about 30% of design capacity. South of New Sharon Church Road the traffic counts average from 2,400 to 2,800 daily trips. The highway provides access north to Roxboro and northern Durham County via US 15/501 and south to Hillsborough and Durham via US Highway 70.

The local community is rural in nature and surrounds non-residential activities.

## **SECTION IV. MAJOR ISSUES AND TASK FORCE RECOMMENDATIONS**

The overall purpose of the Small Area Plan is to review the existing land use patterns and development regulations currently enforced within the Study Area and devise a set of proactive standards to regulate future land use development along the NC Highway 57 corridor.

The recommendations contained within this section reflect a balance between the need to encourage reasonable development and the availability of infrastructure, including adequate roads, to support additional growth.

Specifically, the recommendations within this Section address the following issues:

### **A. LAND USE**

- The Policy statements outlined within this portion of the report recommend uses of undeveloped property based on numerous factors including, but not limited to, surrounding land uses, presence of existing natural hazards such as floodways, the potential impact land use will have on local roadways, the environmentally sensitive nature of the area, and concerns over water usage.

### **B. LAND USE PLAN AMENDMENTS**

- Recommendations have been made regarding the possible amendment of current Land Use Element goal statements and policies affecting development within the Study Area in order to promote present and future land use patterns identified within this Plan. These goals and policy initiatives are intended to become part of the final Comprehensive Plan update that will be reviewed and approved by the BOCC sometime in 2008.
- County Planning staff and the Planning Board will review all proposed amendments to the existing Orange County Comprehensive Plan and will make a formal recommendation to the BOCC on their adoption. The BOCC will make the final decision on the appropriateness of the amendment(s) after holding an advertised public hearing to solicit public comment on the proposal(s).

### **C. LAND USE PLAN MAP AMENDMENTS**

- Recommendations have been made regarding the possible amendment of the current Land Use Element Map to outline a new area intended to foster economic development within the rural portions of the County.

#### **D. ZONING/ECONOMIC DEVELOPMENT TEXT AMENDMENTS**

- Recommendations have been made regarding the possible amendment of current zoning/economic development regulations enforced within the Study Area in order to promote present and future land use patterns as identified within the Land Use Section.
- The Planning Board and Economic Development Commission shall review all proposed amendments to the Zoning Ordinance and Economic Development Manual and make formal recommendations to the BOCC on their adoption. The BOCC will make the final decision on the appropriateness of the amendments after holding an advertised public hearing to solicit public comment on the proposals.

#### **E. ZONING MAP AMENDMENTS**

- Current Zoning Districts within Orange County have been reviewed for compatibility with the recommendations made within this study concerning promotion of present and future land use patterns within the Study Area. Recommendations, with respect to Zoning Map Amendments, have been made to promote the development of property consistent with Policy statements concerning the potential growth within the Study Area.
- As with the recommended changes to existing zoning regulations, County Planning staff and the Planning Board will review all recommended Zoning Atlas Amendments first and make a formal recommendation to the BOCC on their adoption. The BOCC will make the final decision on the appropriateness of these map amendments after holding an advertised public hearing to solicit public comment.

Each identified Land Use Policy has a detailed description of any necessary zoning text or zoning map amendment, amendments to other ordinances or new regulations that will be necessary to support the Policy statement. In many cases multiple Policy recommendations are outlined to provide multiple options for addressing identified land use issues.

#### **F. RECOMMENDATIONS**

Orange County's overall planning principles regarding growth and change within the Study Area are:

1. Preservation and protection of the rural character and nature of the area,
2. Minimization of negative impacts to natural systems/environmentally sensitive areas,
3. Restrict growth and development so that it complements the rural character and lifestyles, and
4. Maintenance of present service levels for existing infrastructure.

## NC Highway 57 Speedway Area Small Area Plan

Recommendations in the following text organize goals, objectives, policies with standards, implementation that the County can consider to address future development within the Study Area. Task Force members have identified recommendations that they believe will best serve the County's principles. Regulatory mechanisms necessary to support each principle and goal are contained within each section and denoted as either amendments to the zoning text, zoning atlas amendments, or other land development ordinance amendments.

### **PRINCIPLE 1 -- Preservation and protection of the rural character and nature of the area**

Residents have expressed to Task Force members that there is already enough development within the area and that additional development, both residential and non-residential, will further exacerbate existing problems. These concerns are described in the scope of the plan.

Local residents have indicated that they are not interested in seeing the extension of services, specifically water and sewer, due to cost issues and other constraints that they believe will only lead to additional development within the area. Most residents and property owners have indicated that they like the Study Area the way it is and are not interested in major change.

Chief among their concerns is that additional development will create more noise and traffic issues than they want to deal with. The Task Force has received numerous complaints over the amount of traffic generated by the quarry as well as the Speedway. They have expressed frustration that more has not been done, previous to this Small Area Plan, to comprehensively review the impacts of the existing non-residential land uses on their ability to make reasonable use of their property.

While local residents have expressed concern over additional development, they have suggested that expansion of commercial opportunities may be acceptable if the expansions preserve and protect the rural character of the area. Local residents have also indicated a willingness to address the conforming status of existing non-residential developments in an effort to encourage those property owners to improve upon their existing development sites and to mitigate off-site impacts.

Expansion of housing opportunities in the Study Area is not a concern. Rather, the conservation of the lifestyle and rural ambiance is a significant issue. More to the point, maintaining residential property values for those existing residents in and around the non-residential operations is a high priority. Furthermore, controlling those off-site impacts such as noise, odor, litter, and traffic congestion are at the heart of the discussions.

**Goal 1.** The Study Area is located in a rural portion of the County where local residents have chosen to reside in an effort to escape the congestion and hectic pace of urban areas. Any additional development within the area shall augment or enhance, rather than detract from, the rural character and nature of the area.

**Objective 1-1.** All new development or rezoning approvals shall enhance the rural nature of the community and shall complement existing, adjacent, land uses and preserve existing neighborhood aesthetics.

## NC Highway 57 Speedway Area Small Area Plan

**Policy.** The BOCC shall identify the Study Area as a rural portion of the County and that future development plans for the Study Area shall be reviewed in terms of enhancing the rural nature of the community.

**Objective 1-2.** All Orange County Comprehensive Plan Land Use Element policies shall complement the importance of maintaining the rural lifestyle and culture.

**Policy.** The County should continue to maintain and defend existing policies within the Orange County Comprehensive Plan Land Use Element, which outline the importance of maintaining the rural lifestyle and culture.

**Implementation.** The BOCC should consider the objectives and policies contained within this document when finalizing decisions on addressing the conforming status of existing non-residential developments and on the possible allowance of additional non-residential land uses within the Study Area

**Policy.** Identified historic and/or cultural resources should be preserved throughout the Study Area, whenever practical, consistent with other established Orange County policies and regulations.

**Implementation:** The BOCC should review the need to conduct proactive historic surveys of large properties within the Study Area to verify if additional culturally significant sites exist.

**Goal 2.** The Study Area represents a ‘gateway’ into the County that establishes an entry corridor where travelers form opinions as to the quality of life within the area as a whole. To that end, steps should be taken to address design elements within the Study Area to aesthetically enhance this entranceway into Orange County.

**Objective 2-1.** An entry corridor design manual shall be developed for the NC Highway 57 corridor north of Bunny Road within two years.

**Policy.** The BOCC should designate a segment of NC Highway 57 within the Study Area as an entry corridor and develop appropriate design elements to welcome visitors to the area.

**Implementation:** The BOCC should study the feasibility of acquiring sufficient property within the Study Area to develop a welcome sign with landscaping and other similar features.

### **PRINCIPLE 2 -- Minimization of negative impacts to natural systems/environmentally sensitive areas**

The Task Force finds that groundwater quality, and quantity, are issues for new development projects within the area and that the limitations on existing sources for groundwater have contributed to well issues for existing residents and property owners’ for sometime now. Some

## NC Highway 57 Speedway Area Small Area Plan

Study Area residents have suggested that the discoloration in their well water may be attributable to the stone quarry operation and that blasting activities have created problems for their wells, some over 30 years old. Severe soil limitations for on-site septic drain fields have limited new development in the Study Area.

**Goal 3:** The lack of reliable, consistent potable water supplies and poor soil conditions for septic drain fields limit development opportunities within the Study Area. Future development proposals should not adversely impact existing groundwater supplies and should be reviewed and approved with this factor in mind.

**Objective 3-1.** The County Health Department, in close coordination with the County Planning and Inspections Department, shall educate all residents living within the 3,000-foot Hanson Aggregate stone quarry impact area regarding well testing services to evaluate well water problems through a systematic study and assessment.

**Policy.** The BOCC should identify the Study Area as a high priority for an Environmental Assessment of well water samples and surveys through the County Health Department, specifically focusing on: groundwater sustainability, aquifer flow testing, well contamination, and well capacity. Known geophysical conditions associated with a deep bedrock quarry, nearly one-third of private wells in operation prior to quarry operations, are the risk factors justifying such a study and assessment.

**Objective 3-2.** The County should include language within the Orange County Land Use Element update requiring all non-residential development projects and major residential subdivisions within the Study Area to complete comprehensive environmental assessment of the groundwater resources to determine the magnitude of future use and sustainable, on-site aquifer yields that does not compromise wells on adjacent properties, as part of their review and approval process.

**Policy.** The County shall revise existing land use regulations, and development review procedures, to include provisions requiring the review of anticipated groundwater usage all proposed development projects and that this study shall be a major consideration to determine the appropriateness of any proposed land use, or for permit approval of improvements to land existing uses, within the Study Area.

**Policy.** The County should revise existing standards governing the review and approval of quarry operations to require as a condition of approval that quarry developers/operators, in close coordination with the Orange County Environmental Health Division, establish well monitoring programs to monitor the viability of all private wells within 3,000 feet of the active quarry operations within the Study Area and that the quarry operators shall be required to remedy, at their expense, any problem directly attributed to the quarry operation.

## NC Highway 57 Speedway Area Small Area Plan

**Policy.** The BOCC should require formal notification to the NCDENR identifying all existing mining operations, or those uses that require air quality permits, within the Study Area and inform them that mining permit approvals, renewals, or modifications, shall require County zoning approval prior to permit review at the State level.

**Objective 3-3.** All NCDENR mining and air quality permits, which are located partially or wholly within Orange County, shall receive a finding of zoning compliance before they are issued.

**Objective 3-4.** All new development or rezoning approvals shall limit groundwater withdraws to that of a single family, four-bedroom residence (480 gallons per day) on two acres of land.

**Policy.** BOCC should only consider uses that do not require high volumes of groundwater when considering potential Zoning Atlas amendments to allow non-residential developments within the Study Area. High groundwater demand is defined as more water consumption, than that of a four-bedroom residence (480 gallons per day) on two acres of land.

Further, stormwater runoff is a potential problem for existing and new developments within the area. While existing non-residential developments are located on parcels of sufficient size to address runoff issues, greater focus needs to be given to the potential impacts on neighboring residential properties.

**Goal 4.** Stormwater runoff shall be maintained on site in conformity with existing standards and policies regardless of the age or approval date of the project.

**Objective 4-1.** All new development or rezoning approvals shall be compliant with impervious cover standards and storm water and erosion control regulations.

**Policy.** The BOCC shall work with the owners of existing non-residential developments to require improvements to the property addressing stormwater issues.

**Implementation.** Neuse Basin soil erosion control rules shall apply.

Air quality is a potential problem for existing and new developments within the area. Local residents and Task Force members have expressed concern over noxious fumes and dust being generated by existing, or future, non-residential uses. Most participants expressed significant concern over the possibility of an asphalt plant being re-established on the quarry property. While there are no local regulations addressing this issue, Task Force members have concluded that the preservation of air quality is essential to preserve the quality of life within the area.

**Goal 5.** Air quality issues shall be an intricate part of any future permit reviewed within the Study Area.

**Objective 5-1.** The BOCC shall require all non-residential development projects and major residential subdivisions within the Study Area to complete air quality permits, when such permits meet NCDENR criteria.

**Policy.** The County shall review the need to develop local regulations governing air quality and requiring local air quality permits.

**Implementation.** All new development or rezoning approvals shall be compliant with County air quality standards.

**PRINCIPLE 3 -- Restrict growth and development so that it complements the rural character and lifestyles**

The Task Force finds that existing non-residential developments generate significant off-site impacts including, but not necessarily limited to: noise, litter, stormwater runoff, traffic congestion, light intrusion, and dust generation. Unregulated, these impacts diminish the rural character and overall quality of life of the surrounding community and contribute to local residents concerns over expanding non-residential development within the area.

Task Force members suggest that a process to make these existing uses conforming to local land use regulations should be established to address off-site impacts and concerns over their status and nonconforming land uses.

**Goal 6.** Existing non-residential, non-conforming land uses should be made into conforming uses of property through amendments to the Zoning Ordinance and Comprehensive Plan and should then be brought into compliance with existing, or proposed, development criteria to address off-site impacts.

**Objective 6-1.** Under the appropriate conditions, both the Speedway and the go-kart facility shall be brought into zoning compliance within three years.

**Policy.** The BOCC should work to find an appropriate mechanism to make the existing non-residential land uses, specifically the Speedway and go-kart track properties, conforming uses of property through amendments to the Zoning Ordinance.

**Implementation.** The Task Force recommends that the BOCC consider adopting a new conditional use zoning district, or Rural Economic Development Area (REDA), to allow for non-residential development within the Study Area.

In reviewing various zoning options the Task Force concluded that other options, such as amendments to the existing AR zoning district to allow the existing non-residential land uses to be listed as permitted/special uses of property, were not viable. Task Force members concluded that the REDA process represented the

## NC Highway 57 Speedway Area Small Area Plan

most reasonable method to address the existing non-residential developments within the Study Area.

**Implementation.** The Orange County Comprehensive Plan should be amended to include references to a REDA conditional zoning district and establish necessary guidelines governing the location and development of such districts.

**Implementation.** The BOCC should consider utilizing the review and approval process for the new conditional use zoning REDA district.

**Objective 6-2.** Within eighteen (18) months, the BOCC shall establish a new conditional use zoning district for rural economic development areas, which addresses all off-site impacts.

**Policy.** Existing non-residential raceway sites within the Study Area should be rezoned to an appropriate zoning designation to make them conforming land uses.

**Policy.** The existing non-residential land uses within the Study Area may expand their boundaries, but only to enhance their perimeter buffers and not to expand their operations.

As with the racetracks, the Task Force finds that existing quarry operation generates significant off-site impacts including, but not necessarily limited to: noise, water quality, traffic congestion, and dust generation. Unregulated, these impacts diminish the rural character and overall quality of life of the surrounding community and contribute to local residents concerns over expanding non-residential development within the area.

The Task Force finds that these existing uses could be made conforming to local land use regulations in an effort to address these off-site impacts and address concerns over their status and nonconforming land uses.

**Goal 7:** With respect to the quarry operation, the land use is already considered to be a conforming use of property, as per Section 11.6 of the Zoning Ordinance. The Task Force believes that the County should take appropriate action to address the off-site impacts of the quarry while limiting the potential for operational expansion beyond what is described in the existing end use plan. Further, the end use plan for the stone quarry calls for a 100-acre reservoir and outdoor recreational activities on both the Durham and Orange County portions of the property. The time horizon for the development of such a public asset is twenty to fifty years off, depending on aggregate rock market conditions. The creation of additional parkland within the Study Area shall be encouraged.

**Objective 7-1.** The BOCC not consider allowing for such a facility at the Highway 57 quarry site based on all available information Hanson Aggregate officials supplied to the NCDENR and County staff.

## NC Highway 57 Speedway Area Small Area Plan

**Policy.** An asphalt plant is not a normal and customary accessory use to a stone quarry operation.

**Objective 7-2.** Conditions shall be applied to the Hanson Aggregate Quarry operation to address the identified off-site impacts.

**Policy.** The County should encourage Hanson Aggregates to bring the property into compliance with provisions of Article 8 of the Zoning Ordinance and work with local officials to address off-site impacts by means of the following site-specific *Standards*

1. Noise -- the Task Force recommends the following conditions:
  - a. Blasting
    - i. No blasting activity shall occur within 500 feet of perimeter property lines,
    - ii. The property owner shall develop and maintain a blast notification directory and inform all persons within the directory when blasting activities are scheduled to occur,
    - iii. The property owner shall utilize the most current, noise-reducing blasting techniques authorized by the State,
    - iv. The property owner shall establish limits on blasting activities to coincide with provisions of the Orange County Noise Ordinance. At a minimum quarry and rock crushing activities shall not exceed 60 dBA at the perimeter property line.
  - b. Stone Crushing
    - i. Noise baffling systems shall be installed at the rock crushing plant,
    - ii. All rock crushing equipment shall be operated within an enclosure,
    - iii. Rock crushing activities shall only occur from 8:00 a.m. to 9:00 p.m., Monday through Saturday.
2. Buffers and Berms -- the Task Force recommends the following conditions:
  - a. A 100-foot Type-F buffer shall be erected and maintained around the perimeter of the property according to Article 12 Landscaping and Buffer Requirements of the Zoning Ordinance,
  - b. No extraction activities shall occur within 300 feet of an occupied residential dwelling unit,
  - c. The property owner shall install necessary earthen berms or screens to prevent flying rock as the result of blasting activities,
  - d. There shall be a natural buffer or man-made berm to ensure that there is no quarry activity within 200 feet of a stream or other protected water body,

## NC Highway 57 Speedway Area Small Area Plan

- e. Required berms shall not exceed twenty feet in height from the existing natural contour line,
  - f. Berms shall be constructed utilizing native soils from the property or of inert material, and
  - g. A six-foot high security fence shall be erected around the entire circumference of active mining areas and shall be posted with warning signs advising of the dangers of the site.
3. Groundwater and Property Impacts -- the Task Force recommends the following conditions:
- a. Wells:
    - i. The property owner shall locate and describe all monitoring wells on the quarry property and make all data collected from said wells available to County personnel for review,
    - ii. The property owner shall work with the BOCC to establish a “No Fault Well Repair Fund” to cover the costs of repairing wells damaged as the result of quarry activities.
  - b. Structures
    - i. The property owner shall develop and submit a pre-blasting survey of all structures within 3,000 feet of the quarry operation,
    - ii. The property owner shall work with the BOCC to develop a ‘Loss of Fair Market Value program’ for property owners who lose market value on their property as the result of quarry operations.
    - iii. The property owner shall maintain insurance coverage for any blasting damage to surrounding residences.
4. Operational Characteristics -- the Task Force recommends the following conditions:
- a. Access
    - i. The quarry operator shall use only defined access points along Highway 57 and Mile Branch Road, and
    - ii. The property owner shall work with NCDOT, the State Highway Patrol, and County officials to address traffic management issues by making improvements to the Highway 57/Mile Branch Road intersection.
  - b. Vehicles
    - i. The property owner shall develop an education program to continuously remind drivers of existing local speed limits along local roadways.
    - ii. The property owner shall install spray bars and rumble strips to control and regulate truck traffic before they exit the premises,

## NC Highway 57 Speedway Area Small Area Plan

- iii. The property owner shall develop an education program, and provide adequate notice, to all drivers to keep their loads covered,
  - iv. The property owner shall verify that all equipment operating on the property are equipped with back up alarm systems, or other similar equivalent, and
  - v. The property owner shall use a water wagon, or other similar apparatus, as needed to manage dust flow throughout the property,
- c. Reporting and Operations
- i. The property owner shall make an annual report available to the BOCC detailing material extracted, area of extraction, extraction depth, and ground water testing results, and
  - ii. The property owner shall demonstrate to the County Zoning Enforcement Officer that all operations on the quarry property are in conformance with previously approved mining permits, reclamation plans, and used only for mining, processing, storage, and sale of stone.
5. End of Operations Plan -- the Task Force recommends the following conditions:
- a. The property owner shall notify Orange County one year notice in advance to cessation of operations at the quarry property,
  - b. The property owner shall post a rehabilitation bond with the County at this notification date,
  - c. The bond shall only be released after operations cease and the rehabilitation plan is approved by the County,
  - d. The approved reclamation plan shall be made a part of the permit and the quarry reservoir shall be used for raw water storage, and
  - e. At the end of quarry operations, Hanson Aggregates shall initiate or otherwise be a party to the completion of the end use plan.
6. The quarry operation shall meet all applicable requirements of a Zero Discharge Facility as defined by the State.
7. There shall be no storage or use of hazardous materials on the property, with the exception of motor vehicle fuels.
8. Lighting shall be installed and operated according to the Orange County lighting standards.
9. The existing property lines may expand beyond the present boundaries, but only to enhance the 200-foot perimeter buffer, not to expand quarry operations.
10. Any significant change to the approved site plan shall require an amendment to the Special Use Permit according to Section 8.7 of the Zoning Ordinance.

**Objective 7-3.** At the time of end of quarry operations, Orange and Durham Counties shall enter into a joint development agree to acquire, design, program, develop and finance a recreational facility on the Hanson Aggregate leased and fee simple properties.

**Policy.** The BOCC shall continue to find appropriate recreational sites for use by local residents and shall continue to monitor the quarry operation to determine the appropriate time for development of identified recreational amenities on the site as delineated within their final action plan on file with the State of North Carolina.

The Task Force finds that specific conditions ought to be adhered to by the existing non-residential land uses to address off-site impacts and that these conditions ought to be part of the review and approval process of any change to the zoning classification of these properties.

**Goal 8.** Each existing non-residential land use should be held to specific development/re-development criteria if they choose to take advantage of the sanctioned approval process for becoming conforming land uses. Any improvements to the existing raceway facilities or the stone quarry site should take the existing community character and form into consideration.

**Objective 8-1.** All non-residential development within the Study Area shall balance the attractiveness of a specific development project with the need to preserve the rural character of the area.

**Policy.** The existing non-residential land uses shall not be allowed to expand or intensify existing activities but rather allowance should be made for customary accessory uses and activities that do not exacerbate identified off-site impacts and that are reviewed and approved through a pre-determined BOCC -authorized process.

**Standards.** These improvements shall be done within a pre-determined time period and be designed to bring the property into compliance with existing County stormwater regulations and other land development standards.

**Objective 8-2.** All non-residential development proposals shall evaluate the appropriateness of the on-site activities with the anticipated impact on existing, and future, residential land uses within the area.

**Policy. (Orange County Speedway – Specific Conditions)** The following conditions shall, at a minimum, be applied to the Speedway property to address the off-site impacts by means of the listed site-specific **Standards**:

1. That a formal site plan be developed showing the current conditions of the property, including: existing impervious surface calculations, location of stormwater retention sites, the location of all structures and their distance from all property lines, the location of the septic field and repair areas, the location of petroleum storage containers and re-fueling areas, the location of all existing vegetation and buffer

## NC Highway 57 Speedway Area Small Area Plan

- areas, all parking areas including the internal traffic circulation pattern for the property, and all other required information outlined within Article 14 of the Zoning Ordinance.
2. That a 30-foot wide landscaped buffer be installed along the perimeter of the Speedway property along the frontage of Bacon Road and NC Highway 57 according to the provisions of Article 12 of the Zoning Ordinance to form a semi-opaque intermittent visual buffer.
  3. That a 200-foot landscape and conservation buffer/easement be established along the northern, southern, and western perimeter of the property. No vegetation within this area shall be disturbed.
  4. That existing signage be brought into compliance with Article 9 of the Zoning Ordinance.
  5. That property owner demonstrate compliance with Article 10 of the Zoning Ordinance and, specifically, complete the following:
    - a. Properly define and delineate the parking and travel lanes on the property, and
    - b. Define and delineate emergency vehicle access points and fire lanes on the property.
  6. That the owner work with NCDOT to complete a traffic intersection analysis for access points along Bacon Road and NC Highway 57 to determine need for access improvements such as left turn lanes or deceleration lanes on the property.
  7. That the owner work with NCDOT, the State Highway Patrol, and County officials to address traffic management issues to coordinate acceleration and deceleration lanes if warranted, at approved entrance and exit points on the property. This condition shall also include posting of proper signage on the property to direct traffic through a one-way ingress and egress location, where deemed appropriate.
  8. That a proactive litter collection system be developed.
  9. That a system of noise baffles on the western and southern perimeter of the racetrack as well as above and behind the existing stands be installed. The baffles shall be so constructed as to reduce sustained noise levels at the western and southern property lines of the Speedway property to no more than 60 dBA.
  10. That limits on racing activities be established so that no race shall extend beyond 11:00 p.m. on Friday and Saturday nights, or beyond 9:00 p.m. on other evenings. Practice activities shall not commence before 10:00 a.m. on any day and shall cease by 9:00 p.m.
  11. That all external lighting fixtures shall be retrofitted to comply with Orange County lighting standards.
  12. That impervious cover, including all areas under roof, covered with asphalt or concrete, or designated as parking areas shall not be increased. Any new impervious cover shall be allowed only after an equal impervious area is removed elsewhere on the property, and under no circumstances shall it exceed twelve per cent of the land

## NC Highway 57 Speedway Area Small Area Plan

area in the Flat River Watershed and six per cent of the land area in the Little River Watershed.

13. That no storage of hazardous materials shall be permitted, except for racing fuel and lubricants. Such material storage areas shall be enclosed and posted and the Orange County Fire Marshall shall approve a pollution incident prevention plan for the storage facility prior to final occupancy permits.
14. The present property area may expand beyond the present boundaries, but only to enhance the 200-foot perimeter buffer, and not to expand racing operations.
15. That if additional/accessory land uses are desired, the property owner shall cause a new site plan to be created outlining the location and nature of the proposed new land use, demonstrating compliance with all conditions contained herein as well as within the Zoning Ordinance.
16. That the County and the property owners shall develop and approve a schedule to complete the items listed above.

**Policy. (Go-Kart property – Specific Conditions)** The following conditions shall, at a minimum, be applied to the Go-Kart property to address identified off-site impacts by means of the listed site-specific *Standards*:

1. That a formal site plan be developed showing the current conditions of the property, including: existing impervious surface calculations, location of stormwater retention sites, the location of all structures and their distance from all property lines, the location of the septic field and repair areas, the location of petroleum storage containers and re-fueling areas, the location of all existing vegetation and buffer areas, all parking areas including the internal traffic circulation pattern for the property, and all other required information outlined within Article 14 Site Plan Approval Procedures of the Zoning Ordinance,
2. That prior to any additional land disturbing activity on the property, including the expansion of any existing uses, the property be brought into compliance with the existing Erosion Control and Zoning Violations issued for earth disturbing activities without appropriate permits.
3. That a 30-foot wide landscaped buffer be installed along the perimeter of the property along the frontage of NC Highway 57 according to the provisions of Article 12 of the Zoning Ordinance to form a semi-opaque intermittent visual buffer.
4. That a 200-foot landscape and conservation buffer/easement shall be established along the perimeter of the property. No vegetation within this area shall be disturbed. Where vegetation has already been disturbed, as identified within the existing Erosion Control/Zoning Violation, vegetation shall be re-established according to the provisions of Article 12 of the Zoning Ordinance to adhere to this condition.
5. That the property owner shall demonstrate compliance with Article 10 of the Zoning Ordinance and, specifically, complete the following:
  - a. Properly define and delineate the parking and travel lanes on the property, and

## NC Highway 57 Speedway Area Small Area Plan

- b. Define and delineate emergency vehicle access points and fire lanes on the property.
6. That a formal site plan be prepared according to Article 14 of the Zoning Ordinance demonstrating compliance with all applicable zoning standards such as:
  - a. All parking areas,
  - b. Total impervious cover (square footage and acreage) by use,
  - c. A signage plan, showing specific locations, heights, and dimensions of each proposed sign,
  - d. Lighting plan,
  - e. An internal parking circulation system,
  - f. An external access plan, which shall be coordinated with the internal Parking Plan,
  - g. Required landscaping for all parking areas and buffer landscaping,
  - h. Stormwater detention facilities,
  - i. Septic drain fields and repair field locations,
  - j. Well locations,
  - k. Fuel and material storage facilities, and
  - l. Administrative and support facilities for racing events and recreational activities.
7. That the owner work with NCDOT, the State Highway Patrol, and County officials to address traffic management issues to coordinate acceleration and deceleration lanes at approved entrance and exit points on the property. This condition shall also include posting of proper signage on the property to direct traffic through a one-way ingress and egress location, where deemed appropriate.
8. That a proactive litter collection system be developed.
9. That limits on racing activities be established so that no race shall extend beyond 11:00 p.m. on Friday and Saturday nights, and beyond 9:00 p.m. every other evening. Activities shall not commence before 10:00 a.m. any day.
10. That all vehicles used for racing, or otherwise, shall have approved, functional noise mufflers attached at all times.
11. That impervious cover, including all areas under roof, covered with asphalt or concrete, or designated as parking shall not be increased. Any new impervious cover shall be allowed only after an equal impervious area is removed elsewhere on the property and under no circumstances shall it exceed twelve per cent of the total parcel land area.
12. That no storage of hazardous materials shall be permitted, except for go-kart fuel and lubricants. Such material storage areas shall be enclosed and posted and the Orange County Fire Marshall shall approve a pollution incident prevention plan for the storage facility prior to final occupancy permits.

13. That the present property area may expand beyond the present boundaries, but only to enhance the 200-foot perimeter buffer, and not to expand racing operations.
14. That if additional/accessory land uses are desired, the property owner shall cause a new site plan to be created outlining the location and nature of the proposed new land use, demonstrating compliance with all conditions contained herein as well as within the Zoning Ordinance.
15. That the owner shall install fencing to secure the actively used portions of the property from trespass.

**PRINCIPLE 4 -- Maintenance of present service levels for existing infrastructure**

Another important component to addressing future growth within the Study Area is to require developers to take into account the infrastructure needs of a proposed development. This includes water and wastewater needs, traffic impacts, and the generation of off-site impacts. There is a concern over protecting the viability and sustainability of existing ground water supplies. Because the area in question is extremely unsuitable, from a geological perspective, to develop and maintain high yield water wells, any additional development within the area cannot have a water demand.

Development should not occur within the County without having a comprehensive infrastructure needs analysis of a specific project. As the County looks to potentially encourage several diverse types of development within the Study Area, it is important that any new development can demonstrate that existing land uses will not experience any significant negative secondary effects from the proposed development, such as water shortages, sewer problems, and an increase in traffic congestion on local roadways.

It is important to note, from a groundwater supply issue, that the owners of the stone quarry operation have proposed a 100-acre reservoir on the quarry property after the cessation of operations. This proposal is part of the existing mining permit on file with the State. The actual make up and distribution of water resources contained within this proposed reservoir, however, has not been resolved.

The owners have further proposed to use the future reservoir as a raw water source for the City of Durham's water distribution system. The City of Durham Department of Water Management is proceeding with engineering design studies on this matter. As a raw water source, the reservoir may not be a good source of drinking water for the Study Area but it could possibly be a source of water for fire suppression systems.

**Goal Statement 9.** Infrastructure management is an important component to allowing for additional development within the Study Area. No new development should be allowed that negatively impacts existing infrastructure (i.e. groundwater, traffic generation, etc) unless an appropriate and viable solution has been approved by the County to mitigate these conditions.

## NC Highway 57 Speedway Area Small Area Plan

**Objective 9-1.** The BOCC shall not permit any public water distribution or sanitary sewer collection system to be extended into the Study Area.

**Policy.** Unless the existence of a documented public health hazard presents itself, the County shall not permit the extension, or development, of public water and sewer service within the Study Area, as the presence of such services will diminish the rural character of the community by encouraging more dense development within the area.

**Objective 9-2.** Within eighteen (18) months of the adoption of the Small Area Plan, the BOCC shall adopt new subdivision regulations and zoning ordinance standards, which prescribe sustainable groundwater use standards and traffic generation intersection analyses protocols.

**Policy.** The BOCC should review the viability of developing adequate facility standards for the Study Area to establish limitations on: water usage, traffic generation, clearing limits, etc. to ensure existing developments are not adversely affected by new development proposals

**Objective 9-3.** All driveways and intersections shall be evaluated and possibly be re-configured to provide for a more orderly flow of traffic along the NC Highway 57 corridor as rezonings and development proposals arise.

**Policy.** The County should work with the NCDOT and local property owners to develop a coordinated access management plan for NC 57 corridor to mitigate identified traffic issues and to improve traffic flow.

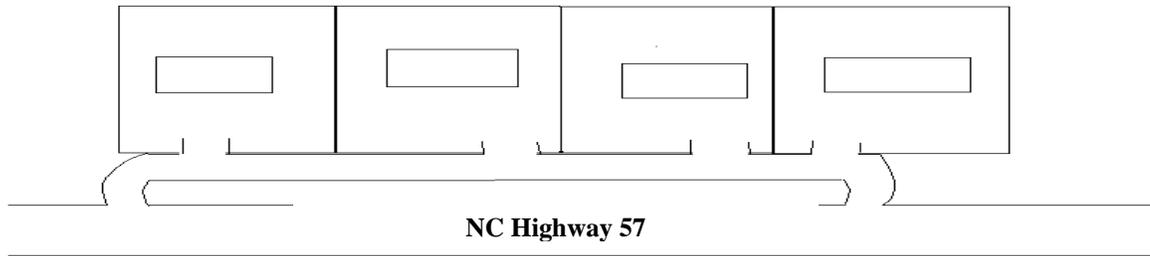
**Objective 9-4.** Within eighteen (18) months of the adoption of the Small Area Plan, the BOCC shall adopt amendments to the Subdivision Regulations and Zoning Ordinance addressing parking lot design, circulation and access.

**Policy.** The County shall develop a comprehensive design manual outlining the acceptable methods of street construction and maintenance for all public and private streets within the Study Area. This manual shall include standards for parking lot layout, parking stall orientation and design, and developing curb cuts onto local roadways,

**Policy.** All future non-residential developments within the Study Area shall utilize shared driveway cuts, reciprocal easements between separate parking lots, and service roads to channel access from major thoroughfares to each property.

**Standards.** Included below is a graphical example of this proposal:

NC Highway 57 Speedway Area Small Area Plan



**Policy.** These access management options shall be referenced within the parking lot design standards of the Zoning Ordinance.

**Policy.** Parking lot design standards of the Zoning Ordinance shall establish distance requirements to ensure a set distance between individual curb cuts for all development to avoid unnecessary congestion along major roadways within the Study Area.

**Objective 9-5.** Parking lot design standards of the Zoning Ordinance shall establish a set minimum distance from curb cuts to property lines and a minimum set distance from each other on separate properties.

**Policy.** Joint access is encouraged.

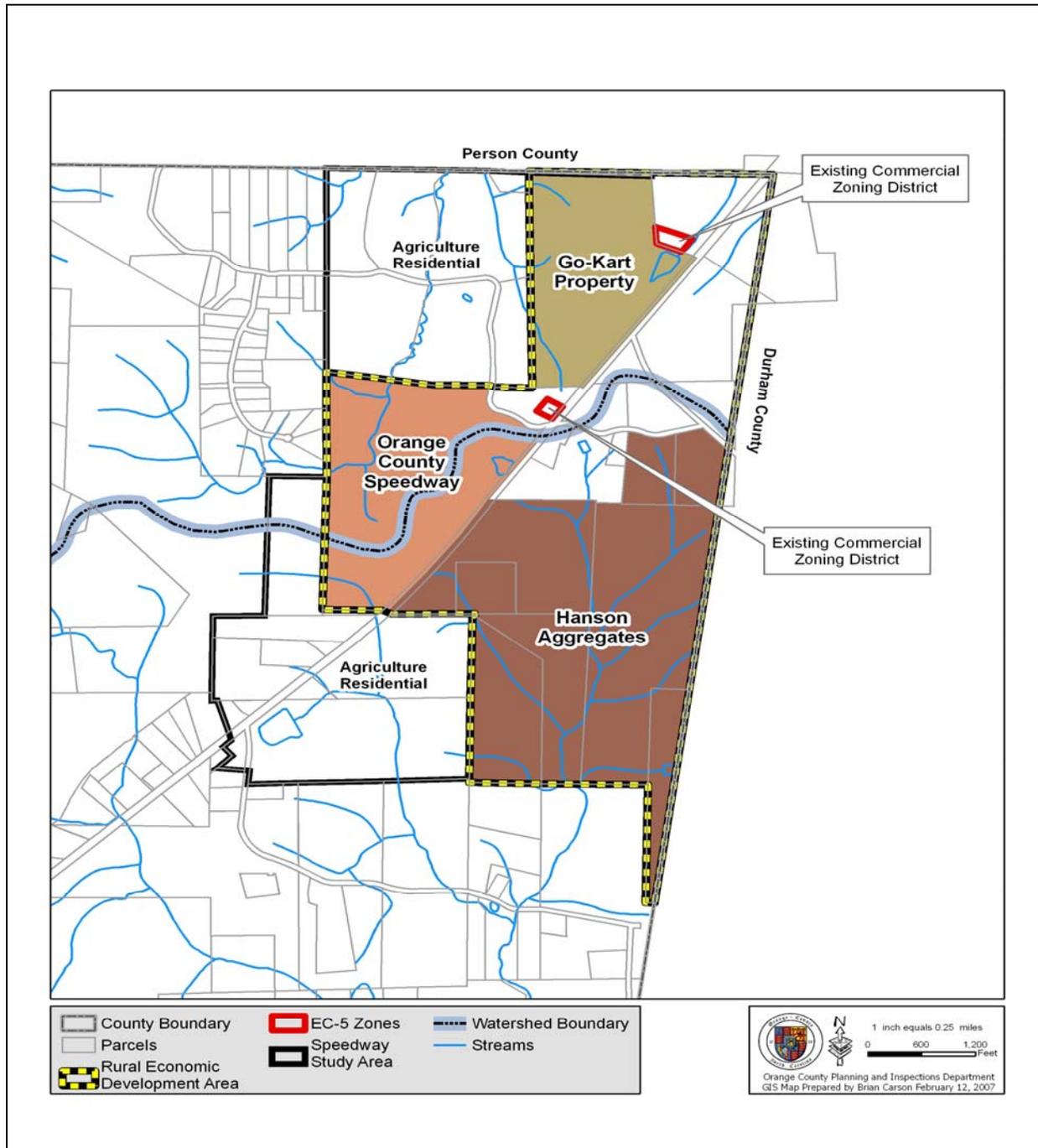
**Objective 9-6.** Cable and high-speed Internet lines, and emergency services shall be available to residents within the Study Area within five (5) years of the adoption of the Small Area Plan.

**Policy.** The County shall continue to extend services and infrastructure, such as cable and high-speed Internet lines, and emergency services, to local residents and property owners.

**Objective 9-7.** When a reservoir is developed on the Hanson Aggregate stone quarry property according to the approved end use plan, at least forty percent (40%) of the ultimate volume of raw water stored in the quarry reservoir shall be allocated to Orange County as a source of drinking water.

**Policy.** The BOCC shall initiate a dialogue with the quarry operator, the City/County of Durham, and the State to ensure proper end use of the Hanson Aggregate stone quarry operations.

**Figure 4. NC Highway 57 Speedway Area Small Area Plan.**



The Task Force suggests that the area designated as a REDA within the Study Area would become a new designation on the Land Use Element map and would be subject to the recommendations, goals, and policies outlined within this report. The Hanson Aggregate area will not require modification to the Land Use Element map, but rather the goals and policies pertaining to its operation could become conditions of approval for a Special Use Permit Class “A”. Such a permit will be required for any zoning consistency determination for any future NCDENR mining permit renewal for the quarry.

## **SECTION V. REDA – REVIEW OF PROPOSED NEW DEVELOPMENT REVIEW PROCESS**

Local residents and Task Force members have expressed concerns about following the existing rezoning and special use permit review and approval process in attempting to address existing, or future, non-residential developments. Specifically, they are not comfortable with the wholesale amendment to the existing zoning district regulations that may allow uses they are uncomfortable with being developed within the Study Area.

This concern comes to focus when new non-residential land uses are proposed. During the initial community meetings, local residents informed staff that they wanted more scrutiny of proposed non-residential land uses than was currently afforded under the existing Zoning Ordinance. Local residents indicated that they believed new uses should be considered on an individual, case by case, basis rather than by permitting a uniform general list of uses that have been pre-determined by various advisory board to be acceptable land uses within the Study Area.

Rather than a “by-right” rezoning approval, a proposed use may be allowed as a special use. A property owner/applicant for a Special Use Permit must only demonstrate compliance with existing standards and regulations to justify the issuance of the permit. This process does not afford enough critical examination of proposed development projects or allow the general public to identify issues for the County’s consideration in reviewing a proposed development plan. In any case, local residents should enjoy enhanced opportunities for public involvement in determining the viability of proposed land uses prior to the approval of any permit application.

### **A. PROPOSED PROCESS**

There are several different potential approval processes available for consideration:

- A) The creation of a new zoning district,
- B) Amendments to the existing Table of Permitted Uses in the Zoning Ordinance allowing for additional non-residential development in the area subject to the review and approval of a Special Use Permit, and
- C) An overlay zoning district allowing for additional non-residential development in the area to foster rural economic development activities.

The REDA concept would call for the creation of a new zoning district potentially allowing for additional non-residential development on properties identified within the Small Area Plan as being suitable options for such development. This would include the possible development of additional non-residential land uses on existing commercial properties (i.e. the Orange County Speedway, go-kart track, etc.). These uses would be reviewed and approved as Conditional Uses, meaning that applicants would have to request a rezoning, which is a legislative process, to a predetermined zoning district allowing for certain non-residential developments. The applicant/property owner is required to demonstrate compliance with existing conditions, or

those imposed by the County, prior to commencing earth disturbing activity on a parcel of property.

The REDA process gives the County greater flexibility in imposing reasonable conditions to ensure that ancillary off-site impacts are properly addressed to minimize impacts on surrounding property owners. Any conditional zoning applications would be subject to valid protest petitions.

## **B. CONDITIONAL USES – BACKGROUND**

The Zoning Ordinance contains regulations that establish zoning districts and assigns land uses to one or more of these districts as permitted by right or through the review and issuance of a Special Use Permit authorizing the land use to be developed on a specific parcel of property. The ordinance also provides standards for development that regulate lot size, setbacks, parking and open space.

There are, however, certain unique circumstances that arise when a general zoning district designation would not be appropriate for a certain property, but a specific use permitted under the district would be consistent with the policies of this ordinance. The conditional use process can accommodate these unique situations.

The conditional use process is established to address situations involving a rezoning when a particular use may be acceptable, but the general classification that would allow that use would not be acceptable. The conditional use process allows the BOCC to approve a rezoning proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. Any use permitted under this process must also conform to all other development regulations outlined within the Zoning Ordinance. This is a voluntary procedure that is intended for firm development proposals with the review and approval of a site specific conceptual site plan. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time.

Because all re-zonings are legislative decisions, the BOCC, through a public hearing process, would review such applications, whether for a general or conditional zoning district. Using the conditional district approach, the BOCC could allow some commercial ventures to occur in the rural parts of the county, based on the suitability of the use to the particular community.

Re-zonings would be allowed based on the appropriateness of a specific project to a specific community and based on consistency with the Land Use Element and the any Small Area Plan. This process would eliminate the problems associated with arbitrary zoning decisions and afford greater scrutiny of development proposals in rural areas to ensure the appropriateness of a specific land use.

## **C. RURAL ECONOMIC DEVELOPMENT AREA (REDA)**

A Rural Economic Development Area (REDA) should be created to allow for additional non-residential development within rural areas of the County and, with specificity to the Study Area,

## NC Highway 57 Speedway Area Small Area Plan

on property that has been identified as being potentially suitable for non-residential development. Implementation of the REDA concept will require amendments to:

1. The Orange County Comprehensive Plan – Land Use Element,
2. The Land Use Element Map,
3. The Zoning Ordinance text, and
4. The Zoning Atlas.

### **D. CONDITIONAL USE REVIEW CRITERIA**

The new zoning district would list potential uses of property for the area and establish development criteria to allow the County to review the appropriateness of the proposed development. Specifically, the new district would contain design criteria regulating new uses to ensure that the goals and policies of the Small Area Plan are adhered to. Some examples of these goals and policies are as follows:

1. No new non-residential use shall have a water usage greater than that of a four-bedroom residence on a two acre parcel,
2. No new non-residential use shall generate more than one hundred (100) new traffic trips in a single day,
3. Impervious surfaces shall be limited according to the existing provisions of the Zoning Ordinance,
4. All uses shall be set back a minimum of forty (40) feet from all property lines,
5. There shall be a perimeter buffer around the property being utilized for a non-residential land use, and
6. Other performance standards including, but not limited to: noise, hours of operation, lights, odor, etc.
7. Specific conditions for the quarry, speedway, and go-kart facilities are listed in a previous section.
8. A time frame for compliance shall include time limits for specific conditions.

### **E. REVIEW PROCEDURE**

Approval of new non-residential development proposals shall adhere to the following process:

1. A property owner shall make application to the County to develop a parcel of property for a non-residential land use according to the provisions of the Zoning Ordinance and the REDA district. This application would include a request to rezone a specific parcel of property to REDA and include a site specific development plan outlining the proposed development of the property,
2. The request shall be reviewed as a Conditional Use Application, in the following manner:

## NC Highway 57 Speedway Area Small Area Plan

- a. The BOCC and the Planning Board shall review the application at one of the four quarterly public hearings held each calendar year. Hearings are open to the public and comments from local residents and property owners would be encouraged,
- b. Local residents and property owners shall be informed of the meeting through publication of legal ads within local newspapers and through first class mailings from the County issues to all residents and property owners within five hundred (500) feet from the subject property,
- c. The process would require the review of a site specific development proposal outlining the actual location of all proposed building and land uses as well as involve a request to rezone the property to the appropriate district,
- d. Through the Conditional Use review process, the BOCC and the Planning Board can impose additional conditions on a proposed development project to address potential ancillary impacts generated by the proposed land use,
- e. Once the public hearing has occurred, the request shall be forwarded to the Planning Board and any other necessary advisory boards, such as the EDC, for review and comment. The Planning Board can recommend approval, approval with conditions, or denial to the BOCC,
- f. The BOCC would then make a final decision concerning the acceptability of the proposed development based on the testimony of local residents, property owners, the applicant, and all other individuals who make comments during the review period as well as the Action Statements and goals of the Small Area Plan,
- g. Through the Conditional Permit process, the property owner/applicant will receive permission to develop the property according to the approved development plans. Any alteration or modification of the plans will have to be reviewed by the County in the same process outlined above,
- h. The approval of a development application through this process shall only allow the property owner/applicant to develop the approved use. No other land use shall be permitted for development unless it receives approval from the County through the process outlined above,
- i. The use of the property does not go with the land, meaning that if the property is sold the new property owner shall be required to obtain a Conditional Use Permit from the County to operate the non-residential land use. The approval of a Conditional Use Permit does not automatically confer the ability to continue the existing non-residential use to new property owners,
- j. The Conditional Use Permit can be revoked if the County discovers that the property owner is not abiding by any condition imposed on the permit by the County.

## **SECTION VI. INTERGOVERNMENTAL COORDINATION**

Letters of invitation were sent and phone calls made to representatives of both Person County and Durham County. Agendas were routinely sent to these County representatives for all neighborhood and Task Force meetings. Durham County representatives have been active participants in the discussions. Other Orange County departments involved in the plan development include the Economic Development Commission staff and Environmental Health Division of the Orange County Health Department.

North Carolina Department of the Environmental and Natural Resources provided data and information regarding the air and mining permits.

**\*\*\* AUTHOR'S NOTE:** The Ordinance contained within Appendix A **was not** approved by the Board of County Commissioners with the adoption of the Small Area Plan. The Ordinance is contained for illustrative purposes only as part of the Small Area Plan's Task Force recommendation on the implementation of the adopted Plan. \*\*\*

## **SECTION VII. APPENDIX A**

### **PROPOSED ORDINANCE TO JOINT QUARTERLY PUBLIC HEARING**

**August 27, 2007**

#### **An Ordinance Amending The Orange County Zoning Ordinance**

Be it ordained by the Board of Commissioners of the County of Orange, North Carolina, that the Orange County Subdivision Regulations are hereby amended as follows:

**Section 1.** Add a definition to ARTICLE 22 DEFINITIONS regarding Rural Economic Development as follows: *Rural Economic Development Area* is a zoning district created to allow additional non-residential development within rural areas of the County, specified in the Comprehensive Plan, on property that has been identified as being potentially suitable for non-residential development. The zoning district shall be designated first with the under-lying base zoning (i.e., AR) and then with a REDA to designate that a site-specific conditional use development plan is part of the rezoning approval.

**Section 2.** Add a definition to ARTICLE 22 DEFINITIONS regarding Rural Economic Development as follows: *Development plan* is a type of plan that becomes part of a conditional use approval made part of REDA rezoning approval and provides guidance for the preparation of a site plan.

**Section 3.** Add a new Section 4.2.26 to ARTICLE 4. ESTABLISHMENT OF PERMITTED USE TABLE AND SCHEDULE to create a new Conditional Use District as follows:

**Section 4.2.26 Conditional Use District.** This ordinance contains regulations that establish zoning districts and assign land uses to one or more of these districts. The ordinance also provides standards for development that regulate lot size, yards, parking and open space.

There are certain circumstances that arise when a general zoning district designation would not be appropriate for a certain property, but a conditional use permitted under the district would be consistent with the objectives of this ordinance. In areas where the Board of County Commissioners has approved a small area plan there may be opportunities to allow for specific classifications of non-residential development within the small area plan not normally permitted with the underlying zoning district.

To accommodate these situations, this Section establishes the Conditional Use (CU) approval process. The CU approval process addresses those situations involving a rezoning when a particular use may be acceptable for a given area but the general classification that would allow a

specific use would not be acceptable. This process allows the Board of County Commissioners to:

1. Approve a rezoning proposal for a specific, defined use,
2. Promote economical and efficient land uses within the rural areas of the County,
3. Allow for the imposition of reasonable conditions to minimize off-site impacts and to assure the compatibility of proposed land uses with surrounding properties,
4. Require a higher level of amenities that are appropriate and harmonious with the area,
5. Encourage a variety of initiatives designed to encourage developments to incorporate appropriate smart-growth principles within the physical development and design of a proposed development to secure an improved living and working environment.

Any use permitted under this CU approval process must also conform to the development regulations for the corresponding general zoning district as well as any specific development principle outlined within this Section or required by the Board of County Commissioners. This is a voluntary procedure that is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time.

Following Board of County Commissioners approval, the property so zoned will be identified on the zoning maps by the appropriate parallel CU designation. This designation is the general zoning district designation plus the letters “CU”.

**Section 4.** Create a new Section 8.9 SPECIAL AND CONDITIONAL USES as follows:

**Section 8.9.1 Types of Conditional Use Districts:** For the purposes of this section, there are two (2) categories of CU as outlined within Article 4. Establishment of Permitted Use Table and Schedule:

1. Agricultural Services (AS) District, and
2. Rural Economic Development Area (REDA) District.

#### **Section 8.9.2 Application Process**

Rezoning petitions to establish a CU shall be submitted to the Zoning Officer and will be processed according to the procedure for zoning amendments described in Article 2 of the Zoning Ordinance, as well as the provisions of this Section. A CU classification will only be considered if the owner of the property, or his/her authorized agent, makes the application. All applications shall be completed on forms provided by the Orange County Planning Department

**Submittal Requirements.** In conjunction with a rezoning petition, an applicant shall also be required to complete and submit an application for development plan approval. A development plan is submitted so that property owners or their agents may provide more information than would be found with a normal rezoning petition. The development plan is voluntarily provided to ensure:

1. Compatibility with adjacent uses, existing development, and development patterns,

## NC Highway 57 Speedway Area Small Area Plan

2. Compatibility with the natural resources or environmentally sensitive areas,
3. Existing infrastructure will not be overburdened,
4. Compatibility with the rural nature of the community
5. Maintenance of the rural lifestyle and culture, and
6. Preservation of identified historic and/or cultural resources.

Further, a development plan is intended to:

7. Acknowledge compliance with all County ordinance requirements and the implications of the ordinances,
8. Identify the scale and intensity of the proposed development, and
9. Identify commitments greater than that of County ordinances, which will be conditions of approval.

The development plan shall become a part of the rezoning petition and shall be reviewed concurrently with the petition. Where there are conflicts between these special provisions and general zoning, subdivision or other land development regulations, the more exacting regulations shall apply.

A detailed description of the proposed use including:

- a. An outline of the proposed operational characteristics of the proposed development,
- b. A detailed water survey outlining the amount of water usage that will be generated by the proposed land use shall be completed for all CU projects according to applicable Orange County Health Department – Environmental Health Division requirements or standards,
- c. A detailed traffic intersection analysis at each driveway and nearby public road intersections shall be completed for all CU projects according to applicable North Carolina Department of Transportation (NC DOT) requirements or standards as well as Article 13. Traffic Impact Study of the Ordinance, and
- d. An Environmental Impact Study shall be completed according to Orange County regulations for all CU projects.

**Additional Requirements.** It may be necessary to request additional information to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board and/or County Board of Commissioners may request additional information, as they deem necessary to properly process a CU request.

**Site Specific Development Plans.** The application for a CU must contain information and/a development plan, which indicate all of the principal and accessory uses, which are proposed to be developed on the site. Subsequent to the approval of a CU, only those principal and accessory uses indicated on the approved development plan may be constructed on the site. Any

## NC Highway 57 Speedway Area Small Area Plan

substantial modifications to an approved development plan, including any changes in the permitted principal or accessory uses, must comply with the provisions of this section.

Any site plan required to implement a development plan and required for the submission of building permits shall:

1. Be according to the approved development plan.
2. Show the existing topography and proposed grading at the site at contour intervals of not more than two (2) feet, including existing vegetation, natural features, and floodplains.
3. Include a grading plan showing proposed water runoff and plans for erosion control, both during and after construction.
4. Show the location, height, ground coverage, floor area, and use of all structures and the location and areas of open spaces, parking areas and areas dedicated to public use.
5. Show all easements and rights-of-way existing or proposed.
6. Show the location, dimension and grades of all roads, streets and driveways, parking facilities, points of access to surrounding streets and pedestrian walks and highways.
7. Provide a landscaping and screening plan, showing all manmade features, and the location, mature size and species of all planting materials.
8. Provide an exterior lighting plan.
9. Show recreational facilities, indicating the location and use of all such land, which will be dedicated to public use.
10. Include documents indicating the manner in which any land or facility intended for public or quasi-public use, but not proposed to be in public ownership, will be held, owned and maintained in perpetuity for the indicated purposes.
11. Primary vehicular access shall be from a public thoroughfare and shall be designed to minimize conflict with the flow of traffic, to reduce congestion and avoid potential hazards for vehicles and pedestrians.

### **Section 8.9.3 Review and approval.**

1. All CU applications shall be reviewed and acted upon as outlined within this section,
2. In considering an application for the establishment of a CU district, the Board of County Commissioners may attach reasonable and appropriate conditions to the location, nature and extent of the proposed use. Any conditions should relate to the relationship of the proposed use to:
  - a. Surrounding property,
  - b. The proposed support facilities such as parking, screening and buffer areas,
  - c. The timing of development,

## NC Highway 57 Speedway Area Small Area Plan

- d. Architectural review and controls requiring the incorporation of smart-growth initiatives and,
  - e. Other matters that the Board of County Commissioners may find appropriate or the petitioner may propose.
3. The petitioner will have a reasonable opportunity to consider and respond to any such additional requirements prior to final Board of County Commissioners action. If any conditions are included as part of the rezoning, the petitioner shall agree in writing to all applicable conditions within thirty (30) days of the decision. The CU approval will not become effective until such written agreement is recorded in the Orange County Register of Deeds. If the petitioner does not agree to the conditions in writing within thirty (30) days following the date of the decision, the CU will be deemed null and void.
  4. In evaluating an application for the establishment for a conditional use district, it is appropriate for the County Board of Commissioners to consider the following:
    - a. The policies and objectives of the Orange County Comprehensive Plan, particularly in relation to the use, proposed site, and surrounding area;
    - b. The policies and objectives of any and all adopted Small Area Plans relating to the area;
    - c. The potential adverse impacts to the surrounding area of, but not limited to: traffic, storm water drainage, land values, and compatibility of land use activities.
  5. In the review and approval of a CU request, emphasis will be given to evaluation of the characteristics of the specific use proposed in relationship to surrounding properties. The Board of County Commissioners may also consider the Permitted and Special Uses allowed under the underlying zoning classification in determining the appropriateness of the CU proposal.

### **Section 8.9.4 Effect of Approval.**

If an application is approved, then the CU that is established, and all conditions that may have been attached to the approval, are binding on the property. All subsequent development and use of the property must be according to approved plan and conditions. The intent of this type of zoning is to provide an alternative procedure for specific development proposals. It is intended that all property be rezoned only according to firm plans to develop.

Therefore, three (3) years from the date of approval, the Planning Board will examine development progress made according to approved plans to determine if active efforts are proceeding. If the Planning Board determines that active efforts to comply with the approved development plan are not proceeding, a report will be forwarded to the Board of County Commissioners, which may determine that action be initiated to remove the CU according to the amendment procedures outlined in this ordinance.

Within the boundaries of the CU district, the provisions and development standards of this section shall apply as well as any additional regulations, which the Board of County

Commissioners may make a part of an approved development plan for such district. Any deviation from or failure to comply with such a requirement shall be considered to be a zoning violation.

The BOCC may attach a condition of approval limiting the REDA development plan to a specified duration. The BOCC may attach conditions of approval as will ensure the development in its proposed location will not endanger the public health and safety, will not injure the value of adjacent private property, will be in harmony with the surrounding rural character, and will be in conformity with the Comprehensive Plan.

**Section 8.9.5 Alterations to an approved development plan.** Changes to approved plans and conditions of development will be treated the same as changes to the zoning map and will be processed as an amendment as provided for in this Ordinance.

Minor changes in the detail of the approved development plan that will:

1. That will not alter the basic relationship of the proposed development to adjacent property,
2. That will not alter the land uses approved,
3. That will not increase the density or intensity of development,
4. That will not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site A cumulative increase of more than five percent (5%), one thousand (1,000) square feet, whichever is greater,
5. Any change or deletion of a condition of approval,
6. Elimination or reduction of a dedication of right-of-way, greenway, or other public component, or
7. A significant change in number, location, or configuration of access points to the property, or significant changes to public road improvements.

The Zoning Officer may approve minor revisions without going through the amendment process. The Zoning Officer may elect not allow any proposal as a minor change and will, in that event, forward the detailed revised application for changes through the normal CU approval process.

**Section 8.9.6 Issuance of a CU permit.** If a petition for a CU is approved, the Board of County Commissioners will issue a CU permit authorizing the development of the approved use. The CU permit shall be come effective after being duly recorded with the Orange County Register of Deeds.

**Section 5.** This Ordinance shall be effective upon adoption.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2007, upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_.

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the

NC Highway 57 Speedway Area Small Area Plan

proceedings of said Board at a meeting held on \_\_\_\_\_, 2007 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of said Board.

WITNESS my hand and the seal of said County, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Clerk to the Board of Commissioners

## **SECTION VII. APPENDIX B**

### **Examples of Possible Conditions to Evaluate the Appropriateness of the On-site Activities with the Anticipated Off-site Impacts.**

**(Orange County Speedway )** The following are examples of possible conditions, which may be applicable to the Speedway property:

17. Development of a formal site plan showing the current conditions of the property, including: existing impervious surface calculations, location of stormwater retention sites, the location of all structures and their distance from all property lines, the location of the septic field and repair areas, the location of petroleum storage containers and refueling areas, the location of all existing vegetation and buffer areas, all parking areas including the internal traffic circulation pattern for the property, and all other required information outlined within Article 14 of the Zoning Ordinance.
18. Installation of a landscaped buffer along Bacon Road and NC Highway 57 frontage according to the provisions of Article 12 of the Zoning Ordinance.
19. Establishment of a landscape and conservation buffer/easement along the northern, southern, and western perimeter of the property.
20. Existing signage comply with Article 9 of the Zoning Ordinance.
21. Provision of properly defined and delineate parking areas, travel lanes, and emergency vehicle access points/fire lanes.
22. Completion of a traffic intersection analysis for access points into the facility to determine need for access improvements.
23. Work with NCDOT, the State Highway Patrol, and County officials to address traffic management issues, including posting of proper signage on the property directing traffic to ingress and egress locations.
24. Development of a proactive litter collection system.
25. Installation of a noise attenuation system.
26. Establishment time of day limits on all activities.
27. Retrofit all external lighting fixtures to comply with Orange County lighting standards.
28. Address impervious cover limits.
29. Limit storage of hazardous materials, except for racing fuel and lubricants.
30. Permit expansion of present property area beyond the present boundaries, but only to enhance perimeter buffering, and not to expand racing operations.
31. If additional/accessory land uses are desired, the property owner shall cause a new site plan to be created outlining the location and nature of the proposed new land use, demonstrating compliance with approved conditions and the Zoning Ordinance.

## NC Highway 57 Speedway Area Small Area Plan

32. Orange County and the property owners may jointly develop a schedule to complete the items listed above.

**(Go-Kart property)** The following are examples of possible conditions, which may be applicable to the Go-Kart property:

1. Development of a formal site plan be developed showing the current conditions of the property, including: existing impervious surface calculations, location of stormwater retention sites, the location of all structures and their distance from all property lines, the location of the septic field and repair areas, the location of petroleum storage containers and re-fueling areas, the location of all existing vegetation and buffer areas, all parking areas including the internal traffic circulation pattern for the property, and all other required information outlined within Article 14 Site Plan Approval Procedures of the Zoning Ordinance,
2. Bring the property into compliance with Erosion Control and Zoning Ordinance regulation, prior to any additional land disturbing activity on the property.
3. Installation of a landscaped buffer along NC Highway 57 frontage according to the provisions of Article 12 of the Zoning Ordinance.
4. Establishment of a landscape and conservation buffer/easement along the perimeter of the property. Where vegetation has already been disturbed, vegetation shall be re-established according to the provisions of Article 12 of the Zoning Ordinance.
5. Provision of properly defined and delineated parking area, travel lanes, and emergency vehicle access points/fire lanes.
6. Work with NCDOT, the State Highway Patrol, and County officials to address traffic management issues, including posting of proper signage on the property to direct traffic to ingress and egress locations.
16. Development of a proactive litter collection system.
17. Establishment time of day limits on all activities.
18. Establish a functional noise attenuation system for all racing vehicles.
19. Address impervious cover limits.
20. Limit storage of hazardous materials, except for go-kart fuel and lubricants.
21. Permit expansion of present property area beyond the present boundaries, but only to enhance perimeter buffering, and not to expand racing operations.
22. If additional/accessory land uses are desired, the property owner shall cause a new site plan to be created outlining the location and nature of the proposed new land use, demonstrating compliance with approved conditions and the Zoning Ordinance.
23. Installation of perimeter fencing to secure the actively used portions of the property from trespass.
24. Orange County and the property owners may jointly develop a schedule to complete the items listed above.