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**MINUTES
NC HIGHWAY 57 SPEEDWAY SMALL AREA PLAN
OCTOBER 25, 2006**

TASK FORCE MEMBERS PRESENT:

Commissioner Moses Carey, Bruce Peters, Eric Huppert, Darryl Chandler, Mac Miller, Kevin Peters, James Walker, Debra Logner, Helen Youngblood – Durham Planner

AUDIENCE: KIM PETERS, JAMES RICHARDSON, DANIEL AND WENDY CREW, JIM SPRINKLE, CHAD NEWTON, TOM SMITH, LINDY PENDERGRASS, CAROL POOLE, STEVE YUHASZ, BILL BARROWS, MIKE DAVIS, TED TRIEBEL, BILL DAY

ORANGE COUNTY STAFF PRESENT

Craig Benedict, Planning Director; Tom Altieri, Comprehensive Planning Supervisor; Robert Davis, Current Planning Supervisor; Glenn Bowles, Planner II; Michael Harvey, Planner II

Glenn Bowles: Are there any changes to the minutes of the last meeting? No. We then need to make a motion.

MOTION made by Mac Miller to accept the meeting notes. Commissioner Moses Carey seconded.

VOTE: Unanimous

Glenn Bowles: We made the revisions to the charge based on the recommendations of Commissioner Jacobs' comments. Our County Sheriff is here tonight to discuss the traffic situation. We had comments about the speeding cars on Highway 57.

Sheriff: We are running radar on Highway 57 and we have those reports tonight. In the past seven months we have written 73 warning tickets on Highway 57. The 73 warning tickets were for individuals that have been within a mile or so of ten miles over the speed limit. During that same period of time, there were 32 citations for speeds of 65 to 70 mile per hour. The 11 traffic units stationed there. Out of the citations and warnings written, there were no commercial trucks cited. They see the police car stationed at a convenience store or other places and it slows them down.

Bruce Peters: Have you cited individuals during the day or at night?

Sheriff: Day and night.

Bruce Peters: I followed two trucks going back empty 75 mile per hour. The trucks are the biggest problem. If we have a patrol car here when there are events taking place, one event is the raceway, just for viewing that would help.

Sheriff: We make store checks at night and there is not much traffic late at night.

Bruce Peters: It is not the 18 wheelers; it is the logger trucks and the dump trucks.

Commissioner Carey: Is the worst time when the event is over?

Bruce Peters: I don't know. I would assume it would be late at night.

Kim Foushee: We had a race this past weekend and the Highway Patrol and the deputies were there and I noticed there were several arrests during the race so they were not participants in the race. Per the

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52 committee's last request; on our last mail out and on our website to participants and attendees of the race
53 we ask them to observe the posted speed limit but to also leave their litter with us.
54

55 **Bruce Peters:** When they come to the race and leave the race, I don't perceive the speed limit being
56 broken. I see it during the day and on Sundays with the motorcycles.
57

58 **Sheriff:** We have two employees who have just finished radar school and they have numbers to
59 accumulate so I assure you there will be a difference. I have had reports and seen excessive speeds in the
60 morning. I will bring the updated numbers to the next meeting in November
61

62 **Glenn Bowles:** The highway is designed for 70-75 miles per hour and the posted speed is much less.
63 There several things put into your packet. One was the Orange County Noise Ordinance. Noise is
64 extremely subjective. Sometimes it may be a neighbor problem.
65

66 **Karen Barrows:** Under Article 5 exceptions, number 16, does that mean the racetrack is an exception to
67 this Noise Ordinance?
68

69 **Commissioner Carey:** There may be a requirement that may be written but we can check that.
70

71 **Michael Harvey:** The intent of the Noise Ordinance is not to say that the racetrack could run 24 hours a
72 day but will have cutoff time. You don't penalize the racetrack for engaging in an activity that is
73 consistent with the operation of a race.
74

75 **Glenn Bowles:** We also have the Sign Regulations and the Noise Ordinance. If we are using an acronym
76 that you don't know, please let us know. There are also maps of the Quarry included showing the End
77 Use Plan and the Mining Permit Map.
78

79 **Commissioner Carey:** By the next meeting, we could see if there are any issues related to the new Noise
80 Ordinance.
81

82 **Glenn Bowles:** I asked for that information a couple of months ago and there had been roughly 90
83 complaints and all those were taken care of with a site visit. Essentially what happens is the sheriff will
84 talk to the owner of the property, in most cases there is a party of some sort and they will calm down.
85

86 **Karen Barrows:** Regarding the Vision/Task Force Charge under number two and number three. If we
87 don't want more traffic and more congestion, why are we saying it is okay to do some other sort of
88 development that will contribute to this problem.
89

90 **Glenn Bowles:** We, as a group, aren't interested in situations that generate more noise and trash but at
91 the same time, we are challenging ourselves and the owners of the speedway to work with us to improve
92 their sites, not necessarily expand them. May be not expanding but complimenting their activities.
93

94 **Anita Badrock:** Maybe we shouldn't allow sprawl but allowing the race track to add a hot dog stand.
95 That may include the commercial usage but not in ways to drive additional traffic.
96

97 **Bill Day:** Is the speedway allowed to have a music concert, is that allowed by the Noise Ordinance.
98

99 **Glenn Bowles:** They would have to get a special permit approval from the County depending on the size.
100 They would need a Special Use permit from the Board of Adjustment or the Planning Board and the
101 Board of County Commissioners depending on the type.
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103 **Bill Day:** Is this a one time permit each time?
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105 **Glenn Bowles:** That is a good question and essentially defines one of the problems we will have to work
106 through and come to a conclusion on. (Reviewed the charge/goals of the task force and the suggestions
107 that were made regarding noise and traffic). We discussed Adopt a Highway Program and I have the
108 criteria if you need it.
109

110 **Bruce Peters:** The problem is you may get killed on Highway 57.
111

112 **Glenn Bowles:** On October 2, we discussed family oriented outdoor recreation. We need to discuss
113 these options and make suggestions for some ideas to pursue.
114

115 **Task Force member:** All of them.
116

117 **Bruce Peters:** I would object strenuously to music festivals, all that brings is a drug crowd.
118

119 **Wendy Crew:** There may be Christian concerts.
120

121 **Bruce Peters:** We have a new vet clinic coming on 501.
122

123 **Anita Badrock:** We look at those things as how those things impact the community. The owners of the
124 property should decide if it financially makes sense. The two things that may have the most impact for
125 the community are music festivals or camping.
126

127 **Bruce Peters:** Storage sheds could actually cause more trash if they are not properly maintained. There
128 would need to be a provision for the owner to keep it clean.
129

130 **Glenn Bowles:** The noise seems to be manageable with these. The problem was the perception of what
131 happened in the past.
132

133 **Karen Barrows:** From the second meeting, all the information in staff suggestions would only occur if
134 they became conforming uses, is that correct?
135

136 **Glenn Bowles:** That is correct. We are trying to suggest provisions and standards for approval to make it
137 a conforming use.
138

139 **Karen Barrows:** The other question is what people would like to do.
140

141 **Glenn Bowles:** If there were a music festival, it would be family-oriented. The group here could make
142 suggestions.
143

144 **Bruce Peters:** We talked about the noise from the go-karts or dirt bike races. I would suggest someone
145 invite us to see a go-kart or motorcycle run.
146

147 **Glenn Bowles:** The analogy was comparable to a lawnmower.
148

149 **Kevin Peters:** That would be possible. We would put it in the back of the trees so the noise would be
150 masked. At the next meeting, we could bring a bike.
151

152 **Commissioner Carey:** Are any of those complaints of noise from the dirt bikes?
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154 **Glenn Bowles:** I will have to check. I know 95% would have to do with parties. We will need to
155 summarize these noise and traffic issues.

156
157 **Karen Barrows:** Most of the neighbors feel like they want this to change to a conforming issue?
158

159 **Glenn Bowles:** They would listen to considered conditions and make a decision if they were reasonable.
160

161 **Bruce Peters:** The feeling of the community is about 90% say why do we need to do anything because
162 they feel like new things are being created and they don't know what they are creating for their
163 grandchildren.

164
165 **Commissioner Carey:** If we adopt rules, then people will know what they are.
166

167 **Kevin Peters:** Everything changes and people are afraid of change.
168

169 **Bruce Peters:** A big part of this Task Force is to come up with the answers as to what the changes will
170 be.

171
172 **Steve Yuhasz:** We are concentrating on the go-kart and speedway but there are other businesses that will
173 be impacted. Those potential changes would not fit into that narrow understanding of what this Task
174 Force is doing. There should be some suggested uses on Highway 57.

175
176 **Bruce Peters:** I don't recall the Task Force being requested to come up with another use. I have the
177 option to leave it as is.

178
179 **Mac Miller:** One of those uses could be to do nothing. We could look at that properties and see if there
180 are any other uses than residential.

181
182 **Female:** I appreciate the fact that nothing can be done. I would like information on the economic impact
183 on us.

184
185 **Helen Youngblood:** His point is well-taken. It is part of this task force to come up with things they may
186 or may not like. There is a number of issues they may come to the forefront to be dealt with to narrow
187 those uses down to protect the neighbors. If the property is sold, permits travel with the land.

188
189 **Kim Fourshee:** The sheriff has required four deputies to be on site.
190

191 **Glenn Bowles:** The trash is the same which we would like to reduce. We have discussed proactive litter
192 collection. We are talking about expansion in the way of improvement of the race track.

193
194 **Kim Fourshee:** The coli nation of the livestock facility and the conference would be a two fold deal.
195 They would be together in the same area but could be used jointly as well as independently. The EMS
196 was going to pursue the number of calls in that area.

197
198 **Glenn Bowles:** We need input from the Task Force.
199

200 **Bruce Peters:** Do we need to endorse or unendorsed each line item?
201

202 **Glenn Bowles:** If you choose to.
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204 **Moses Carey:** You keep going back to the uses. If there are uses there everything said is correct. The
205 Board of County Commissioners has asked this group to try to come up with a consensus on a number of
206 things. If there are items that you don't want on that list, you need to let us know. You can also let us
207 know if you want to see no changes. The potential use runs with the land. There are risks on both sides.
208 We need to think broader on two tracts of land and we need to focus on the entire area. If you leave a use
209 on this list, the Staff will make recommendations to the Board of County Commissioners on how to
210 mitigate the impact of those uses on the property owners in that area. There have to be rules in place if
211 there are going to be change. After that, there must be a public hearing. The primary focuses are on the
212 uses.

213
214 **Michael Harvey:** The Small Area Plan is the blue print utilized by Staff, Board of County
215 Commissioners, the Planning Board and other boards to do a comprehensive review of what might be
216 acceptable in a given area. Your recommendation could be that we have no problem with the county
217 working to make the speedway and go kart track conforming but we need the staff, advisory board and
218 Board of County Commissioners to make these mitigations under consideration. The first response was
219 nothing and in later meetings we said we don't really want anything that is water dependent. As you go
220 through this list, keep in mind the ones that need mitigation. We are asking the task force to help us form
221 that blueprint so it can be given to the Board of County Commissioners and to the public hearing. Look
222 at what would be acceptable to you right now.

223
224 **Glenn Bowles:** There may be no changes. One issue we haven't discussed is the impervious cover
225 pertaining to the go kart track. This map show the water shed boundary. The impervious limit is 12%. If
226 improvements were made to that site, we would direct them to make them on the back part of property for
227 the speedway. We are really going to focus on is to mitigate the impacts. We need to come up with a list
228 of uses and the conditions of those uses.

229
230 **Bruce Peters:** I was told to represent my neighbors.

231
232 **Karen Barrows:** Have you told the neighborhood individuals what the effects would be for them?

233
234 **Glenn Bowles:** We will address that issue somehow. The EMS issue will be have to go before the Board
235 of County Commissioners then the public hearing before it is approved.

236
237 **Mac Miller:** Regarding the go-kart track as it stands, can it operate?

238
239 **Michael Harvey:** The ordinance states that if there has been not activity for a period of time that the use
240 cannot operate or function. They have shown evidence of meeting the requirements by the law. They
241 haven't lost the ability to use it.

242
243 **Mac Miller:** Was it purchased with the understanding that it may not be agricultural residential.

244
245 **Michael Harvey:** The documentation that was submitted was made with that understanding.

246
247 **Mac Miller:** The other lots are agricultural residential also?

248
249 **Michael Harvey:** Yes.

250
251 **Mac Miller:** My understanding is that this task force is here to change this from agricultural residential
252 to another use. The charge of the task force is to investigate whether the conditions in this corridor were
253 such that residential use was not appropriate and whether there may be non-residential uses that could be
254 applied that were compatible.

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255
256 **Jim Sprinkle** (General Manager, Hanson Aggregates in North Carolina): We operate nine facilities in
257 North Carolina. This is the Rougemont Quarry which was started in 1987. It was permitted in 1988 from
258 Orange County and in Durham County after that. The site is surrounded by 100-200 feet of buffer zones.
259 The County line splits the property. We deliver crushed stone aggregate in the Roxboro and Durham
260 markets. We have operating permits with the State of North Carolina and an Air Quality Permit also. We
261 have Water Quality permits. There is no live stream onsite. There is storm water drainage on the
262 property. We have 20 people employed. The property is comprised of 545 acres which is partly
263 leasehold land. Noise readings were initially taken to make sure they were within the guidelines of the
264 City of Durham. Most of our sales are 40% Roxboro and 60% Durham. In a good year, we will do up to
265 600 truckloads a day.

266
267 **Tom Smith:** We are now averaging 150 loads per day?

268
269 **Commissioner Carey:** What is size of the pit that the permit allows?

270
271 **Jim Sprinkle:** It will be eventually 100 acres and 400 foot deep.

272
273 **Commissioner Carey:** Does that mean the water stored in the pit will go to Durham?

274
275 **Jim Sprinkle:** Our old Durham pit is closed and belongs to the City of Durham.

276
277 **Anita Badrock:** How much is mined from the Orange County side?

278
279 **Jim Sprinkle:** About 40% in Orange and 60% in Durham.

280
281 **Karen Barrows:** Can you put up a new asphalt plant when that is out of operation?

282
283 **Jim Sprinkle:** We are of the opinion that we should be able to. The asphalt plant when it is put in again
284 will be more of a state of the art plant. When you take stone from the quarry and haul it to an asphalt
285 plant to be converted and bring it back, you have basically doubled the travel on the roads.

286
287 **Dianne Reid:** Is more of the activity going to occur on the Orange County side over the next 50 years?

288
289 **Jim Sprinkle:** In the context of mining, you can dig and keep going down. In the mining business, you
290 want to go out latterly so you can find shallower reserves. We will continue to drive the pit to the west.

291
292 **Bruce Peters:** Is that why you limited to 400 feet?

293
294 **Jim Sprinkle:** 400 feet is what our permit calls for.

295
296 **Mac Miller:** How deep is the pit now?

297
298 **Tom Smith:** 180 feet maybe. Most of the pit is in Durham County and so is the processing. It will
299 probably stay in Durham County.

300
301 **Jim Sprinkle:** The cost to build that plant was \$10 million dollars and if it was rebuilt is would cost in
302 excess of \$20 million. This will probably stay the same for the next 10 years.

303
304 **Mac Miller:** How soon will the asphalt plant start back?

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306 **Jim Sprinkle:** When the temperature falls, you cannot make asphalt so it may be 6 months.
307

308 **Commissioner Carey:** Have the hydrological studies indicated you need to do special things to avoid
309 impacting the ground water around the site?
310

311 **Jim Sprinkle:** We had a full study done when we began. There are two wells within 100 feet of the pit
312 and you can't see lose of wells due to quarry. We can give you our well policy that was submitted to
313 Durham County.
314

315 **Glenn Bowles:** Please get that to us.
316

317 **Task Force member:** That was a requirement for the Special Use Permit. Before we were able to
318 commence mining activities, we had to monitor the wells for a couple of years.
319

320 **Task Force member:** Have you had complaints of wells going bad?
321

322 **Jim Sprinkle:** We had one well complaint from someone that lived 1 ½ miles from the quarry that had
323 muddy water. If you have hard water, over a period of time, it will get muddy or go dry. Muddy water is
324 not necessarily indicative of a mining problem. There was a lot of manganese in the water and it had
325 been there 30 years. If someone has a well problem, I can send someone to look at it and sit down with
326 the individuals to work it out.
327

328 **Dianne Reid:** You said the Orange County was permitted in 1988 and Durham County in 1989. Why
329 were they separate; and what time span do they cover?
330

331 **Jim Sprinkle:** I think we may have been able to get the land tied down with one before the other. It will
332 come up in 2008.
333

334 **Bruce:** I think you said water was our number one natural resource. On the news today, a reporter said
335 that water was our number one resource.
336

337 **Jim Sprinkle:** We don't require very little services from the county. We are conscience of our
338 neighbors.
339

340 **Anita Badrock:** When the permit was issued, you were speculating 20-40 years for the quarry.
341

342 **Jim Sprinkle:** The life of a quarry is dependent on the sales. It may be 50 years.
343

344 **Anita Badrock:** Where is the business office?
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346 **Jim Sprinkle:** It is located here. We have a business license from Durham.
347

348 **Tape ended with the meeting still on.**
349

350

351

352 Tina L. Owen, Minutes Preparer
353