

Buncombe County Planning Board  
June 3, 2013

The Buncombe County Planning Board met June 3, 2013 in the meeting room at 30 Valley Street. Members present were Bud Sales, Jim Young, Joe Sechler, Josh Holmes, Bernie Kessel, Chairman Tom Alexander, Michelle Wood, and Greg Phillips. Also present were Michael Frue, County Attorney; Jon Creighton, Planning Director/Assistant County Manager; and, Gillian Phillips and Debbie Truempy, Planning staff.

**Call to Order**

Chairman Alexander called the meeting to order at 9:32 am.

**Approval of Agenda**

Mr. Kessel made a motion to approve the agenda. Mr. Young seconded the motion and the motion passed unanimously.

**Approval of Minutes (May 20, 2013)**

Mr. Sales made a motion to approve the minutes as submitted. Mr. Young seconded the motion, and the motion passed unanimously.

**SUB2013-00147:** *Mallard Run Subdivision located South of Glenn Bridge Road SE off of Glass VW (PINs 9634-90-9765, 9644-00-2356, 9633-99-9827, and 9643-09-5021) is seeking preliminary approval.*

The Board was provided with the proposed staff conditions (Attachment A) and the subdivision plans (Attachment B) prior to the meeting. Ms. Truempy reviewed the case for the Board. Ms. Truempy reviewed the staff conditions for the Board. Ms. Truempy indicated that the project would require Board of Adjustment approval. William Lapsley and Drew Norwood were present to represent the case. Mr. Norwood described the project for the Board. He indicated that he would be seeking workforce housing funding from the County. Mr. Lapsley then reviewed the project for the Board, including the statuses of approval from the different required agencies, and discussed the slope of the property. Mr. Young asked some technical questions regarding the plans, how steeper slopes were going to be graded, and the discrepancy in the grave that was marked in two different locations on the plans. Mr. Young also asked some questions regarding the grading of slopes on the subject property. There was discussion regarding the need for a flood development permit to place a stormwater detention with the floodplain. Chairman Alexander indicated that Ms. Martin had emailed him, since she was not able to be present at the meeting, and indicated in her email she supported the project. Chairman Alexander asked if anyone would like to make public comment. The following people commented regarding the subdivision:

- Alvin Hutchinson raised concerns regarding his right-of-way from which he accessed his home, but indicated that he did support the project.
- Gene Roberts, one of the property owners whose property was involved in the subdivision, indicated that the development would benefit the surrounding properties as they would be getting public utilities when the development was constructed.
- Julie Wagner Mill indicated that she had concerns regarding the construction traffic using her private driveway, and raised concerns regarding the development of land that was currently open space.

Mr. Young made a motion to grant preliminary approval with the recommended staff conditions. Mr. Phillips seconded the motion and the motion passed unanimously.

**SUB2013-00149:** *Hyde Park Subdivision located South of Baldwin Road and West of the intersection with Olde Covington Way (PINs 9653-78-1531 and 9653-78-5854) is seeking preliminary approval.*

The Board was provided with the proposed staff conditions (Attachment C) and the subdivision plans (Attachment D) prior to the meeting. Ms. Truempy reviewed the case for the Board. Ms. Truempy reviewed the staff conditions for the Board. Ms. Truempy indicated that the project would require Board of Adjustment approval. Gary Davis and Nick Bowman, from Civil Design Concepts, were present to represent the case. Mr. Holmes recused himself, as his company was providing surveying services for the project. Mr. Davis reviewed the project for the Board, and indicated that the project would be workforce housing. Mr. Young pointed out that the applicant had not shown one of the PIN numbers which was part of the project on the submitted site plan. There was discussion regarding what disturbance would occur on the site. Mr. Kessel made a recommendation to approve with the staff proposed conditions and the added condition that all PIN numbers be shown on the plan. Ms. Wood seconded the motion and the motion passed unanimously.

**ZPH2013-00003: Motor Sport Facilities**

*Stacy Ogle has applied to amend §78-641(a), Permitted Use Table, of the Zoning Ordinance of Buncombe County, to make “motor sport facilities” a conditional use in the Commercial Service (CS) and Employment (EMP) Districts.*

The Board was provided with the staff recommendation (Attachment E) and proposed conditions (Attachment F) prior to the meeting. Ms. Truempy reviewed the staff’s recommendation of denial and the proposed conditions if the Board decided to grant approval of the request. Ms. Truempy indicated that staff had done an analysis of land zoned Open Use that could be utilized for a motor sports facility with a Conditional Use Permit, and 62% of the property within the County’s zoning jurisdiction was available.

Albert Sneed was present to represent Stacy Ogle. Mr. Sneed indicated that his client had not been able to find any property within the Open Use district to construct a facility in. He reminded the Board that large areas of the Open Use area were residential in nature. Mr. Sneed stated that his client just wished for the right to go before the Board of Adjustment in order to site a motor sports facility, and that his client had no objection to staff’s proposed conditions. He indicated that the use would be more appropriate in a commercial area, and that it was no concern of the Board where the property the applicant was considering was, as he just wished to be allowed to go before the Board of Adjustment.

Chairman Alexander asked if anyone would like to make public comment. The following individuals made public comment:

- BJ Leidermen raised concerns regarding noise within residential areas.
- Sid Blake raised concerns regarding property values and indicated that he did not think the use was appropriate in populated areas.
- Annie McDonald raised concerns regarding compaction of a motor cross site, and raised concerns regarding the proposed conditions, as she thought they were vague. Ms. McDonald provided the Board with comments regarding the proposed language (Attachment G).

- Jane Hansel read a statement and provided it to the Board (Attachment H).
- RJ Deleco indicated that a motorcross facility did not belong anywhere near residential properties, and raised concerns with the dust and noise the facilities created.
- Stephi Rausch read a prepared statement that she provided to the Board (Attachment I) along with the consent judgment regarding the track that had previously operated on Lytle Cove Road (Attachment J).
- Daniel Wallace raised concerns regarding opening this use up to other areas of the County.
- Kristanna Neilsen raised concerns regarding the proposal and indicated that it was a “slippery slope.”
- Jerry Rice supported the proposal as it would bring in money from tourism.
- Doug Thigpen raised concerns regarding the proposed conditions and indicated he did not think the proposal was appropriate, as 62% of the property within the County’s zoning jurisdiction would currently allow a motor sports facility as a conditional use.
- Jeff Bise, the owner of the Asheville KOA on US Hwy 70, raised concerns regarding noise.
- Barbara Kenney raised concerns regarding how the use would affect property owners surrounding it.
- Jerry Tutton indicated that the applicant should have the chance to apply for the Conditional Use Permit, and that the Board should therefore pass the proposed change to the Ordinance.
- Bryan Hilderbran raised concerns regarding noise, and indicated that the use was not appropriate in the Employment district.
- Mandy Davis indicated her support of the proposal. She indicated that her children loved the sport and she wished there was some place closer for them to practice.
- Sophia Papadopoulos raised concerns regarding changing the language of the Zoning Ordinance to suit a few residents, and indicated that, per staff, 62% of the County was available for the use with a Conditional Use Permit. She raised concerns regarding these uses being close to residences, and the broad range of uses that fell under the definition of a motor sports facility.
- Scott Conland raised concerns regarding the broad range of uses that fell under the definition of a motor sports facility, and the vagueness of the proposed conditions.
- Kevin Tubes indicated that a large percentage of the Open Use District was too steep to be used for a motor sports facility due to the slope and indicated that in the area in Swannanoa where the track was proposed there was already noise given the industrial uses in the area.
- Ryan Beasley also supported the request and indicated that a motor sports facility did not create that much noise.
- Cindy Pruett stated that the noise level at the tracks were not that loud .

There being no one else wishing to speak, Chairman Alexander closed the public hearing. The Board discussed the proposal. Ms. Wood indicated that the Ordinance allowed asphalt plants in EMP and this would be a similar high intensity use. She indicated that she could see it as a Conditional Use in the EMP and CS zoning districts. Mr. Young then made a motion to deny the requested text amendment and adopt the staff’s statement of it not being consistent with the Land Use Plan as provided in Attachment E. Jim Young, Joe Sechler, Josh Holmes, and Chairman Tom Alexander voted for the motion to deny the requested text amendment. Bud Sales, Bernie Kessel, Michelle Wood, and Greg Phillips voted against the motion for the text amendment. The motion failed to gain majority, and there being no other motions, the proposed text amendment failed on lack of a motion. Ms. Wood then left the meeting.

**Review of the draft Comprehensive Land Use Plan Update**

Ms. Truempy indicated that the Board had received the draft at the last meeting. She described the proposed update, and indicated that after the Planning Board reviewed the draft it would go to the Board of Commissioners for review and approval. Mr. Kessel made a motion to recommend the draft to the Board of Commissioners. Mr. Young seconded the motion, and the motion passed unanimously. Mr. Holmes was not present when the vote took place.

**Adjournment**

There being no further business on the agenda, and no one wishing to make public comment, the meeting was adjourned.

# ATTACHMENT A

Buncombe County Planning Board Meeting  
Recommended Staff Conditions  
**SUB2013-00147**  
June 3, 2013  
**Mallard Run**

If approved by the Buncombe County Planning Board, the applicant shall provide the following information on a revised set of plans (if necessary) submitted to the Buncombe County Department of Planning and Development:

1. Indicate flood plain map information and limits of floodplain on the submitted plans.
2. Provide proof of approval of Buncombe County Flood Development Permit.
3. Indicate average natural slope on the submitted plans.
4. Indicate township on the submitted plans.
5. Show the existing grave on the submitted plans.
6. Indicate existing use of land within and abutting the subdivision.
7. Provide proof of approval of system design for City of Asheville Water lines. Proof of acceptance of the water lines into the City of Asheville's water system will be required prior to recordation of a final plat or release of a financial guarantee.
8. Provide proof of approval of system design from the Metropolitan Sewerage District. Proof of acceptance of the sewer lines into the Metropolitan Sewerage District sewage system will be required prior to recordation of a final plat or release of a financial guarantee.
9. Provide a written statement from the Buncombe County Erosion Control Officer stating that an Erosion Control Plan has been submitted and approved for the project. *No grading shall occur on the site until an approved Buncombe County Erosion Control permit is obtained.*
10. Provide a written statement from the Buncombe County Stormwater Administrator stating that a stormwater management plan has been submitted and approved for the project. *No grading shall occur on the site until an approved Buncombe County Stormwater Permit is obtained.*
11. Indicate on the submitted plans whether the roads shall be public or private. If public:
  - a. Provide proof of approval from the North Carolina Department of Transportation of road design.
  - b. Provide copy of a maintenance and financial responsibility plan for the roads within the subdivision covering the period between the time lot sales begin and when the roads are accepted by the North Carolina Department of Transportation.

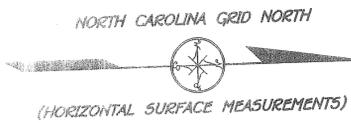
- c. Roads shall also be required to meet private road standards and a certification of road construction shall be required prior to the final plat being recorded.
12. Provide curve radii for the road centerline. The pavement width and base course shall be increased where the road centerline is less than 90-foot radius.
13. Provide a copy of the approved North Carolina Department of Transportation driveway permit.
14. Provide proof of approval of addresses from E-911 Addressing.
15. Indicate on the submitted plans that no base course shall be placed on muck, pipe clay, organic matter or other unsuitable matter, and a minimum compaction rate of subgrade prior to paving shall not be less than 95 percent by standard proctor method.
16. Provide information on the submitted plans that the subdivision roads meet the following standard: they are contained within a corridor that shall not exceed 90 feet in width along 80% of its total length; up to 20% of the length of the road corridor may be graded to a maximum width of 135 feet. The corridor height, defined as the height of a combined cut and fill slope, shall not exceed 60 feet.
17. Indicate areas of road construction in excess of 30 percent natural slope or areas designated as High Hazard or Moderate Hazard on the Buncombe County Slope Stability Index Map or indicate on the submitted plans that no such areas exist.
18. Indicate location of individual driveways for the first 20 feet for each lot on the submitted plans.
19. Indicate lot slope perpendicular to the road for each individual subdivision lot or indicate that none of the lot slopes perpendicular to the road exceed 18% slope.
20. Provide proof of approval for a Planned Unit Development from the Buncombe County Board of Adjustment.

NORTH CAROLINA GRID MONUMENT

\*GLE  
X = 938  
Y = 641  
(N)  
Combined Fac

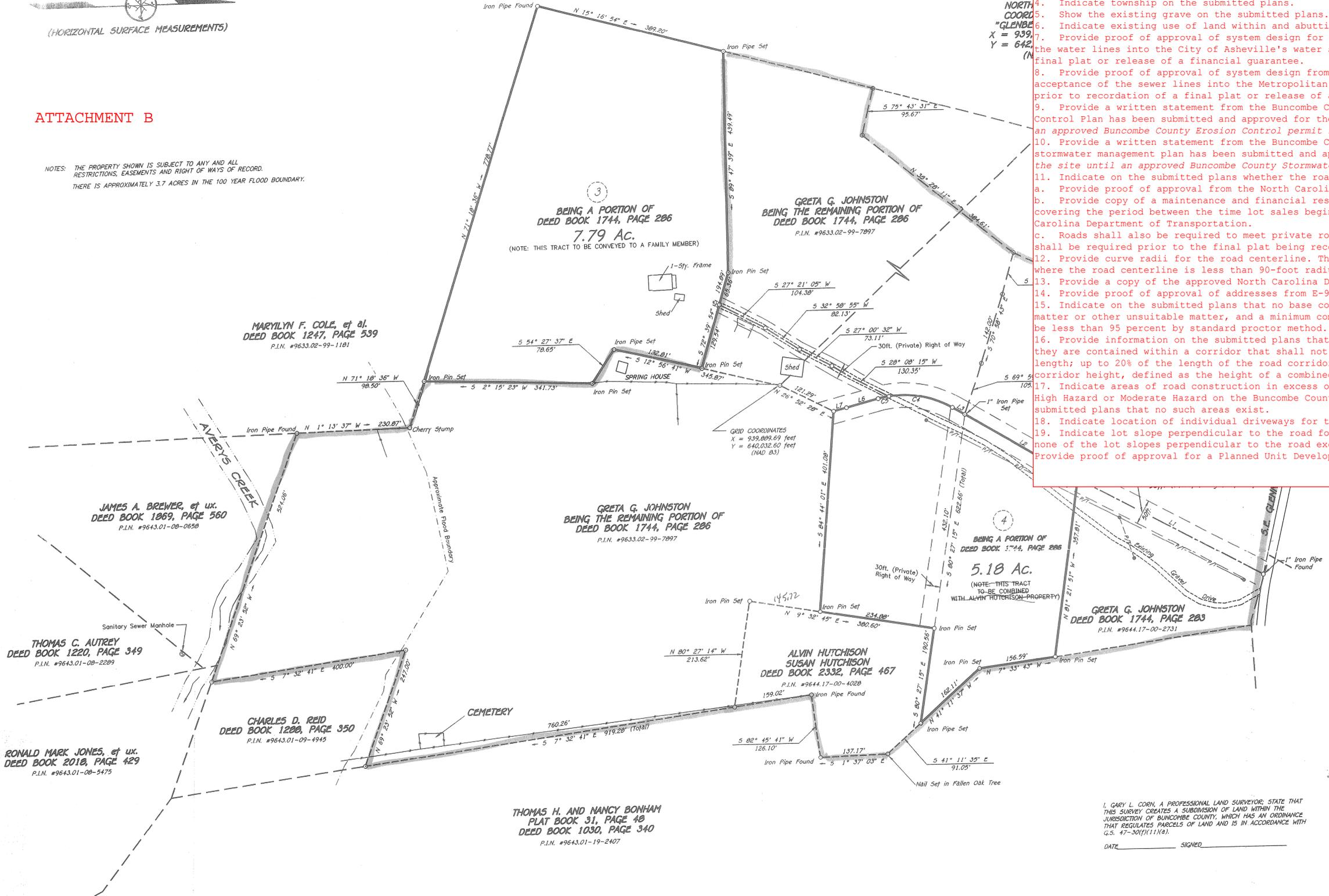
NORTH COORD  
\*GLE  
X = 939  
Y = 642  
(N)

- The applicant shall submit the following information to the Buncombe County Department of Planning and Development on a separate plan:
1. Indicate flood plain map information and limits of floodplain on the submitted plans.
  2. Provide proof of approval of Buncombe County Flood Development Permit.
  3. Indicate average natural slope on the submitted plans.
  4. Indicate township on the submitted plans.
  5. Show the existing grave on the submitted plans.
  6. Indicate existing use of land within and abutting the subdivision.
  7. Provide proof of approval of system design for City of Asheville Water lines. Proof of acceptance of the water lines into the City of Asheville's water system will be required prior to recordation of a final plat or release of a financial guarantee.
  8. Provide proof of approval of system design from the Metropolitan Sewerage District. Proof of acceptance of the sewer lines into the Metropolitan Sewerage District sewage system will be required prior to recordation of a final plat or release of a financial guarantee.
  9. Provide a written statement from the Buncombe County Erosion Control Officer stating that an Erosion Control Plan has been submitted and approved for the project. No grading shall occur on the site until an approved Buncombe County Erosion Control permit is obtained.
  10. Provide a written statement from the Buncombe County Stormwater Administrator stating that a stormwater management plan has been submitted and approved for the project. No grading shall occur on the site until an approved Buncombe County Stormwater Permit is obtained.
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    - b. Provide copy of a maintenance and financial responsibility plan for the roads within the subdivision covering the period between the time lot sales begin and when the roads are accepted by the North Carolina Department of Transportation.
    - c. Roads shall also be required to meet private road standards and a certification of road construction shall be required prior to the final plat being recorded.
  12. Provide curve radii for the road centerline. The pavement width and base course shall be increased where the road centerline is less than 90-foot radius.
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  19. Indicate lot slope perpendicular to the road for each individual subdivision lot or indicate that none of the lot slopes perpendicular to the road exceed 18% slope.
- Provide proof of approval for a Planned Unit Development from the Buncombe County Board of Adjustment



ATTACHMENT B

NOTES: THE PROPERTY SHOWN IS SUBJECT TO ANY AND ALL RESTRICTIONS, EASEMENTS AND RIGHT OF WAYS OF RECORD. THERE IS APPROXIMATELY 3.7 ACRES IN THE 100 YEAR FLOOD BOUNDARY.



Curve	Radius	Chord Bearing	Distance	Arc Length
L1		S 28° 09' 37" W	424.22'	
L2		S 30° 16' 30" W	263.64'	
L3		S 30° 16' 30" W	28.83'	
C4	200.00'	S 11° 10' 29" W	130.89'	133.34'
C5	200.00'	S 11° 08' 34" E	22.45'	22.46'
L6		S 14° 21' 37" E	66.92'	
L7		S 14° 21' 37" E	27.18'	

JAMES A. BREWER, et ux. DEED BOOK 1069, PAGE 560 P.I.N. #9643.01-08-0658

THOMAS C. AUTREY DEED BOOK 1220, PAGE 349 P.I.N. #9643.01-08-2289

RONALD MARK JONES, et ux. DEED BOOK 2010, PAGE 429 P.I.N. #9643.01-08-5475

CHARLES D. REID DEED BOOK 1200, PAGE 350 P.I.N. #9643.01-09-1945

THOMAS H. AND NANCY BONHAM PLAT BOOK 31, PAGE 40 DEED BOOK 1030, PAGE 340 P.I.N. #9643.01-19-2407

GRETA G. JOHNSTON BEING THE REMAINING PORTION OF DEED BOOK 1744, PAGE 206 P.I.N. #9633.02-99-7897

ALVIN HUTCHISON SUSAN HUTCHISON DEED BOOK 2332, PAGE 467 P.I.N. #9644.17-00-4028

5.18 Ac. (NOTE - THIS TRACT TO BE COMBINED WITH ALVIN HUTCHISON PROPERTY)

GRETA G. JOHNSTON DEED BOOK 1744, PAGE 203 P.I.N. #9644.17-00-2731

I, GARY L. CORN, A PROFESSIONAL LAND SURVEYOR, STATE THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE JURISDICTION OF BUNCOMBE COUNTY, WHICH HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND AND IS IN ACCORDANCE WITH G.S. 47-301(F)(1)(i)(c).

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_

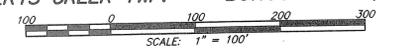
APPROVED AS A SPECIAL SUBDIVISION, THE ACCESS IS CONSIDERED A PRIVATE DRIVEWAY.

DATE \_\_\_\_\_ JAMES H. COMAN ZONING ADMINISTRATOR

A SPECIAL SUBDIVISION FOR GRETA GRIFFIN JOHNSTON (OWNER)

P.I.N. #9633.02-99-7897 BEING A PORTION OF DEED BOOK 1744, PAGE 206 ADDITIONAL REFERENCE: PLAT BOOK 46, PAGE 133

AYERYS CREEK TWP. BUNCOMBE CO., N.C.



SCALE: 1" = 100' JUNE 2, 1998

REVISED AUGUST 2, 2000 REVISED DECEMBER 31, 2001 TO SHOW 7.79 AC. TRACT REVISED MARCH 11, 2002 TO SHOW 5.18 AC. TRACT

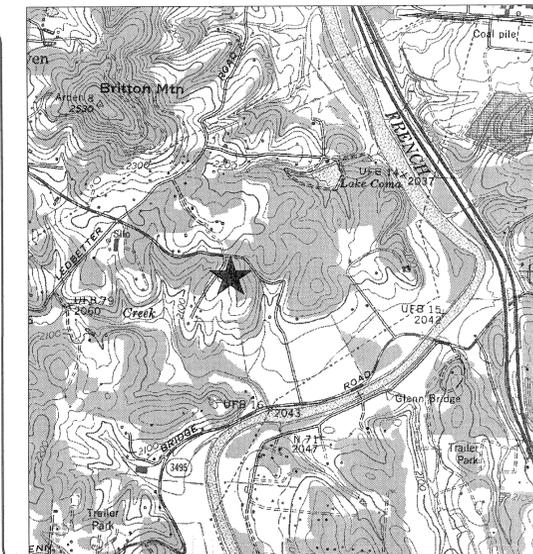
GARY L. CORN, INC. PROFESSIONAL LAND SURVEYOR 522 FLEMING STREET HENDERSONVILLE, N.C. 28739

REGISTERED LAND SURVEYOR L-2431



STATE OF NORTH CAROLINA COUNTY OF BUNCOMBE THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDED IN THIS OFFICE AT PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002; AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.

STATE OF NORTH CAROLINA COUNTY OF BUNCOMBE REVIEW OFFICER OF BUNCOMBE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.



LOCATION MAP  
N.T.S.

# MALLARD RUN SUBDIVISION

for

## BUNCOMBE COUNTY, NORTH CAROLINA

### INDEX

SHEET NO.	DESCRIPTION
1	EXISTING SITE PLAN
2	SITE DEVELOPMENT PLAN
3	SITE PLAN
4	SITE PLAN
5	MALLARD WAY- STATION 10+00 TO 24+00
6	MALLARD WAY- STATION 24+00 TO 37+40.54
7	DUCK COURT- STATION 10+00 TO 15+52.29
8	TEAL COURT- STATION 10+00 TO 12+21.27
8	GOOSE COURT- STATION 10+00 TO 14+54.00
9	TO POND #1- STATION 10+00 TO 14+41.86
9	TO POND #2- STATION 10+00 TO 14+32.87



WILLIAM G LAPSLEY & ASSOCIATES P.A.

CONSULTING ENGINEERS & LAND PLANNERS  
NC License No: C-0556  
214 N. King Street  
Hendersonville, North Carolina 28792  
(828) 687-7177  
wglac.com





WILLIAM G. LAPSLEY & ASSOCIATES P.A.  
CONSULTING ENGINEERS & LAND PLANNERS  
HENDERSONVILLE, NORTH CAROLINA

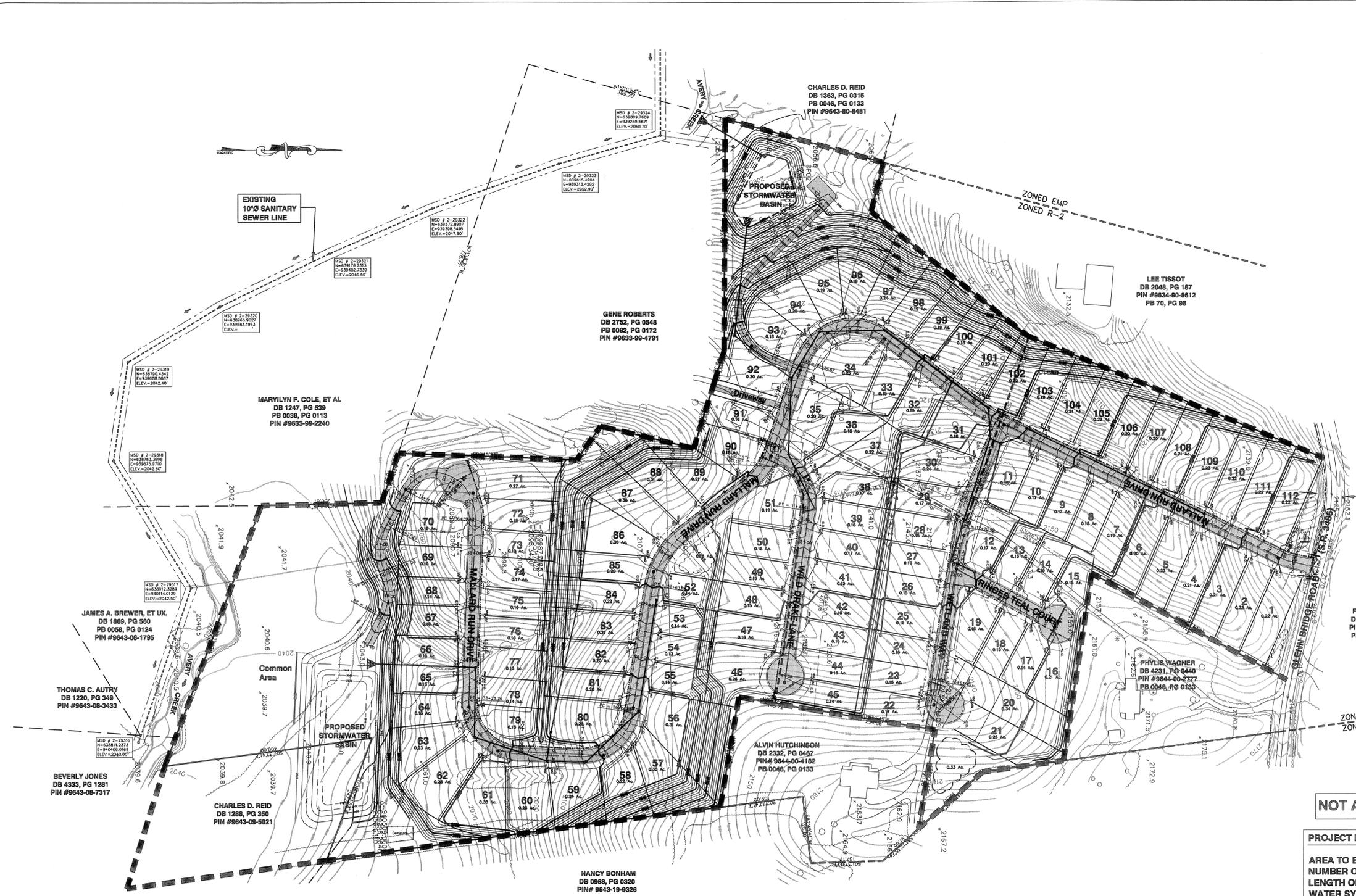
MALLARD RUN SUBDIVISION  
BUNCOMBE COUNTY,  
NORTH CAROLINA

PROPOSED  
SITE DEVELOPMENT PLAN

sheet  
2 of 9



LOCATION MAP  
N.T.S.



**NOT A DRASTIC HILLSIDE DEVELOPMENT**

PROJECT DATA	
AREA TO BE SUBDIVIDED -	35.8 AC.
NUMBER OF LOTS -	112
LENGTH OF ROADS- WATER SYSTEM- SEWER SYSTEM - NATURAL GAS- CABLE- TELEPHONE-	4,100 LF CITY OF ASHEVILLE MSD-BUNCOMBE CO. PSNC ENERGY CHARTER COMMUNICATIONS AT & T

PROPOSED BUILDING SETBACKS	
Front -	25 FT
Rear -	10 FT
Side -	5 FT

- OWNERS:**
- K.F. Roberts, Et. Al.**  
 #53 Glas VW  
 Arden, NC 28704  
 D.B. 4266 PG. 1244  
 PIN 9634-90-9765  
 PIN 9644-00-2356  
 PIN 9633-99-9827
  - Charles D. Reid**  
 1110 Glenn Bridge Road  
 Arden, NC 28704  
 DB 1288 PG 35  
 PIN 9643-09-0521
- ZONED:** BUNCOMBE COUNTY  
R2 & EMP

**TOPOGRAPHIC MAP BY:**  
Spatial Data Consultants, Inc.  
1008 Hutton Lane, Suite 109  
High Point, NC 27262  
Phone: 336-841-1247

**DEVELOPER:**  
Windsor-Aughtry co. inc.  
P.O. Box 16449  
Greenville, South Carolina 29601

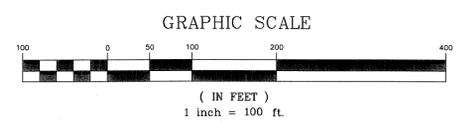
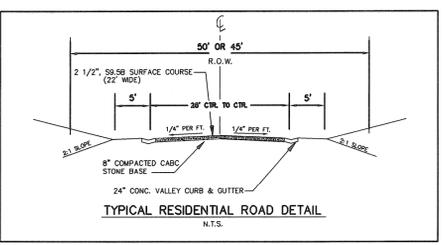
**PHONE: 864-271-9858**  
**WEB: www.windsor-aughtry.com**

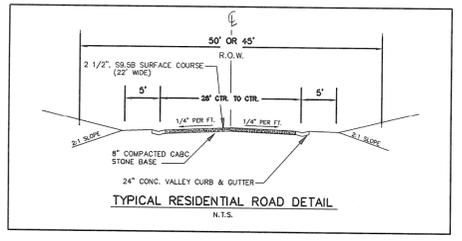


5/2/2013  
*[Signature]*  
WILLIAM GREGORY LAPSLEY  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF NORTH CAROLINA  
NO. 10000

Revisions	

date: 5/1/2013  
job: 13106  
drawn: KHC





- OWNERS:**
- ① K.F. Roberts, Et. Al.  
#53 Glas VW  
Arden, NC 28704  
D.B. 4266 PG. 1244  
PIN 9634-90-9765  
PIN 9644-00-2356  
PIN 9633-99-9827
  - ② Charles D. Reid  
1110 Glenn Bridge Road  
Arden, NC 28704  
DB 1288, PG 35  
PIN 9643-09-0521
- ZONED:** BUNCOMBE COUNTY  
R2 & EMP

**WILLIAM G. LAPSLEY & ASSOCIATES P.A.**  
CONSULTING ENGINEERS & LAND PLANNERS  
HENDERSONVILLE, NORTH CAROLINA

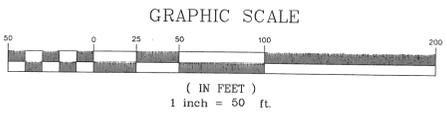
**MALLIARD RUN SUBDIVISION**  
BUNCOMBE COUNTY,  
NORTH CAROLINA

**PROPOSED**  
SITE DEVELOPMENT PLAN

sheet  
3 of 9

0133  
10-8481

Match Line (See Sheet #4)



**DEVELOPER:**  
WINDSOR-AUGHTRY CO. INC.  
P.O. BOX 16449  
GREENVILLE, SOUTH CAROLINA 29601

PHONE: 864-271-9858  
WEB: www.windsor-aughtry.com

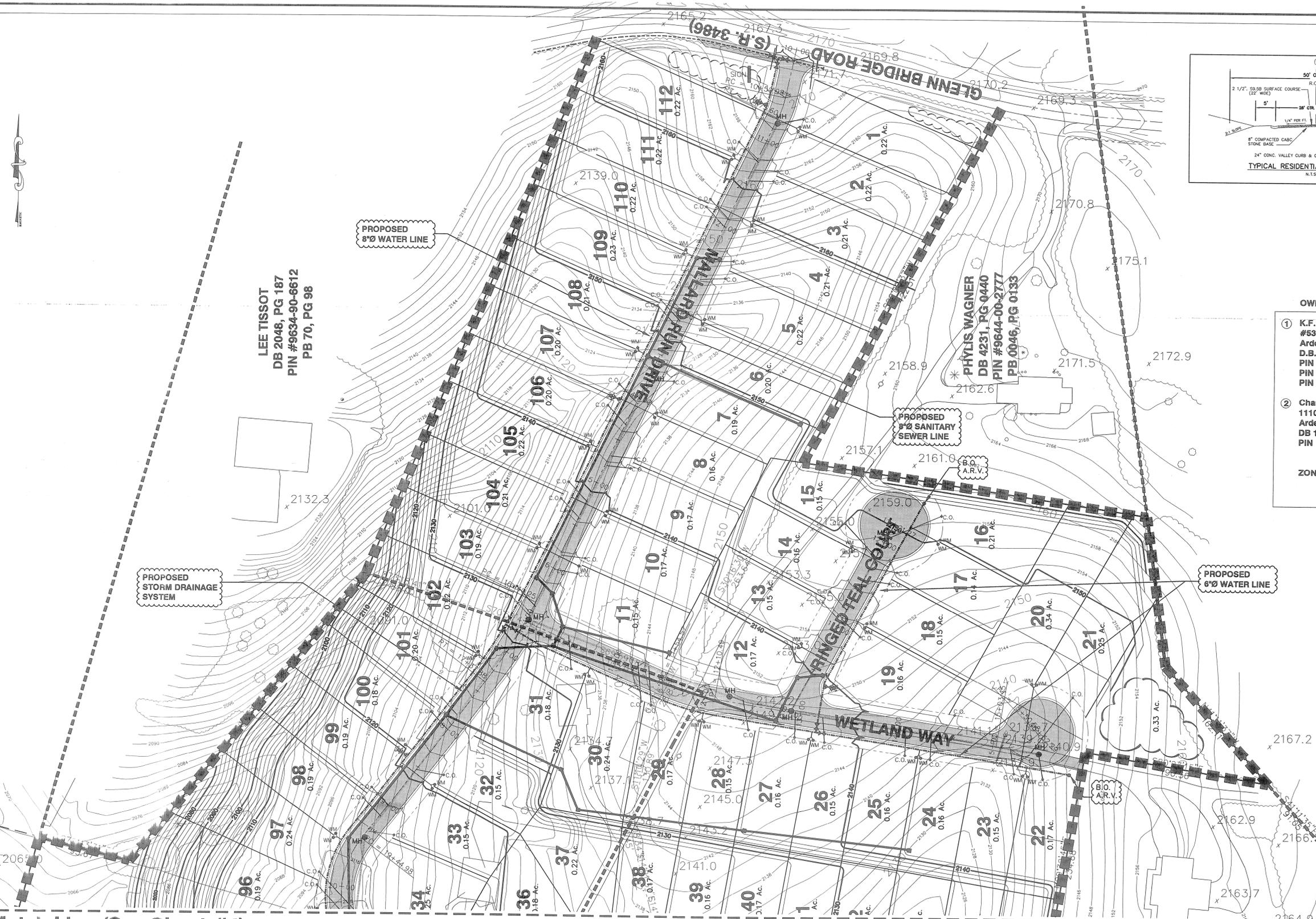
**WILLIAM G. LAPSLEY & ASSOCIATES P.A.**  
Consulting Engineers & Land Planners  
NC License No. C-0556  
214 N. King Street  
Hendersonville, North Carolina 28792  
(608) 887-7177  
wgl@a.com



**Revisions**


date: 3/13  
job: 13106  
drawn: KHC

*Gregory L. Gregory*  
5/2/2013  
REGISTERED PROFESSIONAL ENGINEER  
GREGORY L. GREGORY  
No. 10000



Match Line (See Sheet #3)

CHARLES I  
DB 1363, P1  
PB 0046, P1  
PIN #9643-1

ALVIN HUTCHINSON  
DB 2332, PG 0467  
PIN# 9644-00-4182  
PB 0046, PG 0133

GENE ROBERTS  
DB 2752, PG 0548  
PB 0082, PG 0172  
PIN #9633-99-4791

AVERY CREEK

MSD # 2-29324  
N=639809.7609  
E=939259.5671  
ELEV.=2050.70'

MSD # 2-29323  
N=639615.4204  
E=939313.4282  
ELEV.=2052.90'

PROPOSED  
STORMWATER  
BASIN

PROPOSED  
8" WATER LINE

PROPOSED  
6" WATER LINE

PROPOSED  
8" SANITARY  
SEWER LINE

PROPOSED  
STORM DRAINAGE  
SYSTEM

PROPOSED  
6" WATER LINE

**OWNERS:**

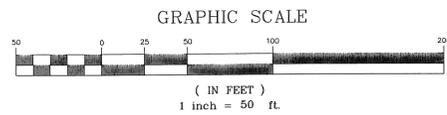
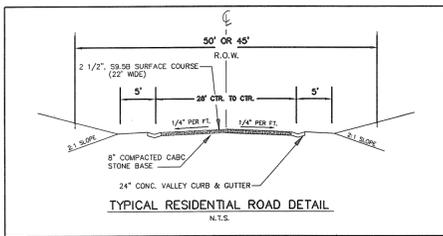
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D.B. 4266 PG. 1244  
PIN 9634-90-9765  
PIN 9644-00-2356  
PIN 9633-99-9827

② Charles D. Reid  
1110 Glenn Bridge Road  
Arden, NC 28704  
DB 1288, PG 35  
PIN 9643-09-0521

**ZONED:** BUNCOMBE COUNTY  
R2 & EMP

**DEVELOPER:**  
WINDSOR-AUGHTRY CO. INC.  
P.O. BOX 16449  
GREENVILLE, SOUTH CAROLINA 29601

PHONE: 864-271-9858  
WEB: www.windsor-aughtry.com



WILLIAM G. LAPSLEY & ASSOCIATES P.A.  
Consulting Engineers & Land Planners  
NC License No. C-0556  
214 N. King Street  
Hendersonville, North Carolina 28792  
(668) 887-7177  
wglia.com



Know what's below.  
Call before you dig.

Revisions


date: 3/13  
job: 13106  
drawn: KHC

sheet  
4 of 9



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HENDERSONVILLE, NORTH CAROLINA

MALLARD RUN SUBDIVISION  
BUNCOMBE COUNTY,  
NORTH CAROLINA

PROPOSED  
SITE DEVELOPMENT PLAN

7/2/2013  
WILLIAM G. LAPSLEY & ASSOCIATES P.A.  
WILLIAM GREGORY LAPSLEY

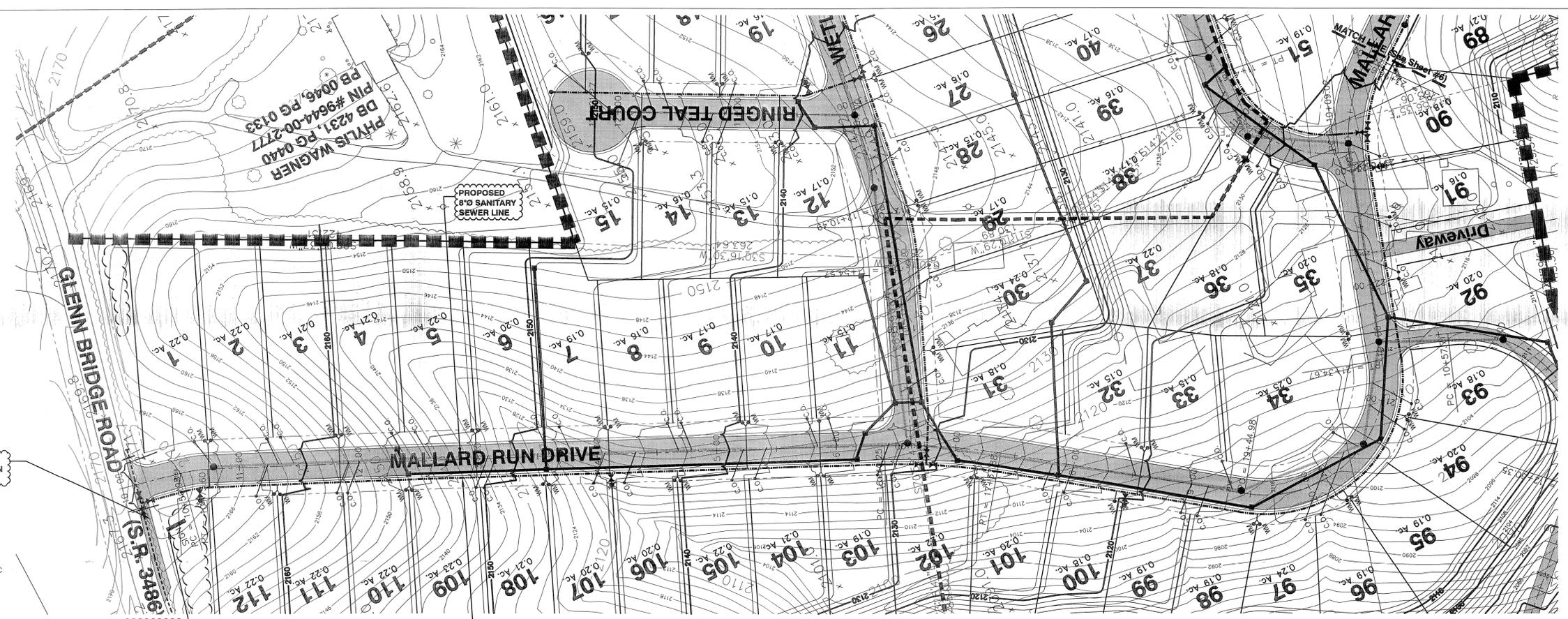


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HENDERSONVILLE, NORTH CAROLINA

MALLARD RUN SUBDIVISION  
BUNCOMBE COUNTY,  
NORTH CAROLINA

PLAN/PROFILE SHEET  
MALLARD RUN DRIVE  
STATION 10+00 TO 24+00

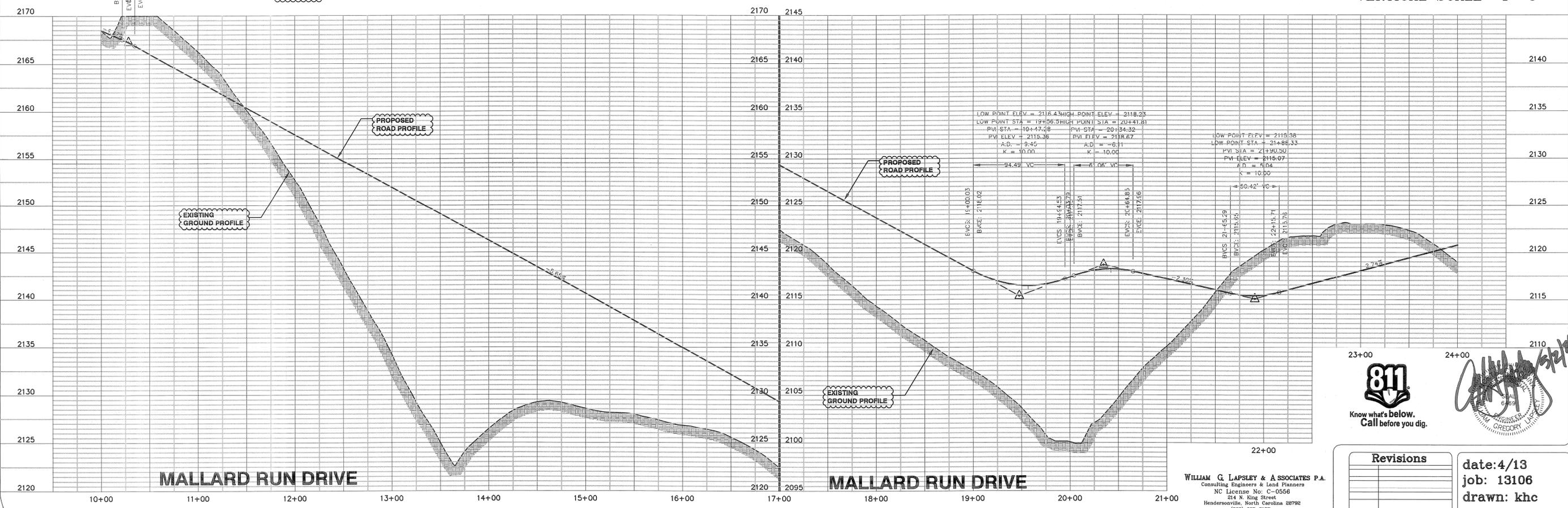
sheet  
5 of 9



PVI STA = 10+28.29  
PVI ELEV = 2167.25  
A.D. = -1.28  
K = 10.00

BVCS: 10+21.85  
ELEV: 2166.89  
EVC: 10+28.29  
ELEV: 2166.89

HORIZONTAL SCALE 1"=50'  
VERTICAL SCALE 1"=5'



LOW POINT ELEV = 2116.43 HIGH POINT ELEV = 2118.23  
LOW POINT STA = 19+56.53 HIGH POINT STA = 20+41.61  
PVI STA = 19+47.28 PVI STA = 20+13.42  
PVI ELEV = 2115.38 PVI ELEV = 2118.67  
A.D. = 3.45 A.D. = -0.11  
K = 10.00 K = 10.00

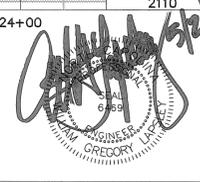
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LOW POINT STA = 21+48.33  
PVI STA = 21+30.50  
PVI ELEV = 2115.07  
A.D. = 5.04  
K = 10.00



Revisions

date: 4/13  
job: 13106  
drawn: khc

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wgla.com



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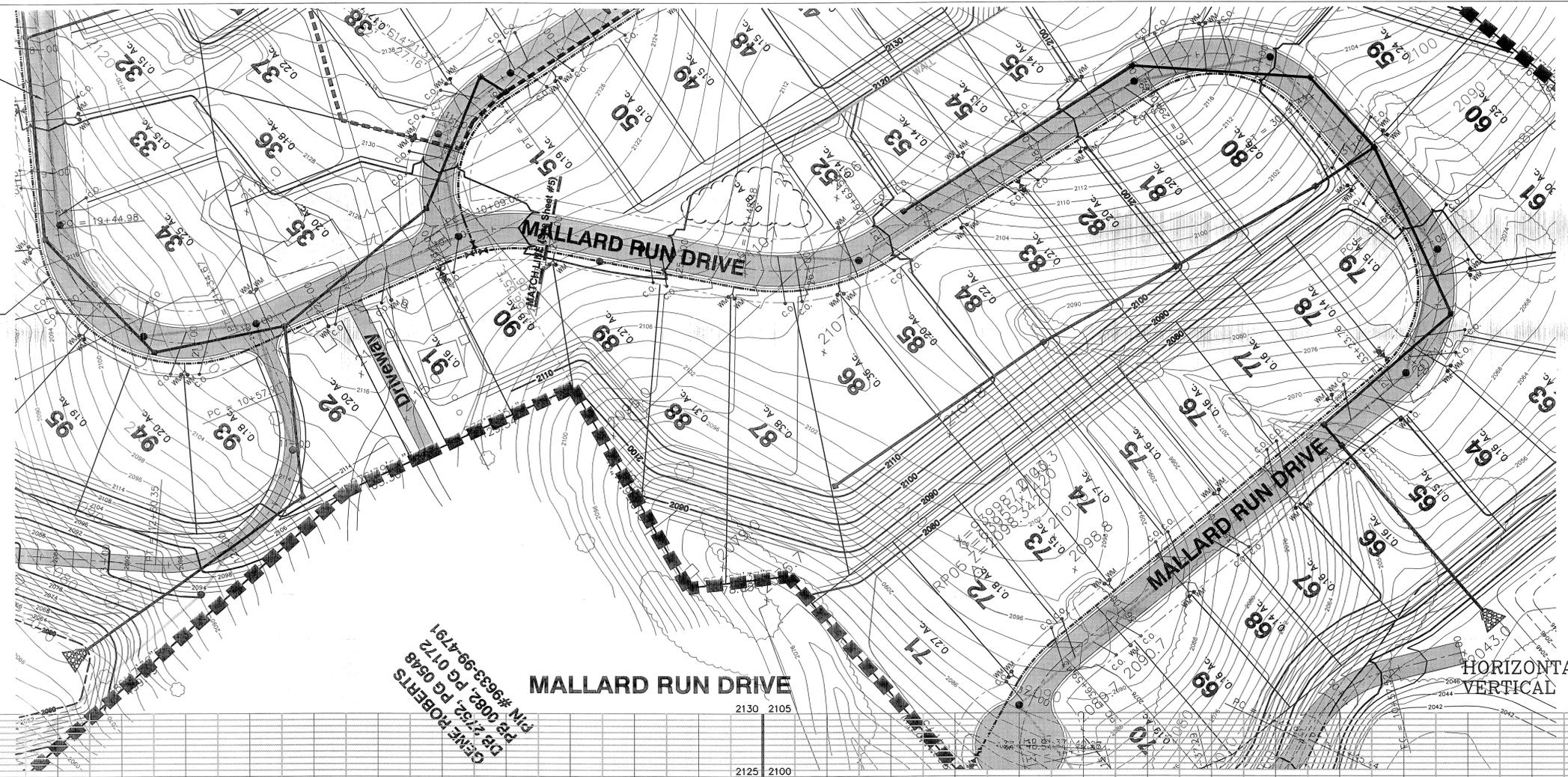


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 HENDERSONVILLE, NORTH CAROLINA

MALLARD RUN SUBDIVISION  
 BUNCOMBE COUNTY,  
 NORTH CAROLINA

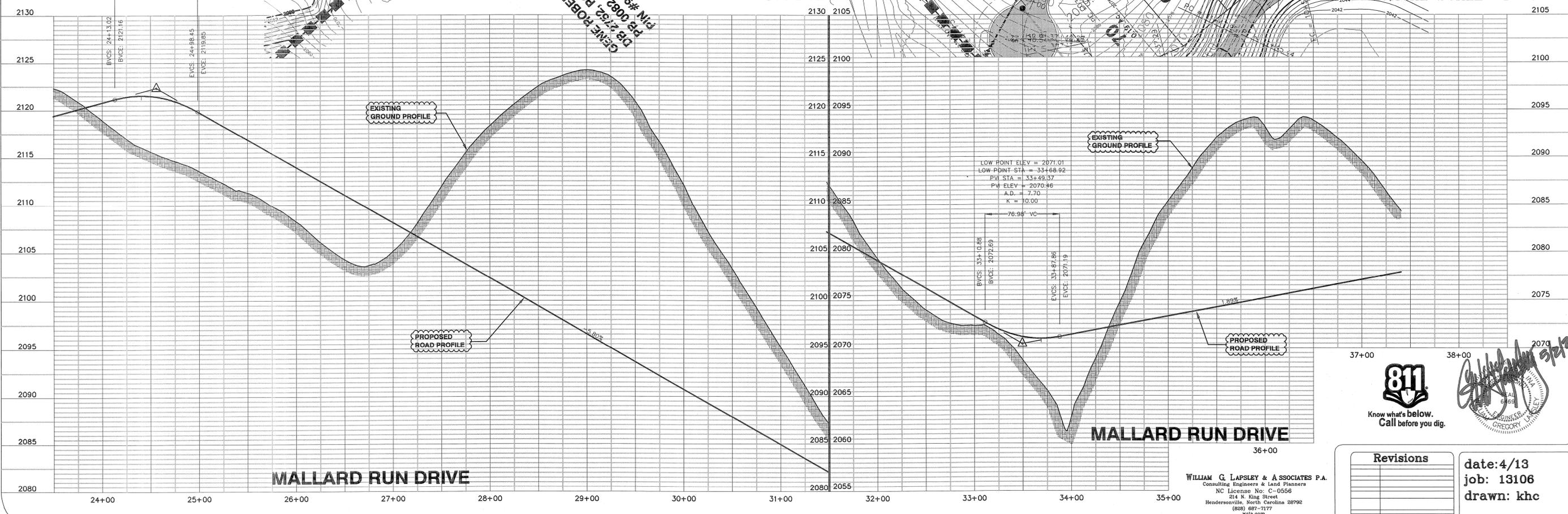
PLAN/PROFILE SHEET  
 MALLARD RUN DRIVE  
 STATION 24+00 TO 37+40.54

sheet  
 6 of 9



HIGH POINT ELEV = 2121.54  
 HIGH POINT STA = 24+40.40  
 PVI STA = 24+55.73  
 PVI ELEV = 2122.33  
 A.D. = -8.54  
 K = 10.00

HORIZONTAL SCALE 1"=50'  
 VERTICAL SCALE 1"=5'



GENE ROBERTS  
 PE 2152, PG 0548  
 PIN #9633-99-4191

LOW POINT ELEV = 2071.01  
 LOW POINT STA = 33+68.92  
 PVI STA = 33+49.37  
 PVI ELEV = 2070.46  
 A.D. = 7.70  
 K = 10.00



Revisions

date: 4/13  
 job: 13106  
 drawn: khc

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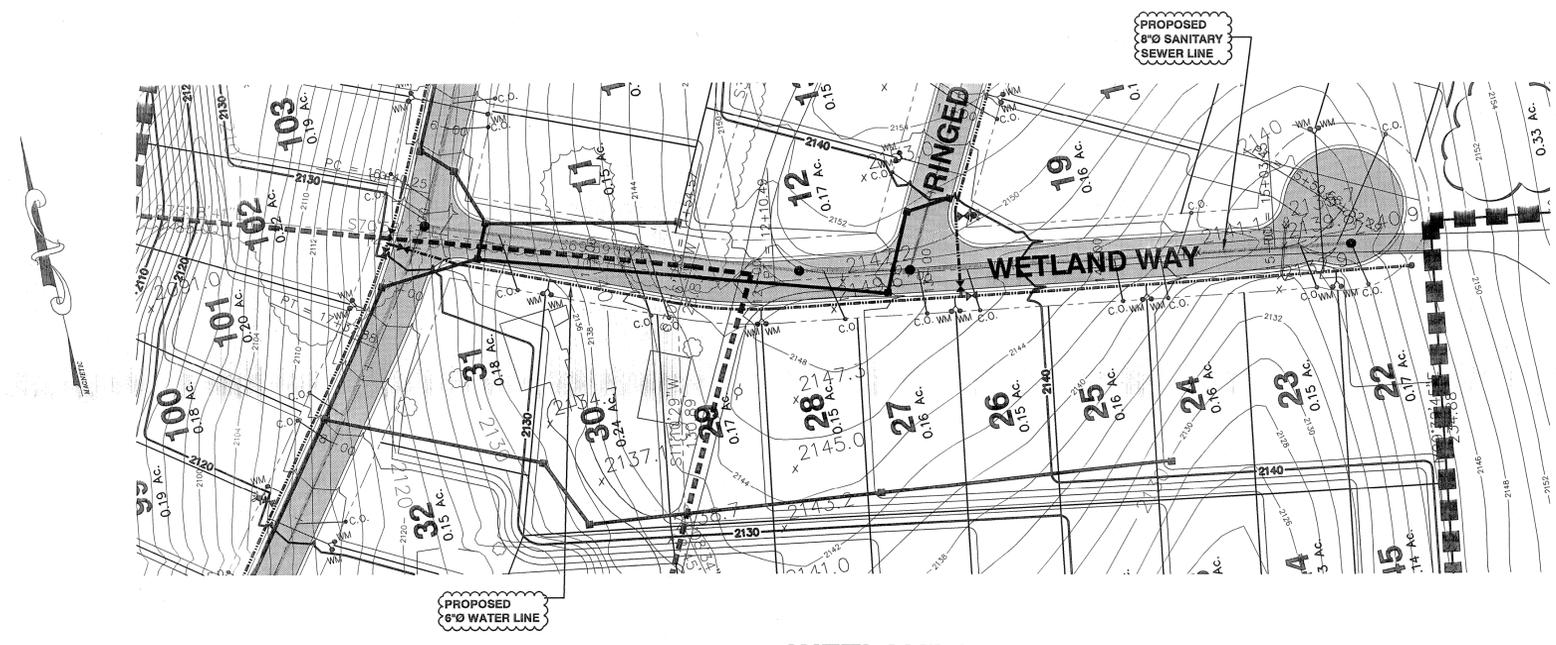


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HENDERSONVILLE, NORTH CAROLINA

MALLARD RUN SUBDIVISION  
BUNCOMBE COUNTY,  
NORTH CAROLINA

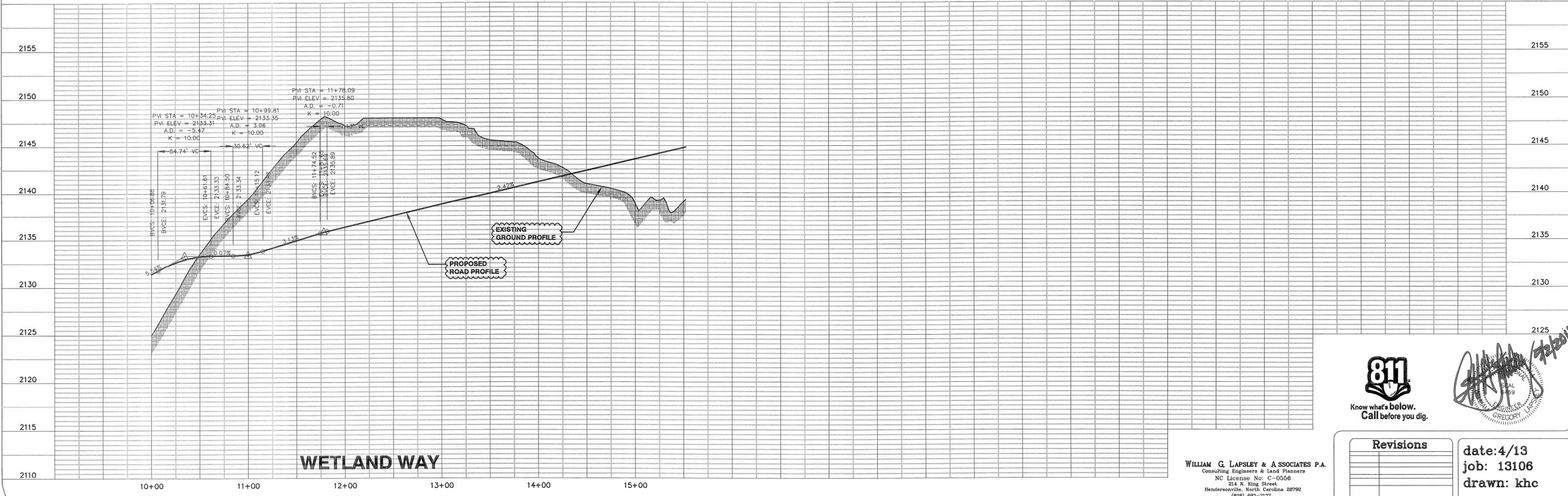
PLAN/PROFILE SHEET  
WETLAND WAY  
STATION 10+00 TO 15+52.29

sheet  
7 of 9



WETLAND WAY

HORIZONTAL SCALE 1"=50'  
VERTICAL SCALE 1"=5'



WETLAND WAY

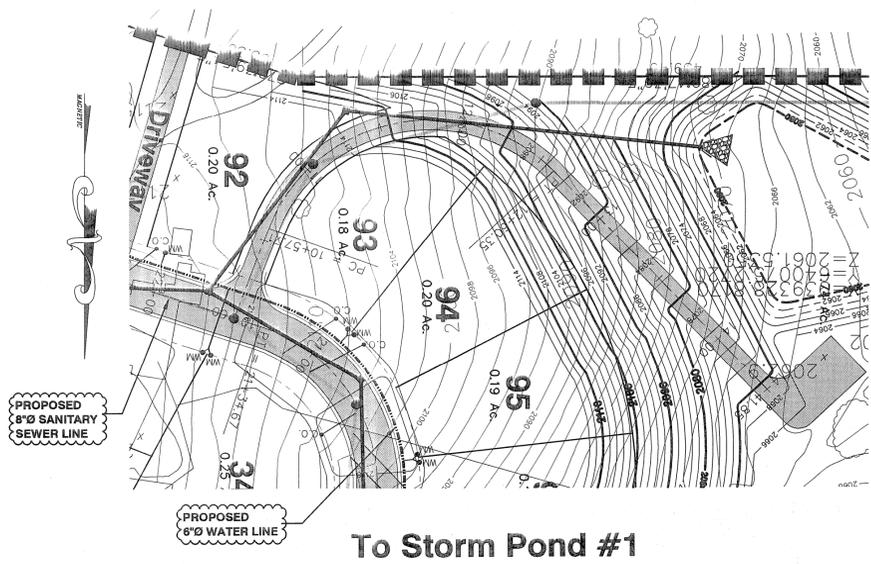


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214 N. King Street  
Hendersonville, North Carolina 28792  
(828) 687-7177  
wgl@a.com

Revisions

date: 4/13  
job: 13106  
drawn: khc

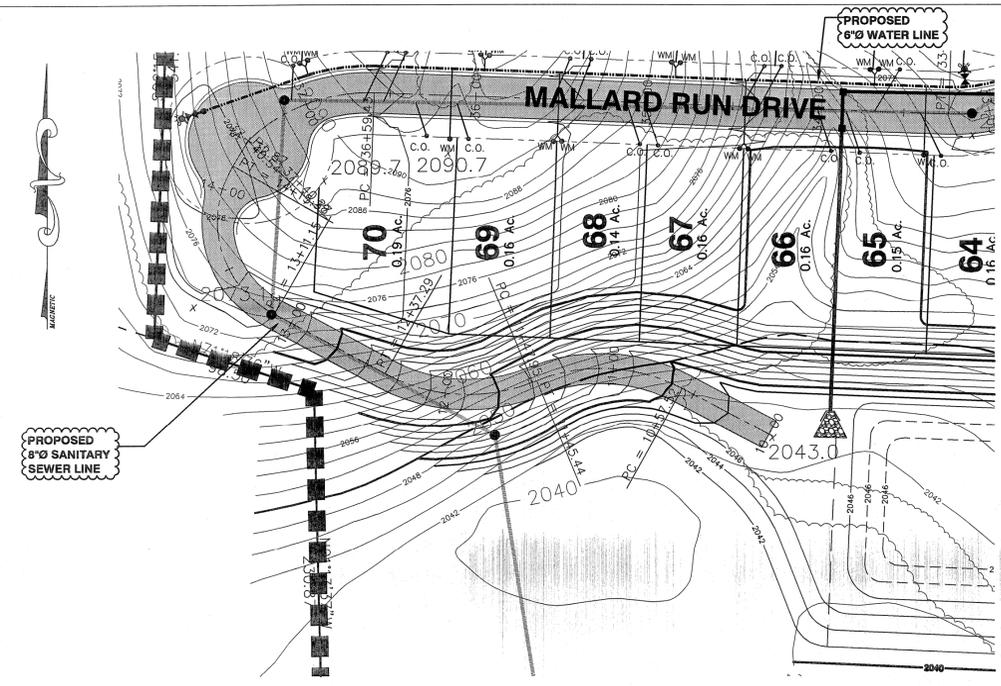
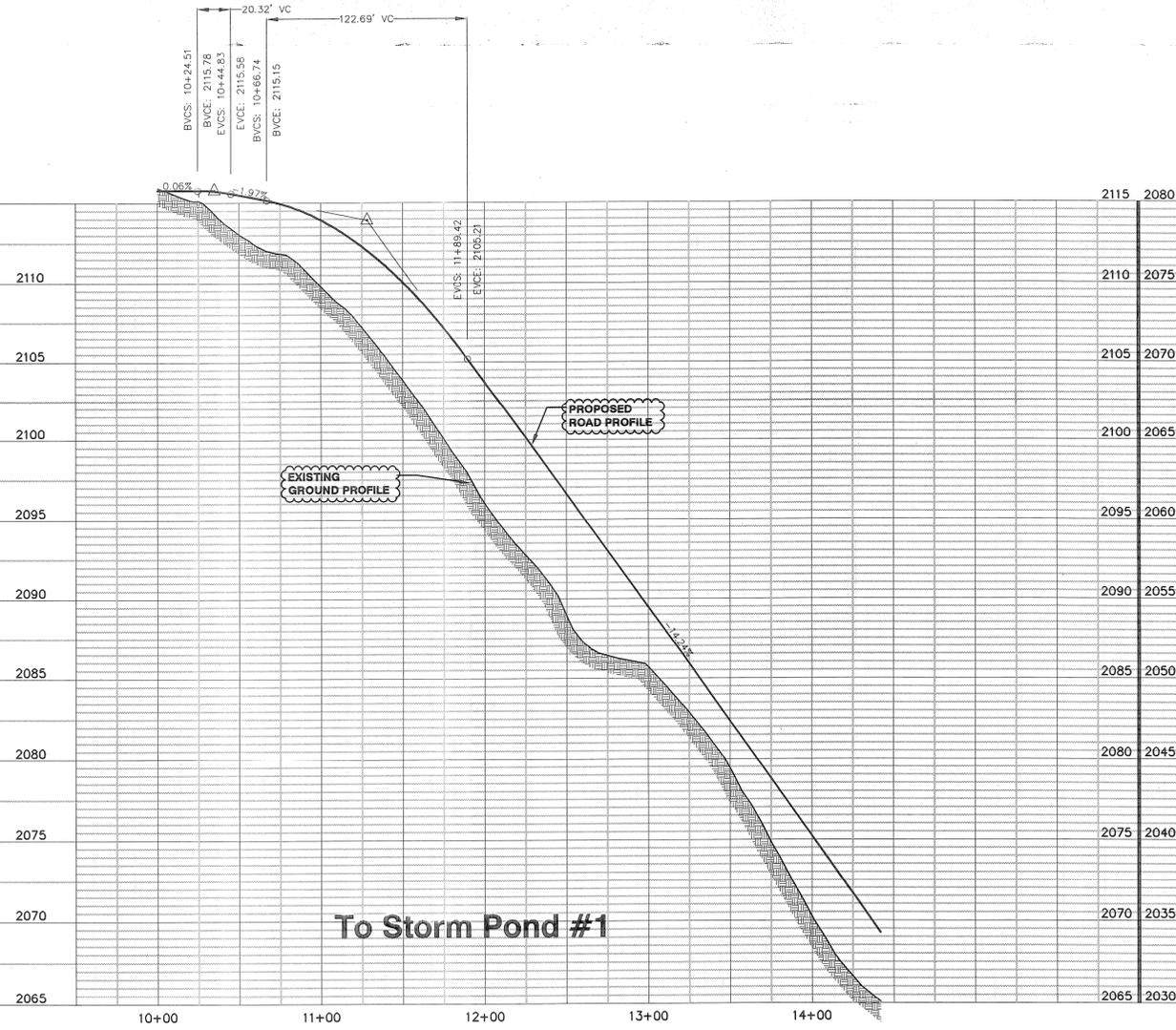




To Storm Pond #1

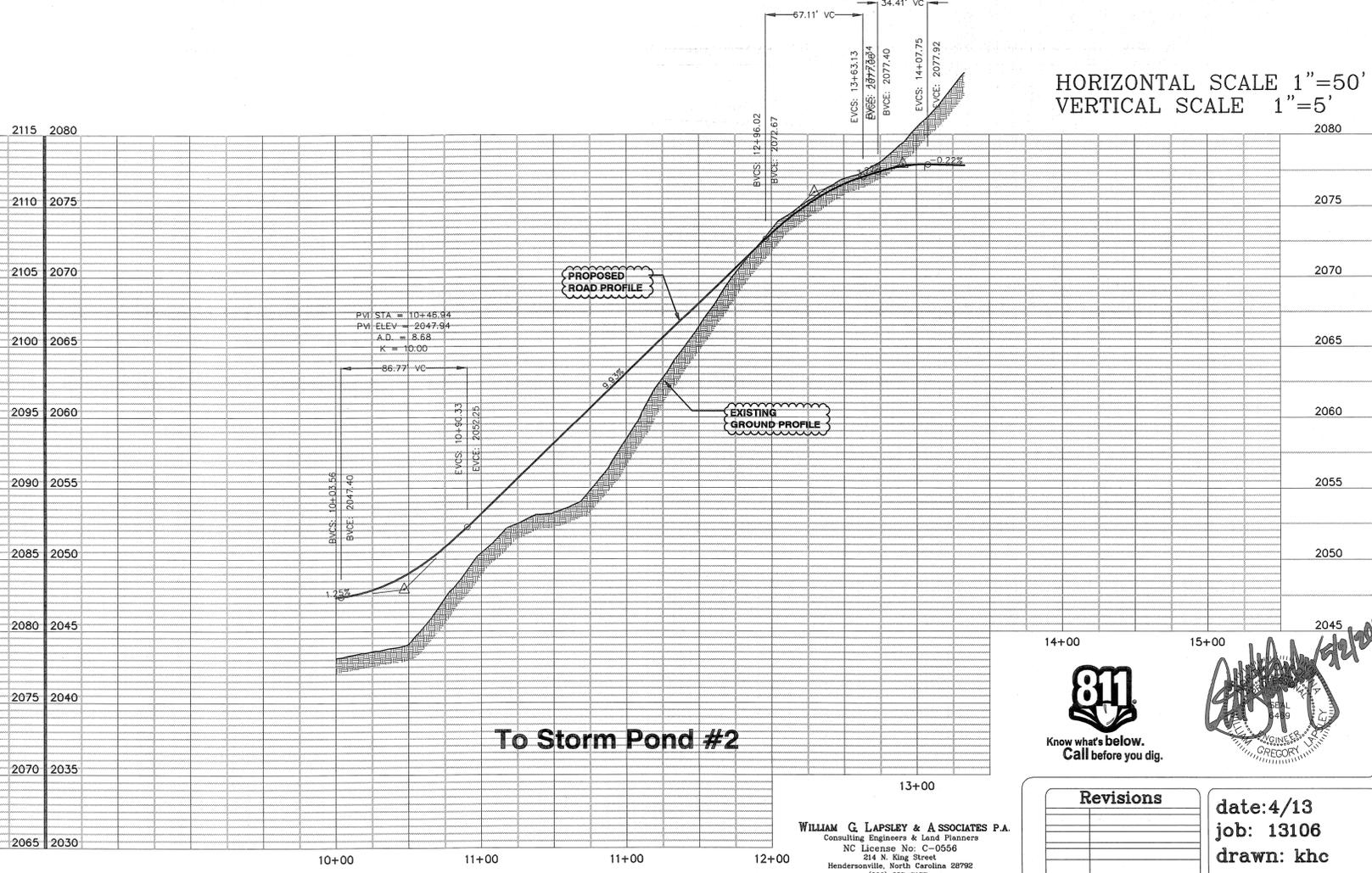
HIGH POINT ELEV = 2115.78  
 HIGH POINT STA = 10+25.12  
 PVI STA = 10+34.67  
 PVI ELEV = 2115.78  
 A.D. = -2.03  
 K = 10.00

PVI STA = 11+28.08  
 PVI ELEV = 2113.94  
 A.D. = -12.27  
 K = 10.00



To Storm Pond #2

HIGH POINT ELEV = 2077.92  
 HIGH POINT STA = 14+05.51  
 PVI STA = 13+29.59  
 PVI ELEV = 2077.96  
 A.D. = -3.44  
 K = 10.00



HORIZONTAL SCALE 1"=50'  
 VERTICAL SCALE 1"=5'

**811**  
 Know what's below.  
 Call before you dig.

*[Signature]*  
 GREGORY

Revisions

date: 4/13  
 job: 13106  
 drawn: khc

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 HENDERSONVILLE, NORTH CAROLINA

MALLARD RUN SUBDIVISION  
 BUNCOMBE COUNTY,  
 NORTH CAROLINA

PLAN/PROFILE SHEET  
 TO POND #1 - STATION 10+00 TO 14+41.86  
 TO POND #2 - STATION 10+00 TO 14+32.87

sheet  
 9 of 9

F:\Users\wlg\Documents\13106-MALLARD RUN SUBDIVISION\13106-profiles-ROAD.dwg 5/22/2013 9:05:55 AM 1/50/2008

Buncombe County Planning Board Meeting  
Recommended Staff Conditions  
**SUB2013-00149**  
June 3, 2013  
**Hyde Park**

If approved by the Buncombe County Planning Board, the applicant shall provide the following information on a revised set of plans (if necessary) submitted to the Buncombe County Department of Planning and Development:

1. Indicate provision of the following on the submitted plans
  - a. Provisions for electrical and telephone services
  - b. Provisions for cable television service
  - c. Provision of natural gas lines if applicableOr indicate that no provision for the items listed above has been made.
2. Indicate total number of lots on the submitted plans.
3. Indicate contour interval on the submitted plans.
4. Indicate flood plain map information on submitted plans.
5. Provide a copy of the approved North Carolina Department of Transportation driveway permit.
6. Provide proof of approval of road names and addresses from E-911 Addressing.
7. Submit revised plans showing t-turnaround meets minimum pavement standards for a subdivision road.
8. Indicate on the submitted plans that no base course shall be placed on muck, pipe clay, organic matter or other unsuitable matter, and a minimum compaction rate of subgrade prior to paving shall not be less than 95 percent by standard proctor method.
9. Provide information on the submitted plans that the subdivision roads meet the following standard: they are contained within a corridor that shall not exceed 90 feet in width along 80% of its total length; up to 20% of the length of the road corridor may be graded to a maximum width of 135 feet. The corridor height, defined as the height of a combined cut and fill slope, shall not exceed 60 feet.
10. Indicate areas of road construction in excess of 30 percent natural slope or areas designated as High Hazard or Moderate Hazard on the Buncombe

County Slope Stability Index Map or indicate on the submitted plans that no such areas exist.

11. Indicate location of individual driveways for the first 20 feet for each lot on the submitted plans.
12. Provide a written statement from the Buncombe County Erosion Control Officer stating that an Erosion Control Plan has been submitted and approved for the project. *No grading shall occur on the site until an approved Buncombe County Erosion Control permit is obtained.*
13. Provide a written statement from the Buncombe County Stormwater Administrator stating that a stormwater management plan has been submitted and approved for the project. *No grading shall occur on the site until an approved Buncombe County Stormwater Permit is obtained.*
14. Provide proof of approval of system design for City of Asheville Water lines. Proof of acceptance of the water lines into the City of Asheville's water system will be required prior to recordation of a final plat or release of a financial guarantee.
15. Provide proof of approval of system design from the Metropolitan Sewerage District. Proof of acceptance of the sewer lines into the Metropolitan Sewerage District sewage system will be required prior to recordation of a final plat or release of a financial guarantee.
16. Indicate lot slope perpendicular to the road for each individual subdivision lot or indicate that none of the lot slopes perpendicular to the road exceed 18% slope.
17. Provide proof of approval for a Planned Unit Development from the Buncombe County Board of Adjustment.

SUB2013-00149  
SUBMITTED 5/3/2013

APPROVED BY THE BC PLANNING BOARD  
6/5/2013

ATTACHMENT D

# Site Development Plan

# Hyde Park

1. Indicate provision of the following on the submitted plans
  - a. Provisions for electrical and telephone services
  - b. Provisions for cable television service
  - c. Provision of natural gas lines if applicable
 Or indicate that no provision for the items listed above has been made.
2. Indicate total number of lots on the submitted plans.
3. Indicate contour interval on the submitted plans.
4. Indicate flood plain map information on submitted plans.
5. Provide a copy of the approved North Carolina Department of Transportation driveway permit.
6. Provide proof of approval of road names and addresses from E-911 Addressing.
7. Submit revised plans showing t-turnaround meets minimum pavement standards for a subdivision road.
8. Indicate on the submitted plans that no base course shall be placed on muck, pipe clay, organic matter or other unsuitable matter, and a minimum compaction rate of subgrade prior to paving shall not be less than 95 percent by standard proctor method.
9. Provide information on the submitted plans that the subdivision roads meet the following standard: they are contained within a corridor that shall not exceed 90 feet in width along 80% of its total length; up to 20% of the length of the road corridor may be graded to a maximum width of 135 feet. The corridor height, defined as the height of a combined cut and fill slope, shall not exceed 60 feet.
10. Indicate areas of road construction in excess of 30 percent natural slope or areas designated as High Hazard or Moderate Hazard on the Buncombe County Slope Stability Index Map or indicate on the submitted plans that no such areas exist.
11. Indicate location of individual driveways for the first 20 feet for each lot on the submitted plans.
12. Provide a written statement from the Buncombe County Erosion Control Officer stating that an Erosion Control Plan has been submitted and approved for the project. No grading shall occur on the site until an approved Buncombe County Erosion Control permit is obtained.
13. Provide a written statement from the Buncombe County Stormwater Administrator stating that a stormwater management plan has been submitted and approved for the project. No grading shall occur on the site until an approved Buncombe County Stormwater Permit is obtained.
14. Provide proof of approval of system design for City of Asheville Water lines. Proof of acceptance of the water lines into the City of Asheville's water system will be required prior to recordation of a final plat or release of a financial guarantee.
15. Provide proof of approval of system design from the Metropolitan Sewerage District. Proof of acceptance of the sewer lines into the Metropolitan Sewerage District sewage system will be required prior to recordation of a final plat or release of a financial guarantee.
16. Indicate lot slope perpendicular to the road for each individual subdivision lot or indicate that none of the lot slopes perpendicular to the road exceed 18% slope.
17. Provide proof of approval for a Planned Unit Development from the Buncombe County Board of Adjustment.
18. Indicate all PIN numbers on the submitted plans.

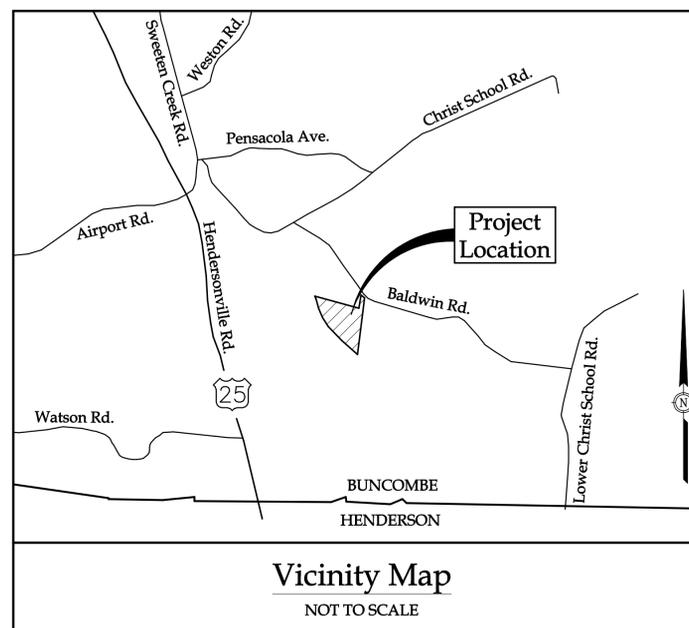
# BUNCOMBE COUNTY, NORTH CAROLINA

Owner/Developer: King Land Development, LLC  
106 Williams Road  
Fletcher, NC 28732

Contact: Matt King  
828.242.0087

PIN: 9653-78-1531  
9653-78-5854

MSD Project#: 2013058



## Index of Drawings

G1.	Cover Sheet	D1.	Details
C1.	Existing Conditions	D2.	Details
C2.	Overall Layout	D3.	Details
C3.	Layout	D4.	Details
C4.	Layout	D5.	Details
C5.	Overall Grading, Storm Water, & Erosion Control	D6.	Details
C6.	Grading, Storm Water, & Erosion Control	D7.	Details
C7.	Grading, Storm Water, & Erosion Control		
C8.	Grading, Storm Water, & Erosion Control		
C9.	Road Profiles		
C10.	Overall Utilities		
C11.	Utilities		
C12.	Utilities		
C13.	Water Line Profiles		
C14.	Sewer Line Profiles		

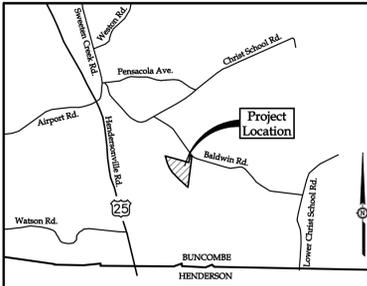
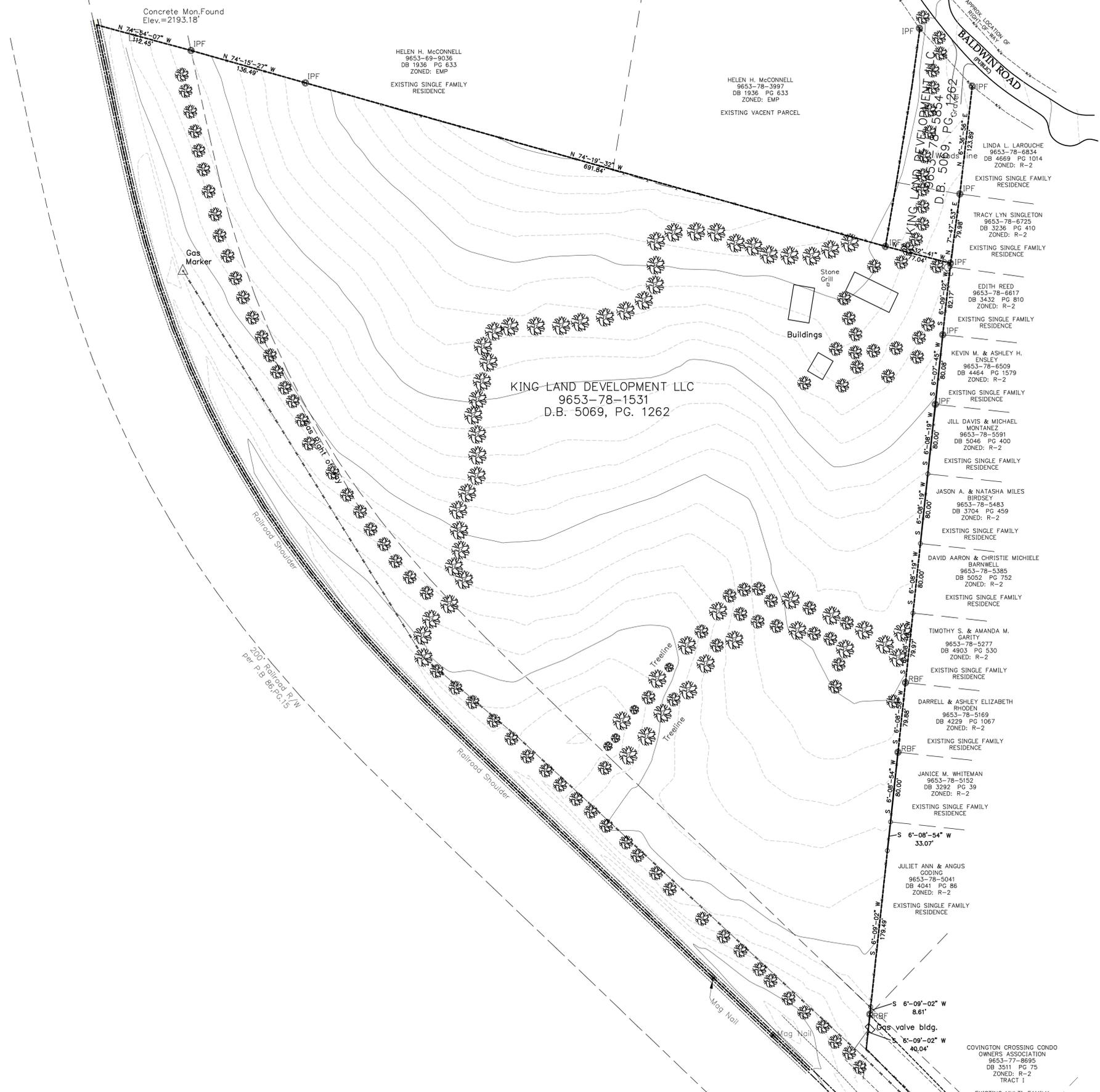


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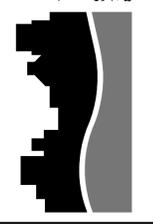
May 3, 2013

Revision	Date	Description



DEVELOPMENT DATA BLOCK	
OWNER/DEVELOPER:	KING LAND DEVELOPMENT, LLC
CONTACT:	MATT KING
PHONE:	828.242.0087
ADDRESS:	106 WILLIAMS ROAD FLETCHER, NC 28732
PIN:	9653-78-1531-5854
PHYSICAL ADDRESS:	BALDWIN ROAD ARDEN, NC 28704
PROPERTY SIZE:	111 AC, 0.37 AC (117 AC TOTAL)
ZONING DISTRICT:	EMP

**Davis Civil Solutions, PA**  
 Site/Infrastructure • Engineering/Planning  
 134-A Charlotte Highway • Asheville, North Carolina 28803  
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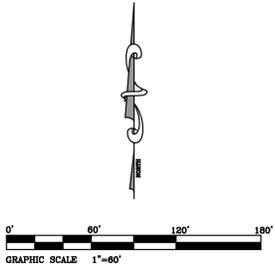


Site Development Plan For  
**Hyde Park**  
 BUNCOMBE COUNTY, NORTH CAROLINA

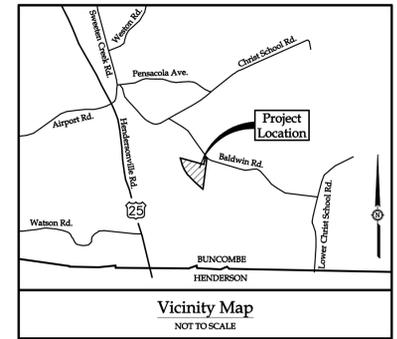
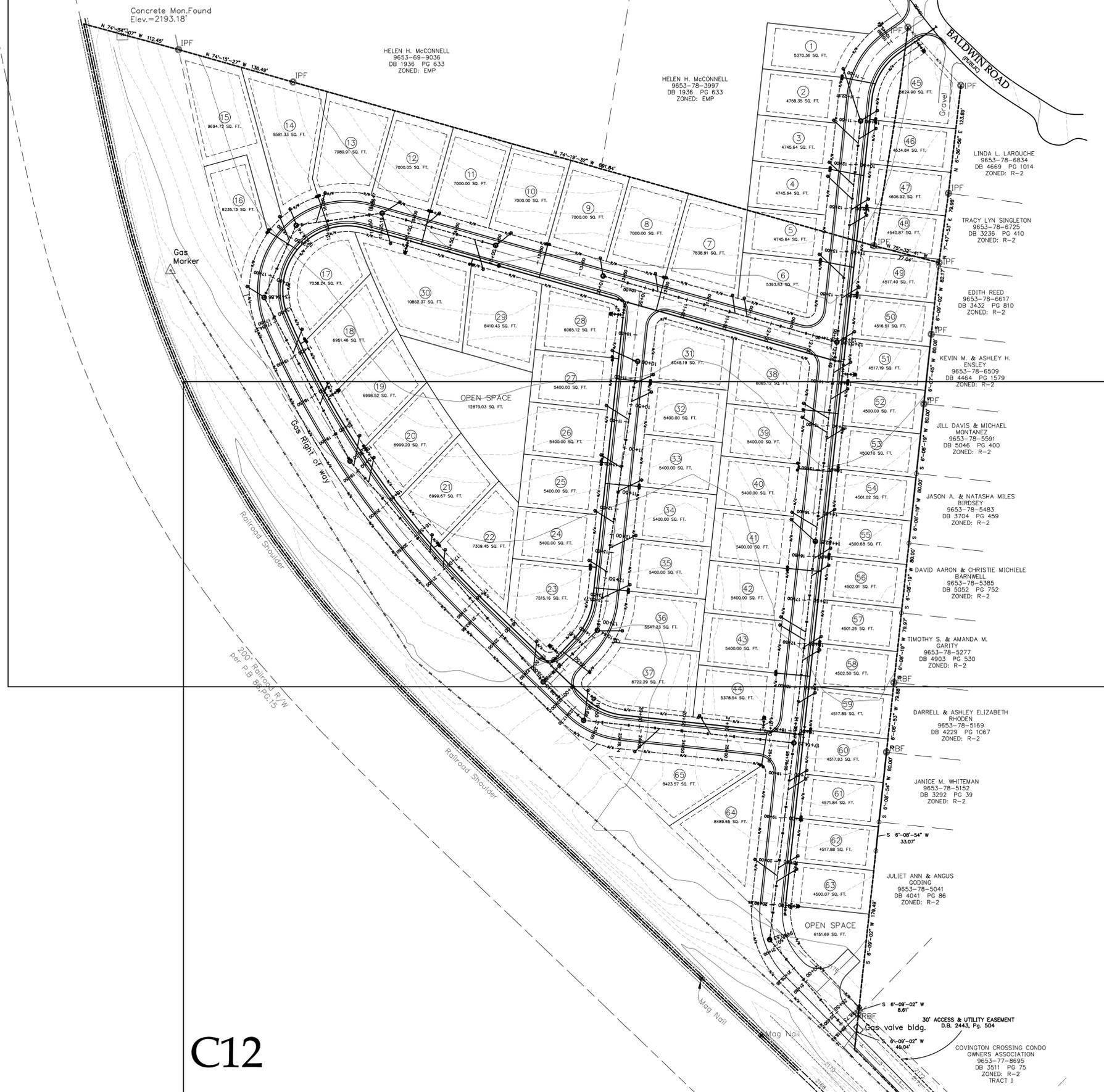
Job No.: 13102  
 Date: 11/11/2013  
 Scale: 1"=60'  
 Revision:

Existing Conditions

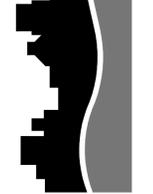
Sheet  
**C1**



C11



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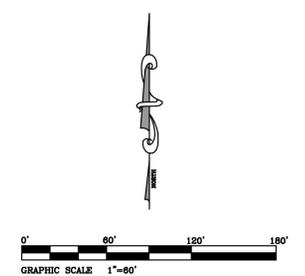
FOR REVIEW  
 PRELIMINARY

Site Development Plan For  
**Hyde Park**  
 BUNCOMBE COUNTY, NORTH CAROLINA

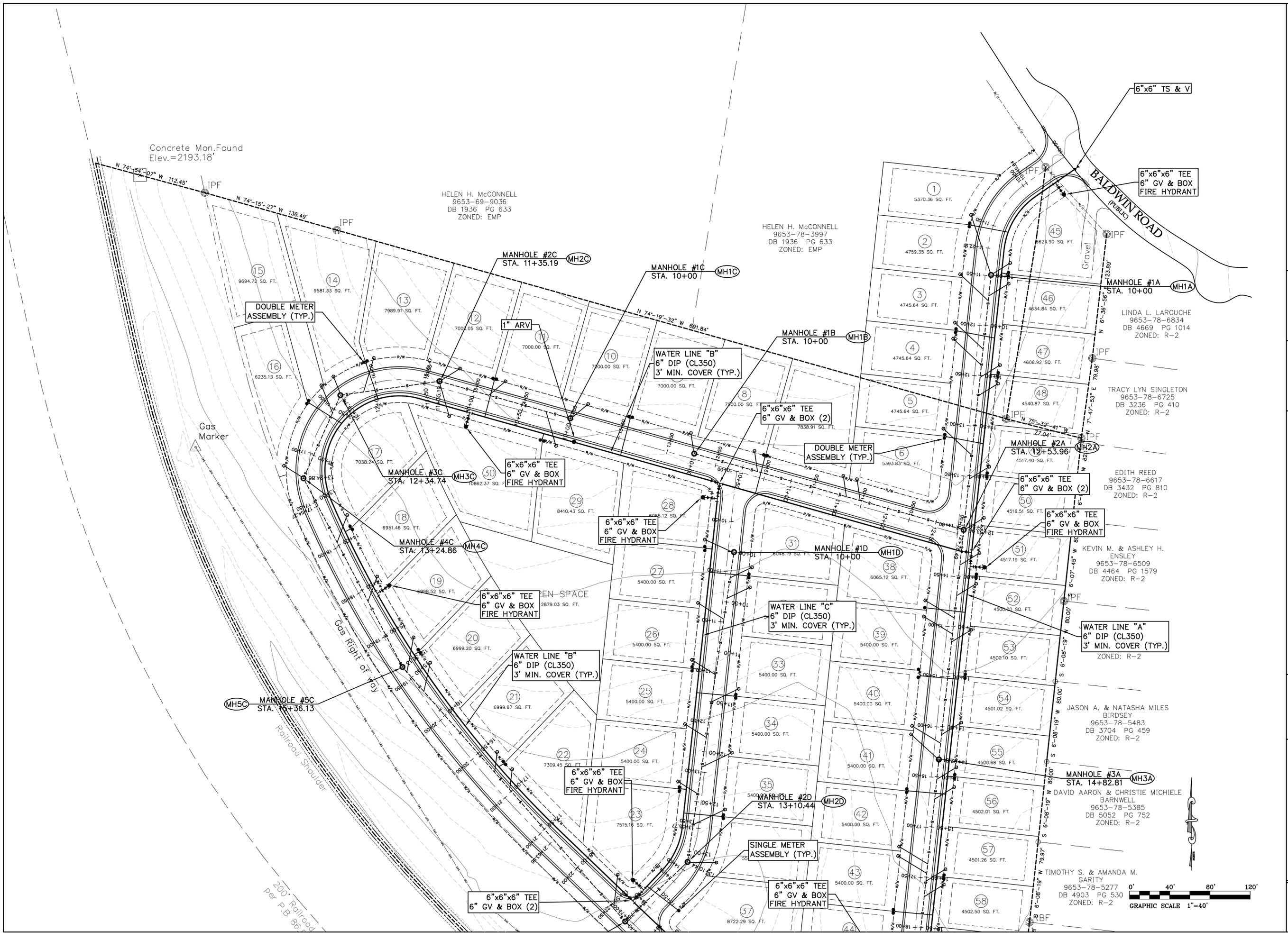
Job No.: 13102  
 Date: April 2013  
 Scale: 1"=60'  
 Revision:

Overall Utilities

Sheet  
**C10**



C12



Concrete Mon. Found  
Elev.=2193.18'

HELEN H. McCONNELL  
9653-69-9036  
DB 1936 PG 633  
ZONED: EMP

HELEN H. McCONNELL  
9653-78-3997  
DB 1936 PG 633  
ZONED: EMP

LINDA L. LAROUCHE  
9653-78-6834  
DB 4669 PG 1014  
ZONED: R-2

TRACY LYN SINGLETON  
9653-78-6725  
DB 3236 PG 410  
ZONED: R-2

EDITH REED  
9653-78-6617  
DB 3432 PG 810  
ZONED: R-2

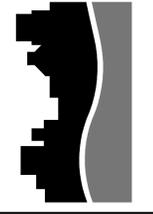
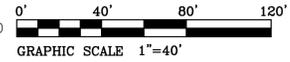
KEVIN M. & ASHLEY H. ENSLEY  
9653-78-6509  
DB 4464 PG 1579  
ZONED: R-2

WATER LINE "A"  
6" DIP (CL350)  
3' MIN. COVER (TYP.)  
ZONED: R-2

JASON A. & NATASHA MILES BIRDSEY  
9653-78-5483  
DB 3704 PG 459  
ZONED: R-2

MANHOLE #3A  
STA. 14+82.81  
DAVID AARON & CHRISTIE MICHIELE BARNWELL  
9653-78-5385  
DB 5052 PG 752  
ZONED: R-2

TIMOTHY S. & AMANDA M. GARTY  
9653-78-5277  
DB 4903 PG 530  
ZONED: R-2



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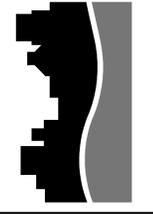
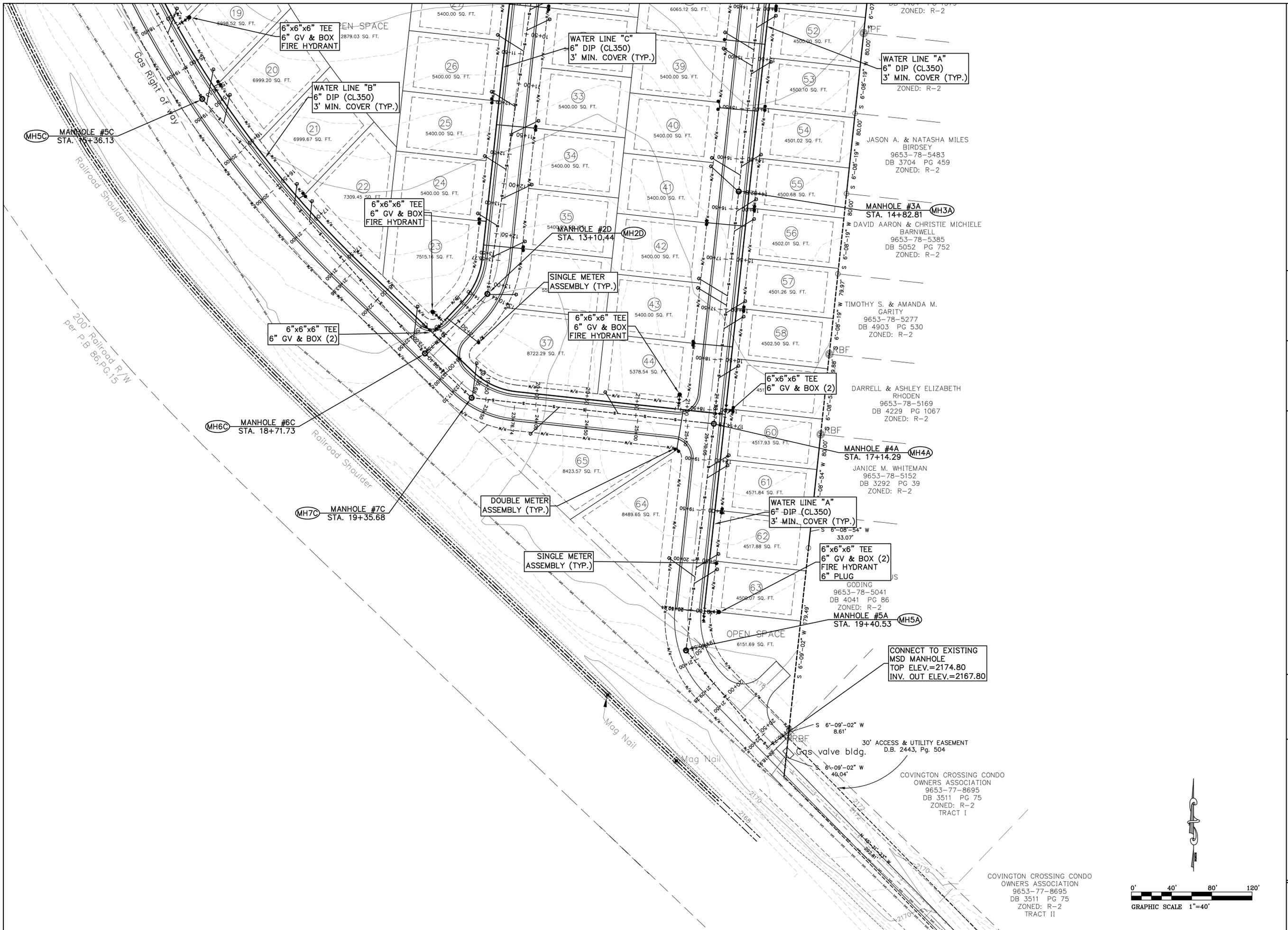


Site Development Plan For  
**Hyde Park**  
BUNCOMBE COUNTY, NORTH CAROLINA

Job No.: 13102  
Date: 11/11/2013  
Scale: 1"=40'  
Revision:

Utilities

Sheet  
**C11**



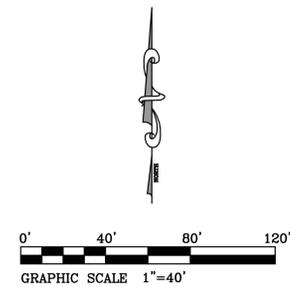
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Site Development Plan For  
**Hyde Park**  
 BUNCOMBE COUNTY, NORTH CAROLINA

Job No.: 13102  
 Date: 11/11/2013  
 Scale: 1"=40'  
 Revision:

Utilities



COVINGTON CROSSING CONDO OWNERS ASSOCIATION  
 9653-77-8695  
 DB 3511 PG 75  
 ZONED: R-2  
 TRACT II

CONNECT TO EXISTING MSD MANHOLE  
 TOP ELEV.=2174.80  
 INV. OUT ELEV.=2167.80

MANHOLE #4A (MH4A)  
 STA. 17+14.29  
 JANICE M. WHITEMAN  
 9653-78-5152  
 DB 3292 PG 39  
 ZONED: R-2

DARRELL & ASHLEY ELIZABETH RHODEN  
 9653-78-5169  
 DB 4229 PG 1067  
 ZONED: R-2

TIMOTHY S. & AMANDA M. GARTY  
 9653-78-5277  
 DB 4903 PG 530  
 ZONED: R-2

MANHOLE #3A (MH3A)  
 STA. 14+82.81  
 DAVID AARON & CHRISTIE MICHIELE BARNWELL  
 9653-78-5385  
 DB 5052 PG 752  
 ZONED: R-2

JASON A. & NATASHA MILES BIRDSEY  
 9653-78-5483  
 DB 3704 PG 459  
 ZONED: R-2

WATER LINE "A"  
 6" DIP (CL350)  
 3' MIN. COVER (TYP.)  
 ZONED: R-2

WATER LINE "C"  
 6" DIP (CL350)  
 3' MIN. COVER (TYP.)

WATER LINE "B"  
 6" DIP (CL350)  
 3' MIN. COVER (TYP.)

6"x6"x6" TEE  
 6" GV & BOX (2)

6"x6"x6" TEE  
 6" GV & BOX  
 FIRE HYDRANT

6"x6"x6" TEE  
 6" GV & BOX (2)

6"x6"x6" TEE  
 6" GV & BOX (2)  
 FIRE HYDRANT  
 6" PLUG

WATER LINE "A"  
 6" DIP (CL350)  
 3' MIN. COVER (TYP.)

SINGLE METER ASSEMBLY (TYP.)

DOUBLE METER ASSEMBLY (TYP.)

MANHOLE #2D (MH2D)  
 STA. 13+10.44

6"x6"x6" TEE  
 6" GV & BOX  
 FIRE HYDRANT

MANHOLE #5C (MH5C)  
 STA. 15+36.13

MANHOLE #6C (MH6C)  
 STA. 18+71.73

MANHOLE #7C (MH7C)  
 STA. 19+35.68

30' ACCESS & UTILITY EASEMENT  
 D.B. 2443, Pg. 504

COVINGTON CROSSING CONDO OWNERS ASSOCIATION  
 9653-77-8695  
 DB 3511 PG 75  
 ZONED: R-2  
 TRACT I

200' Railroad R/W  
 per P.B. 86, PG. 15

Gas Right of Way

Railroad Shoulder

Mag Nail

Gas valve bldg.

OPEN SPACE  
 6151.69 SQ. FT.

62  
 4517.88 SQ. FT.

63  
 4508.07 SQ. FT.

64  
 8489.65 SQ. FT.

65  
 8423.57 SQ. FT.

37  
 8722.29 SQ. FT.

43  
 5400.00 SQ. FT.

44  
 5378.54 SQ. FT.

42  
 5400.00 SQ. FT.

41  
 5400.00 SQ. FT.

40  
 5400.00 SQ. FT.

39  
 5400.00 SQ. FT.

33  
 5400.00 SQ. FT.

26  
 5400.00 SQ. FT.

25  
 5400.00 SQ. FT.

24  
 5400.00 SQ. FT.

23  
 7515.16 SQ. FT.

22  
 7309.45 SQ. FT.

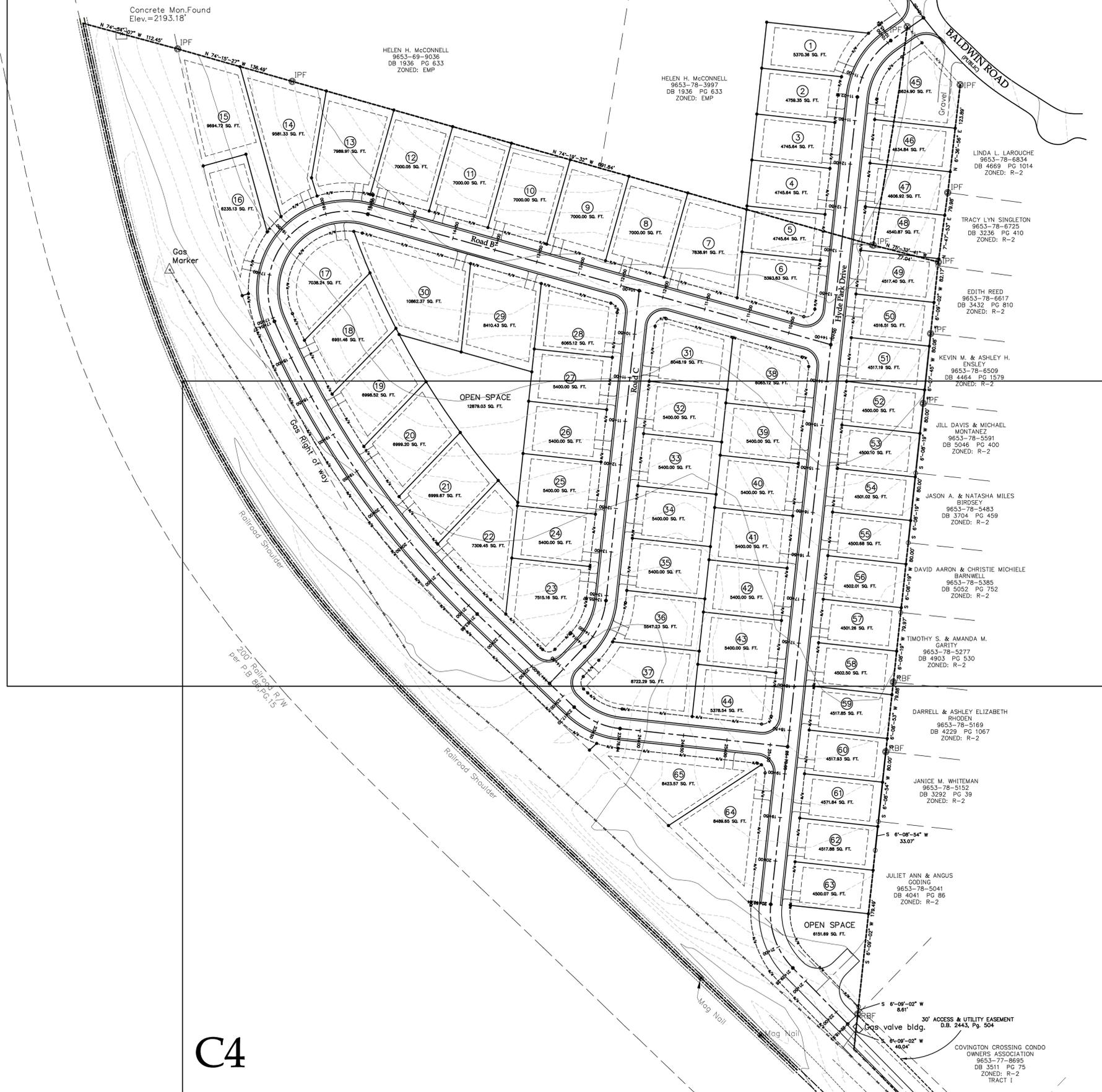
21  
 6999.67 SQ. FT.

20  
 6999.20 SQ. FT.

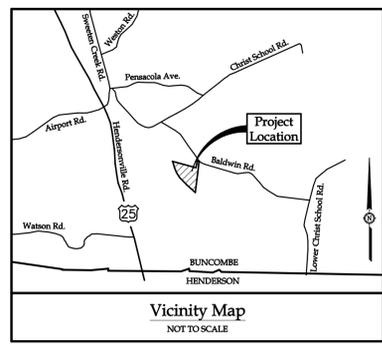
19  
 6998.52 SQ. FT.

NOTE:  
PROPOSED SUBDIVISION IS NOT A DRASTIC  
HILLSIDE VARIATION DEVELOPMENT

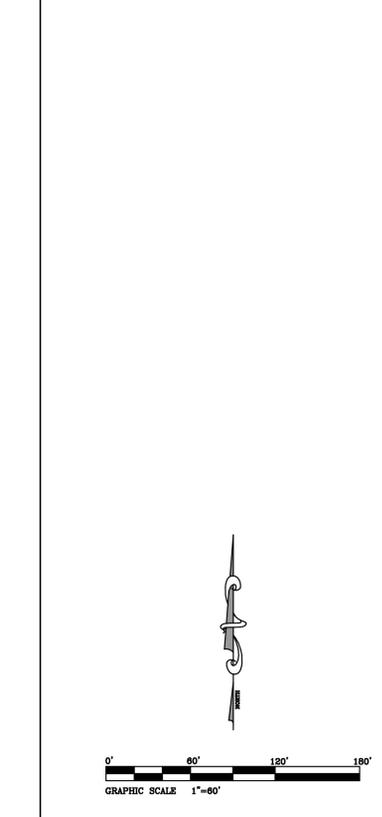
C3



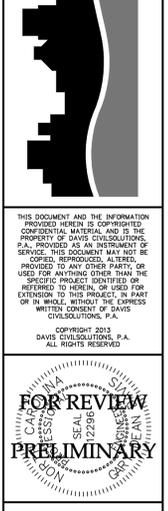
C4



DEVELOPMENT DATA BLOCK	
OWNER/DEVELOPER:	KING LAND DEVELOPMENT, LLC
CONTACT:	MATT KING
PHONE:	828.242.0087
ADDRESS:	106 WILLIAMS ROAD FLETCHER, NC 28732
PIN:	965378153L 5854
PHYSICAL ADDRESS:	BALDWIN ROAD ARDEN, NC 28704
PROPERTY SIZE:	11.1 AC, 0.37 AC (1.47 AC TOTAL)
ZONING DISTRICT:	EMP
SETBACKS:	20' FRONT, 20' REAR, 10' SIDES*
PROPOSED ROAD DESIGNATION:	PRIVATE
ROADWAY LENGTH:	3,262 LF
AVERAGE NATURAL SLOPE:	7.056%
DENSITY CALCULATIONS:	
MAX DWELLING UNITS PER ACRE ALLOWED =	12
TOTAL ALLOWABLE DWELLING UNITS PER ACRE:	12 X 11.47 = 137.64 UNITS
TOTAL PROPOSED DWELLING UNITS PER ACRE:	65 / 11.47 = 5.84 UNITS
AND SEWER**	
MIN. LAND AREA PER DWELLING UNIT =	10,000 SQ. FT. WITH WATER
* PROPOSED PLD, SETBACKS INDICATED ON PLANS ARE 10' FRONT, 5' SIDES AND 10' REAR. VARIANCE REQUESTED FOR LOTS LOCATED ADJACENT TO NEIGHBORING PARCELS, LOTS 14, PORTION OF 5, 7, 15, AND 45-63.	
** PROPOSED LOTS ARE A MIX OF 4,500 SQ. FT. LOTS, 5,400 SQ. FT. LOTS, AND 7,000 SQ. FT. LOTS. SOME LOTS FALL WITHIN RANGES INDICATED, BUT NO LOTS ARE LESS THAN 4,500 SQ. FT. SEE LAYOUT FOR ACTUAL PROPOSED LOT SIZES.	
TOTAL PROPOSED LOTS:	65
SUBDIVISION TYPE:	SINGLE FAMILY RESIDENTIAL
TOTAL OPEN SPACE:	19,030.72 SQ. FT. (0.43 AC)



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Site Development Plan For  
**Hyde Park**  
BUNCOMBE COUNTY, NORTH CAROLINA

Job No.: 13102  
Date: April, 2013  
Scale: 1"=60'  
Revision:

Overall Layout  
Sheet  
**C2**





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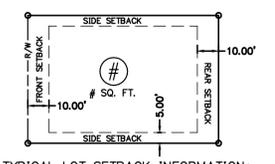


Site Development Plan For  
**Hyde Park**  
 BUNCOMBE COUNTY, NORTH CAROLINA

Job No.: 13102  
 Date: 11/11/2013  
 Scale: 1"=40'  
 Revision:

Layout

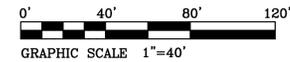
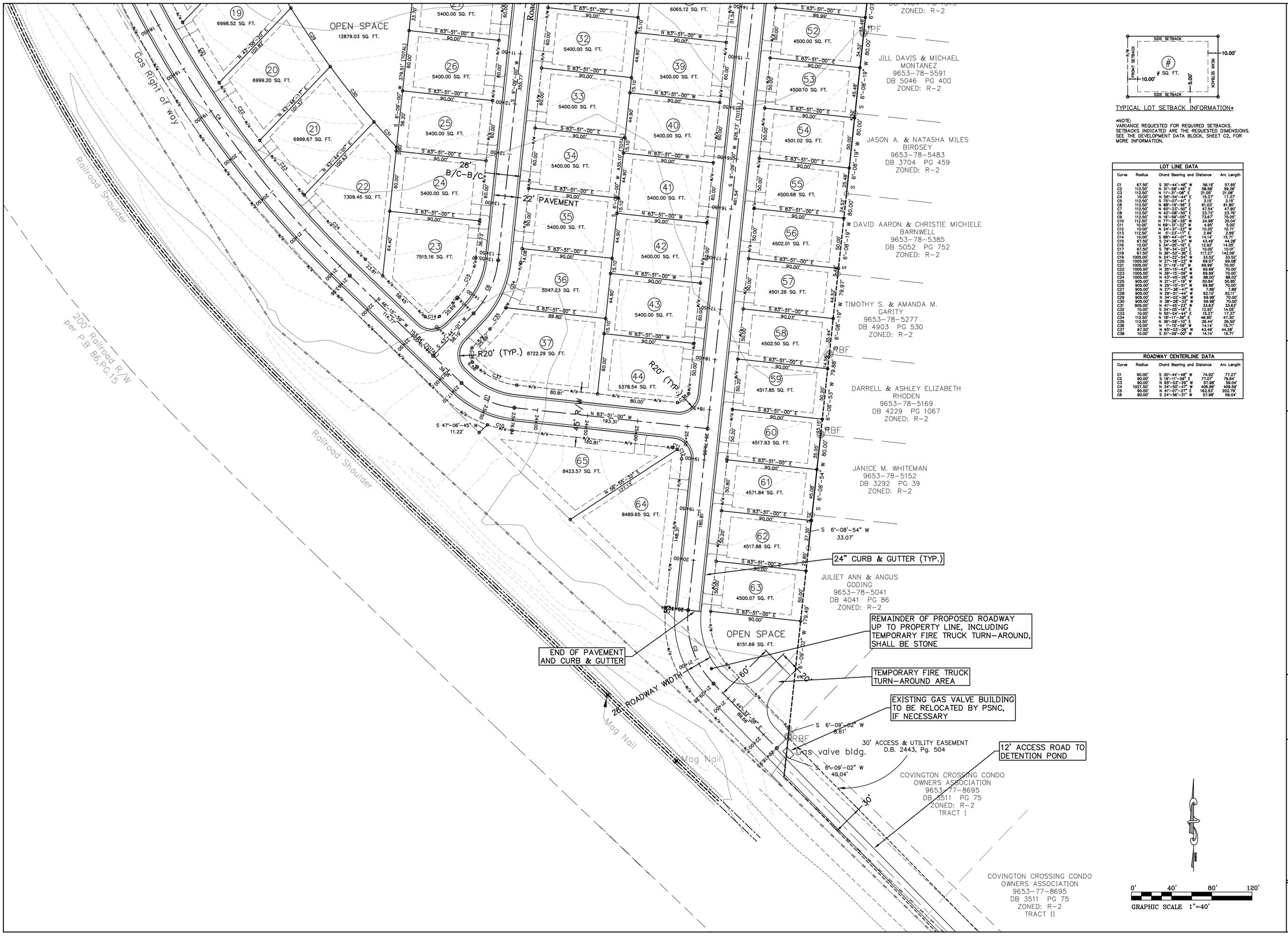
Sheet  
**C4**

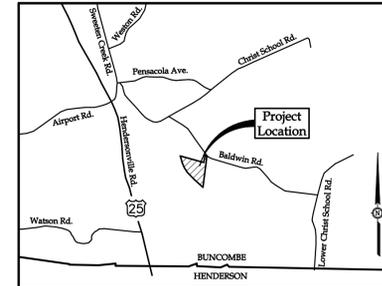
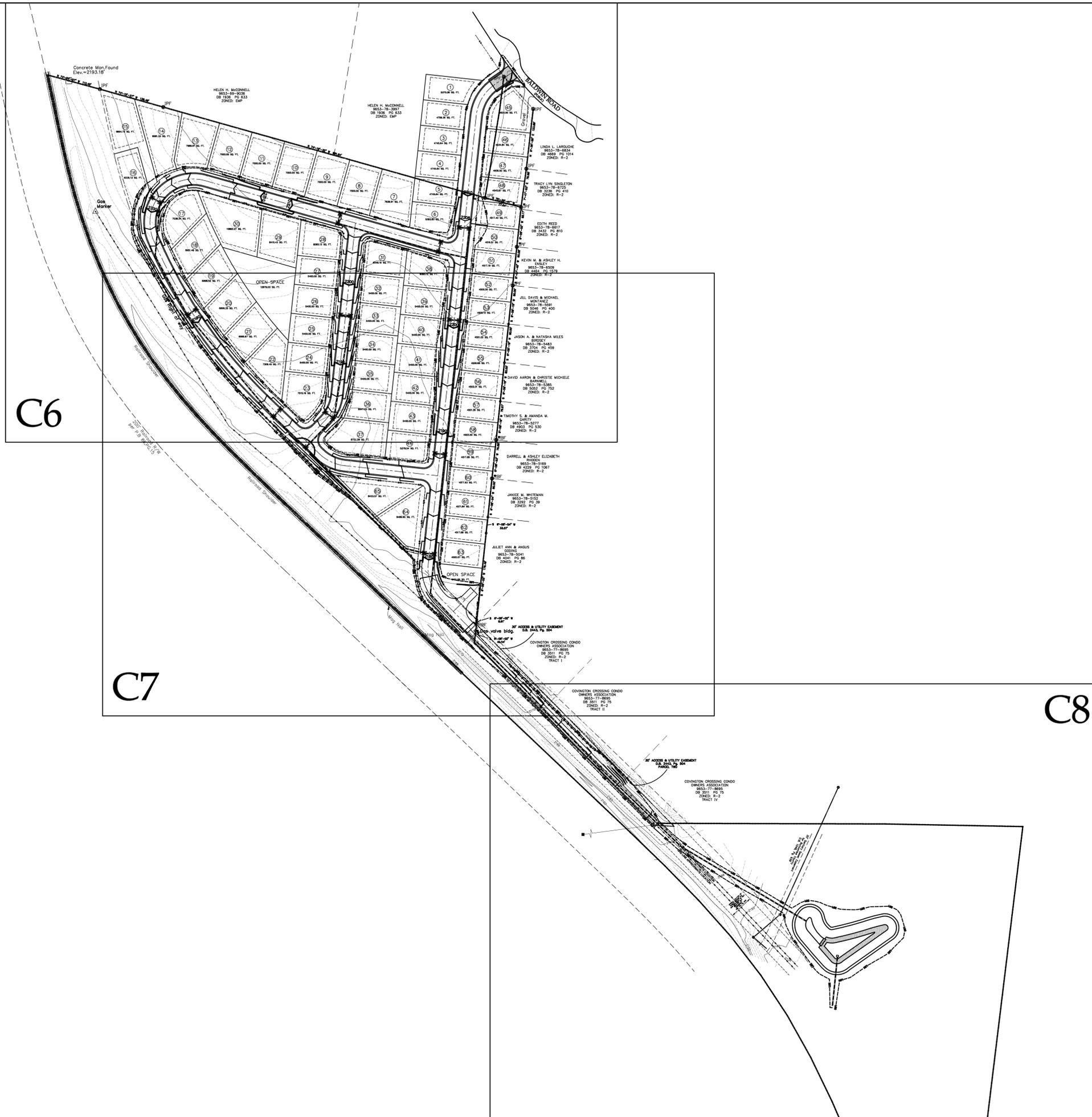


TYPICAL LOT SETBACK INFORMATION\*  
 \*NOTE: VARIANCE REQUESTED FOR REQUIRED SETBACKS. SETBACKS INDICATED ARE THE REQUESTED DIMENSIONS. SEE THE DEVELOPMENT DATA BLOCK, SHEET C2, FOR MORE INFORMATION.

LOT LINE DATA				
Curve	Radius	Chord Bearing and Distance	Arc Length	
C1	67.50'	S 30°-44'-48" W	56.19'	57.95'
C2	112.50'	N 31°-36'-46" E	58.38'	58.26'
C3	112.50'	N 11°-31'-06" E	21.02'	21.08'
C4	10.00'	N 55°-54'-44" E	15.27'	17.37'
C5	112.50'	S 75°-07'-41" E	3.15'	3.15'
C6	112.50'	N 89°-19'-56" E	61.03'	61.80'
C7	112.50'	N 60°-23'-50" E	47.54'	47.90'
C8	112.50'	N 16°-09'-05" E	73.67'	75.05'
C9	112.50'	N 42°-08'-55" E	23.72'	23.78'
C10	10.00'	N 69°-31'-22" W	4.95'	5.00'
C11	10.00'	N 24°-31'-22" E	10.20'	10.71'
C12	112.50'	N 5°-23'-17" E	2.89'	2.99'
C13	10.00'	S 88°-44'-01" W	14.14'	15.71'
C14	10.00'	S 24°-56'-31" E	43.48'	44.28'
C15	10.00'	S 34°-05'-16" E	12.92'	14.05'
C16	67.50'	S 78°-54'-23" E	10.00'	10.01'
C17	67.50'	N 39°-52'-36" E	117.27'	142.09'
C18	1005.00'	N 24°-22'-54" W	33.52'	33.50'
C19	1005.00'	N 27°-18'-23" W	69.07'	69.08'
C20	1005.00'	N 31°-16'-15" W	69.99'	70.00'
C21	1005.00'	N 35°-15'-43" W	69.99'	70.00'
C22	1005.00'	N 39°-15'-09" W	69.99'	70.00'
C23	1005.00'	N 43°-45'-28" W	68.00'	68.02'
C24	905.00'	N 21°-21'-19" W	50.84'	50.85'
C25	905.00'	N 25°-10'-51" W	69.98'	70.00'
C26	905.00'	N 29°-51'-44" W	62.10'	62.11'
C27	905.00'	N 34°-02'-36" W	68.98'	70.00'
C28	905.00'	N 38°-29'-53" W	69.98'	70.00'
C29	905.00'	N 41°-49'-23" W	33.63'	33.63'
C30	10.00'	N 34°-05'-16" E	12.92'	14.05'
C31	10.00'	N 55°-54'-44" E	15.27'	17.37'
C32	112.50'	N 18°-11'-30" E	46.80'	47.50'
C33	112.50'	N 36°-59'-10" E	26.44'	26.50'
C34	10.00'	N 15°-05'-09" W	14.14'	15.71'
C35	67.50'	N 85°-03'-29" W	43.49'	44.28'
C36	10.00'	S 51°-09'-00" W	14.14'	15.71'

ROADWAY CENTERLINE DATA				
Curve	Radius	Chord Bearing and Distance	Arc Length	
C1	90.00'	S 30°-44'-48" W	74.92'	77.27'
C2	90.00'	S 19°-11'-50" E	77.07'	79.84'
C3	90.00'	N 65°-03'-29" W	57.98'	59.04'
C4	1027.50'	N 34°-56'-03" W	408.89'	408.99'
C5	90.00'	N 41°-07'-27" E	162.53'	202.79'
C6	90.00'	S 24°-56'-31" W	57.98'	59.04'





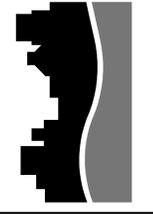
Vicinity Map  
NOT TO SCALE

DEVELOPMENT DATA BLOCK

OWNER/DEVELOPER:	KING LAND DEVELOPMENT, LLC
CONTACT:	MATT KING
PHONE:	828.242.0087
ADDRESS:	106 WILLIAMS ROAD FLETCHER, NC 28732
PIN:	9653-78-1531, 5854
PHYSICAL ADDRESS:	BALDWIN ROAD ARDEEN, NC 28704
PROPERTY SIZE:	113 AC, 0.37 AC (117 AC TOTAL)
ZONING DISTRICT:	EMP
SETBACKS:	20' FRONT, 20' REAR, 10' SIDES*
IMPERVIOUS AND PERVIOUS AREAS:	PRE DEVELOPMENT: IMPERVIOUS AREA = 1,823.31 SQ. FT. (0.34 AC.) % SITE IMPERVIOUS = 2.96% PERVIOUS AREA = 484,822.80 SQ. FT. (11.3 AC.) % SITE PERVIOUS = 97.04%  POST DEVELOPMENT: IMPERVIOUS AREA = 180,556.20 SQ. FT. (4.14 AC.) % SITE IMPERVIOUS = 36.09% PERVIOUS AREA = 319,077.00 SQ. FT. (7.32 AC.) % SITE PERVIOUS = 63.91%  INCREASE/DECREASE: INCREASE/DECREASE AREAS = 165,732.89 SF (3.80 AC.) % INCREASE/DECREASE = 33.7%
LAND DISTURBANCE:	X SQ. FT. (X AC.)
VOLUMES:	SITE TOTAL: FILL: X CU. YD. CUT: X CU. YD.

THESE NUMBERS ARE RAW NUMBERS AND ARE PROVIDED ONLY FOR THE GENERAL ESTIMATION OF THE MAGNITUDE OF THE PROJECT. THEY DO NOT TAKE INTO ACCOUNT REMOVAL OF TOPSOIL, UNSUITABLE SOILS, ROCK, DEBRIS, ETC. NOR DO THEY TAKE INTO ACCOUNT PROPER COMPACTION OF FILL MATERIAL. THE CONTRACTOR SHALL MAKE HIS OWN DETERMINATION OF EARTHWORK QUANTITIES BASED ON THE INFORMATION PROVIDED. THE VOLUMES LISTED SHALL NOT BE CONSIDERED ACTUAL ESTIMATED FOR THE WORK OF THE PROJECT.

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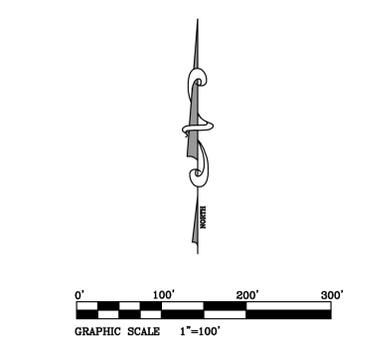
FOR REVIEW  
PRELIMINARY

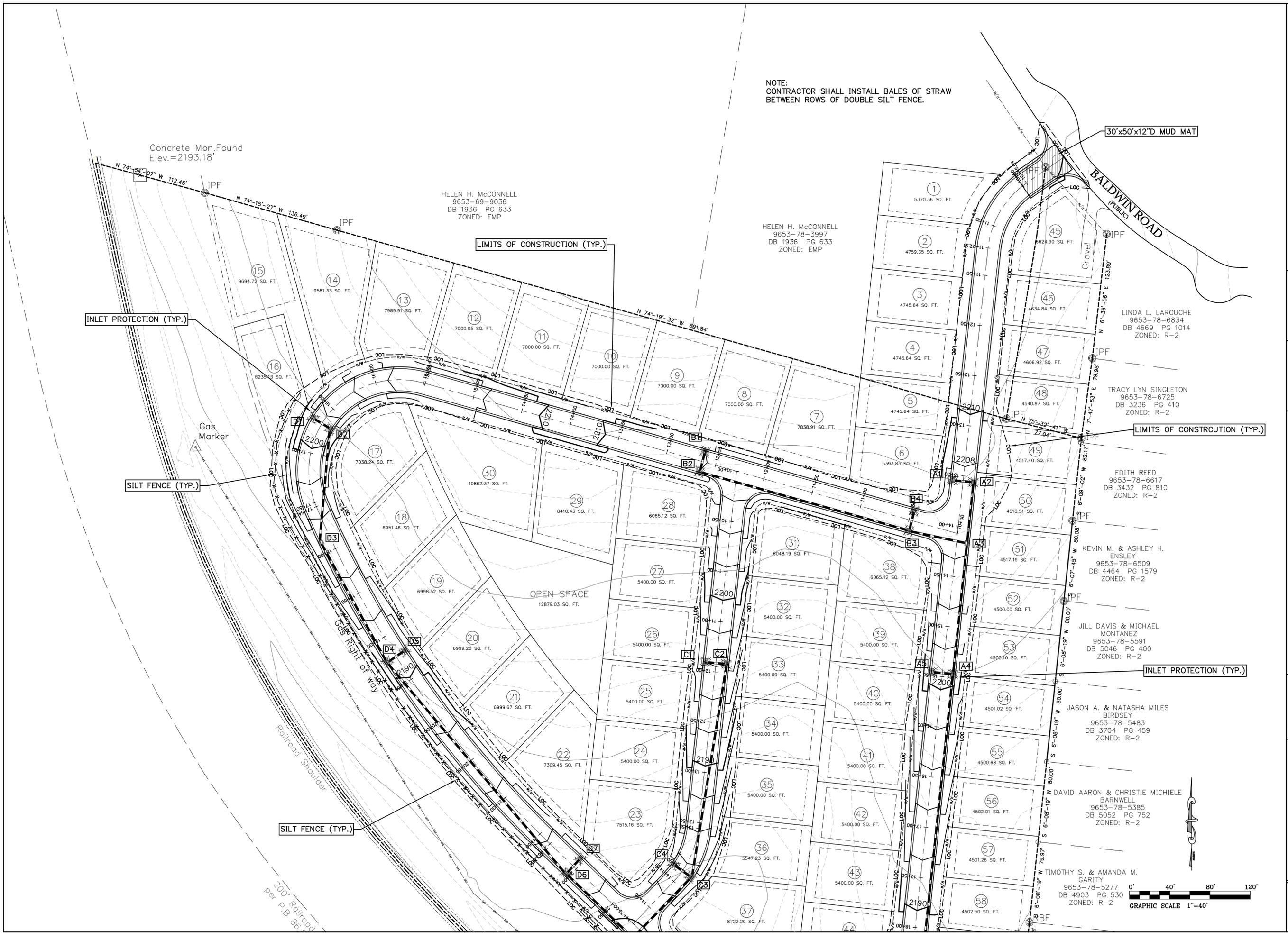
Site Development Plan For  
**Hyde Park**  
BUNCOMBE COUNTY, NORTH CAROLINA

Job No.: 13102  
Date: 11/10/2013  
Scale: 1"=100'  
Revision:

Overall Grading,  
Storm Water &  
Erosion Control Plan

Sheet  
**C5**





NOTE:  
CONTRACTOR SHALL INSTALL BALES OF STRAW  
BETWEEN ROWS OF DOUBLE SILT FENCE.

Concrete Mon. Found  
Elev.=2193.18'

HELEN H. McCONNELL  
9653-69-9036  
DB 1936 PG 633  
ZONED: EMP

HELEN H. McCONNELL  
9653-78-3997  
DB 1936 PG 633  
ZONED: EMP

30'x50'x12" D MUD MAT

LINDA L. LAROUCHE  
9653-78-6834  
DB 4669 PG 1014  
ZONED: R-2

TRACY LYN SINGLETON  
9653-78-6725  
DB 3236 PG 410  
ZONED: R-2

EDITH REED  
9653-78-6617  
DB 3432 PG 810  
ZONED: R-2

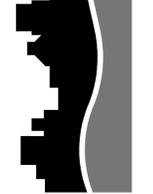
KEVIN M. & ASHLEY H.  
ENSLEY  
9653-78-6509  
DB 4464 PG 1579  
ZONED: R-2

JILL DAVIS & MICHAEL  
MONTANEZ  
9653-78-5591  
DB 5046 PG 400  
ZONED: R-2

JASON A. & NATASHA MILES  
BIRDSEY  
9653-78-5483  
DB 3704 PG 459  
ZONED: R-2

DAVID AARON & CHRISTIE MICHIELE  
BARNWELL  
9653-78-5385  
DB 5052 PG 752  
ZONED: R-2

TIMOTHY S. & AMANDA M.  
GARTY  
9653-78-5277  
DB 4903 PG 530  
ZONED: R-2



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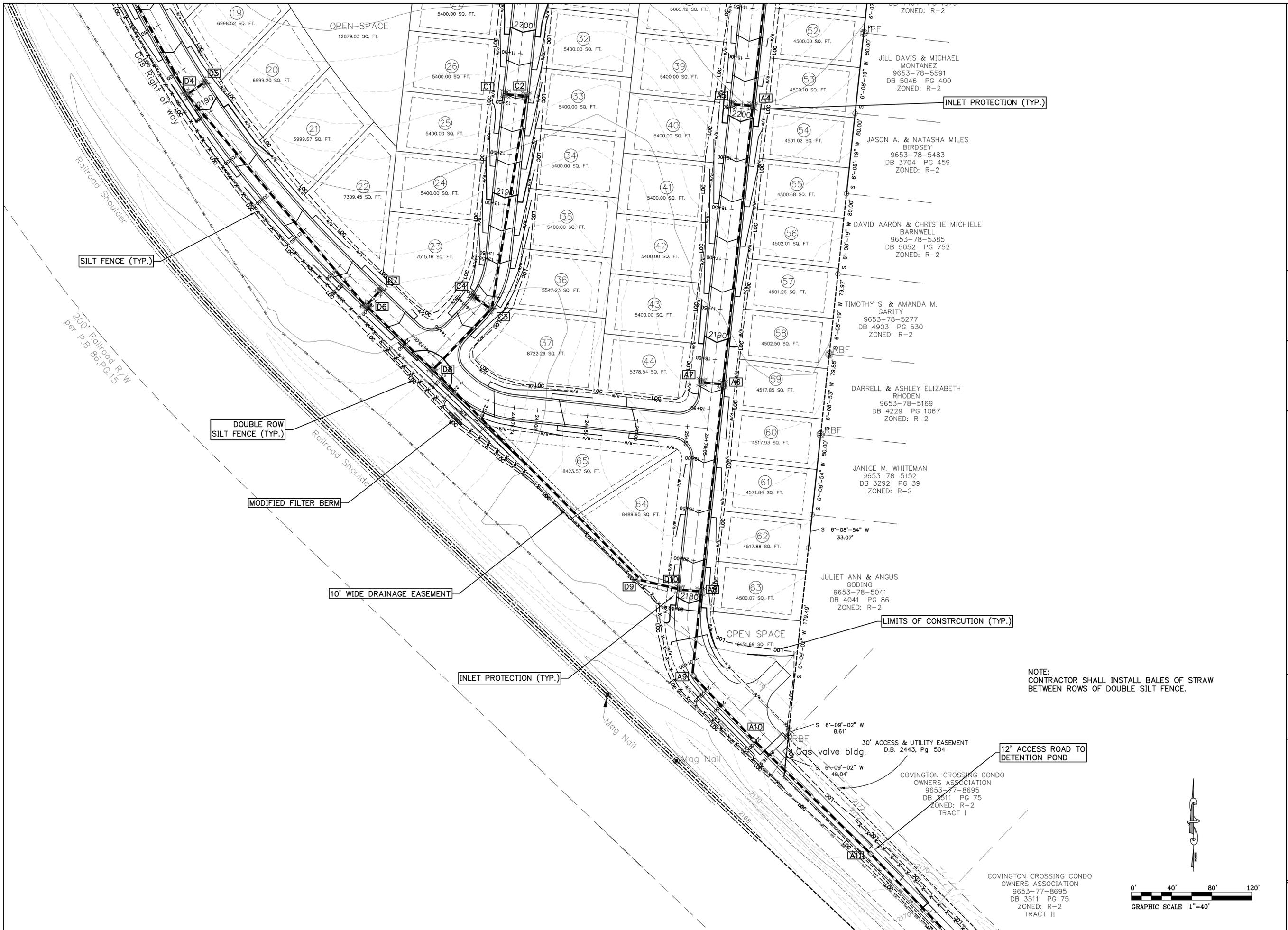
FOR REVIEW  
PRELIMINARY

Site Development Plan For  
**Hyde Park**  
BUNCOMBE COUNTY, NORTH CAROLINA

Job No.: 13102  
Date: 11/11/2013  
Scale: 1"=40'  
Revision:

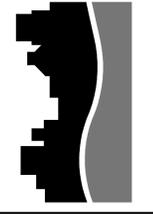
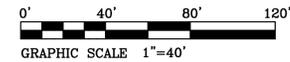
Grading/  
Storm Water &  
Erosion Control Plan

Sheet  
**C6**



NOTE:  
CONTRACTOR SHALL INSTALL BALES OF STRAW  
BETWEEN ROWS OF DOUBLE SILT FENCE.

COVINGTON CROSSING CONDO  
OWNERS ASSOCIATION  
9653-77-8695  
DB 3511 PG 75  
ZONED: R-2  
TRACT II



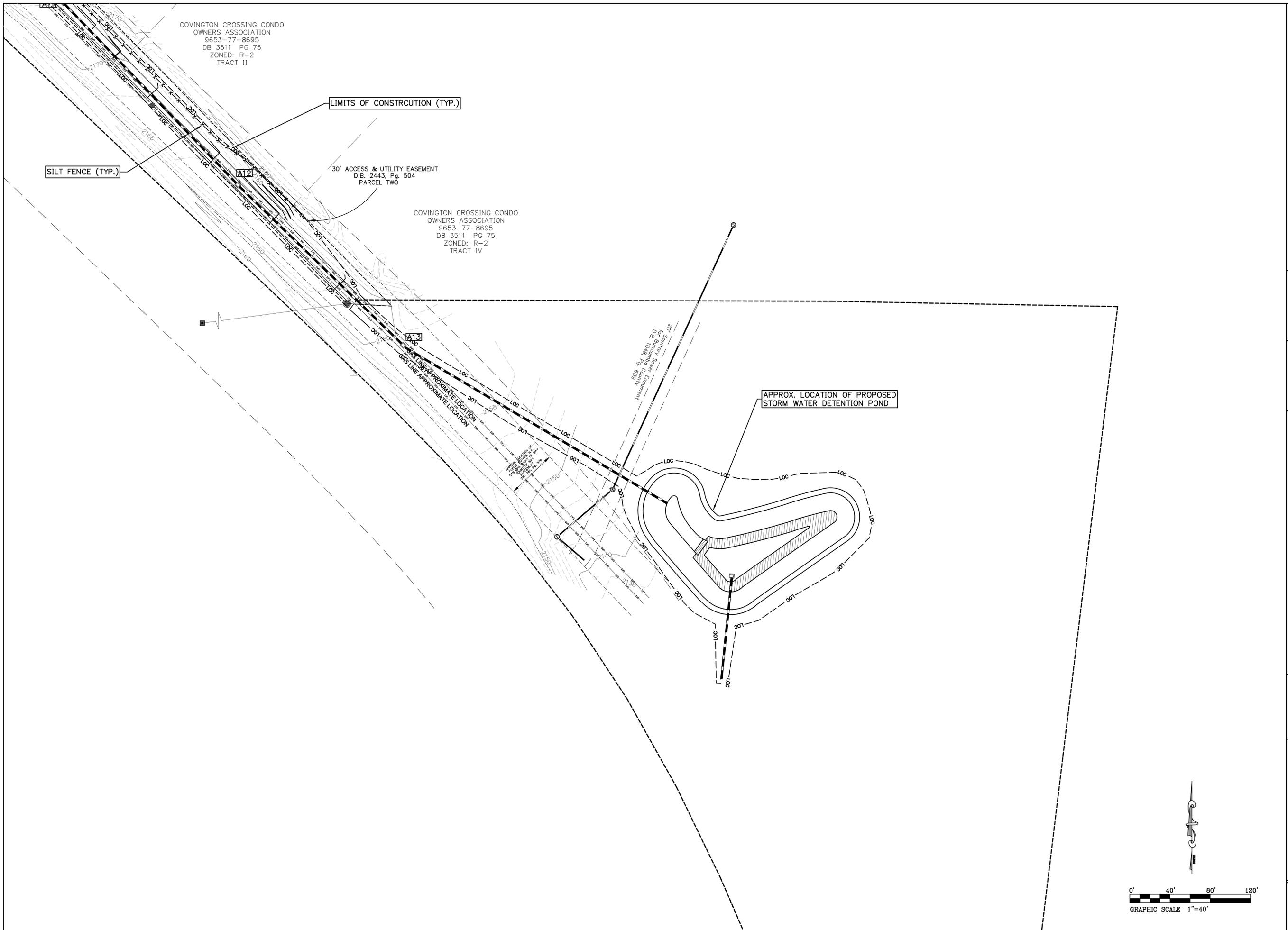
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Site Development Plan For  
**Hyde Park**  
BUNCOMBE COUNTY, NORTH CAROLINA

Job No.: 13103  
Date: 11/11/2013  
Scale: 1"=40'  
Revision:

Grading/  
Storm Water &  
Erosion Control Plan



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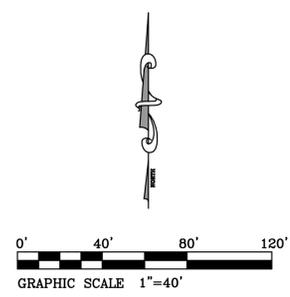


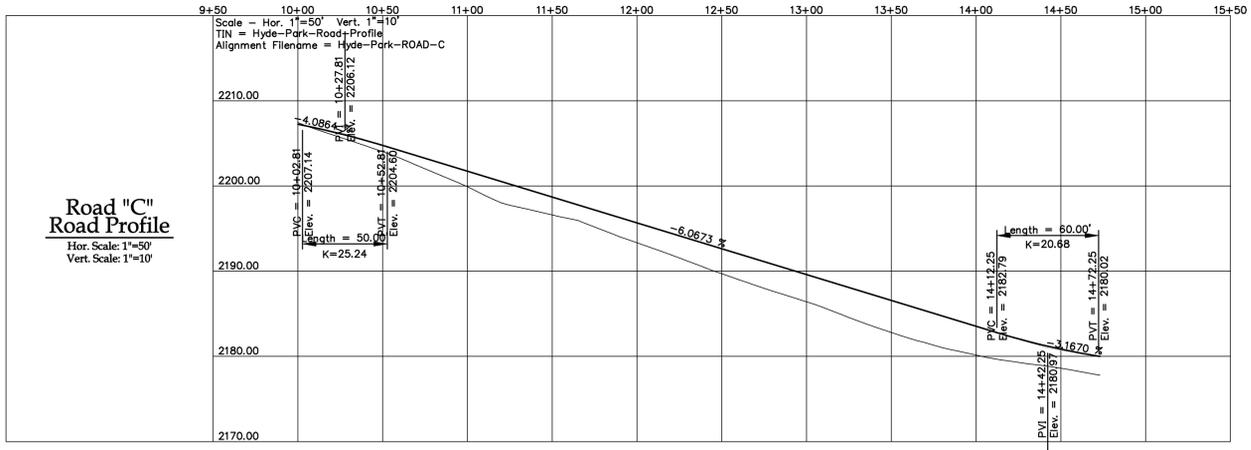
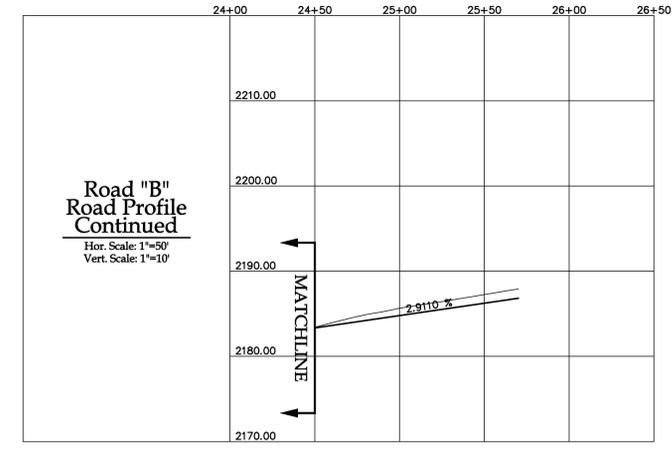
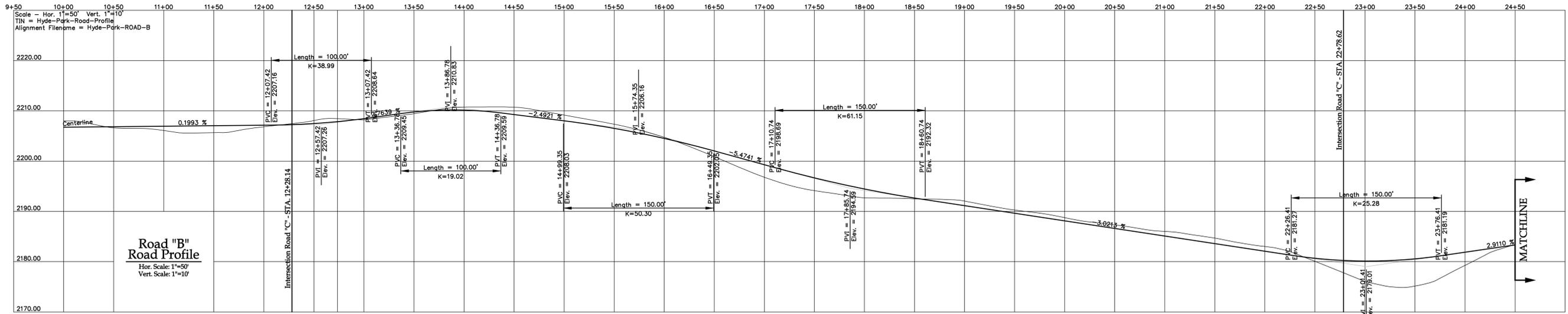
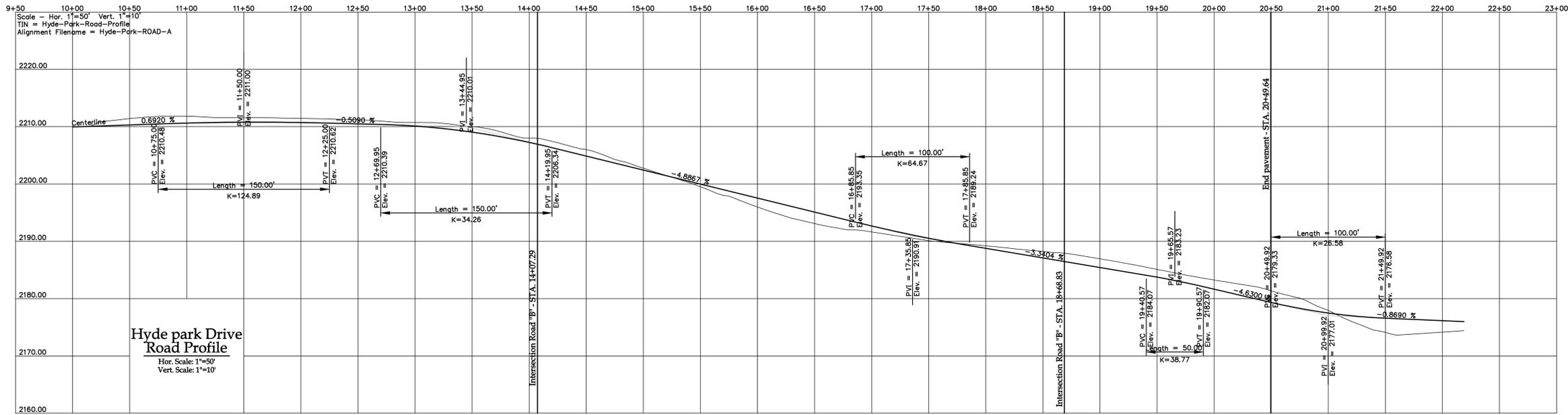
Site Development Plan For  
**Hyde Park**  
 BUNCOMBE COUNTY, NORTH CAROLINA

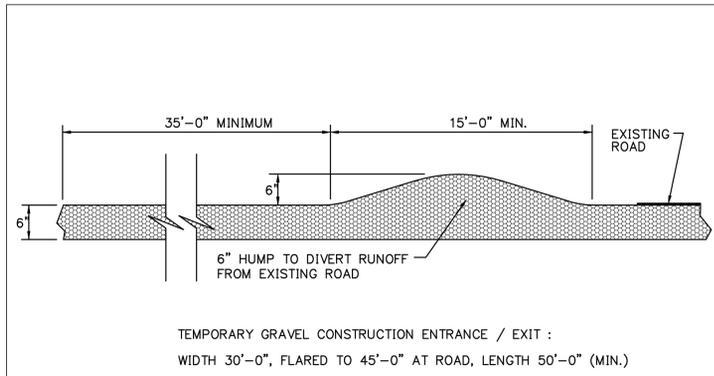
Job No.: 13102  
 Date: 7/11/2013  
 Scale: 1"=40'  
 Revision:

Grading,  
 Storm Water &  
 Erosion Control Plan

Sheet  
**C8**

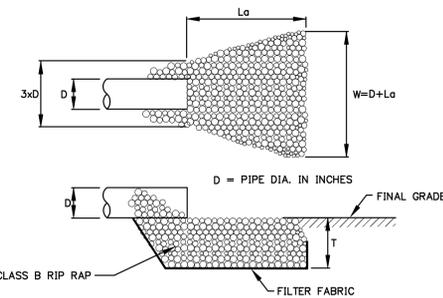






**MUD MAT**  
NOT TO SCALE

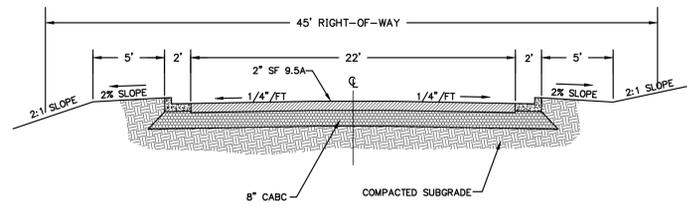
EC-23



OUTLET No.	PIPE DIAMETER (Do)	3 x Do	APRON LENGTH (La)	APRON WIDTH (W=Do+La)	APRON THICKNESS (T=1.5xdo max)	STONE DIAMETER (dmax) (1/3 Do x 1.5)
1	X"	X'	X'	X'	X"	X"

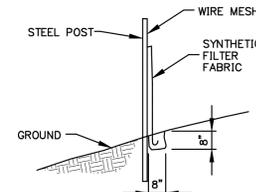
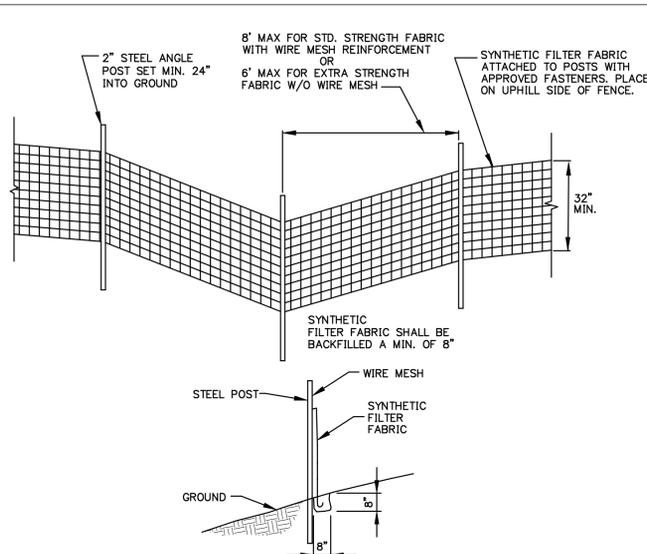
**RIPRAP AT PIPE OUTLET**  
NOT TO SCALE

EC-30



**TYPICAL ROAD CROSS-SECTION WITH CURB AND GUTTER**  
NOT TO SCALE

ST-1



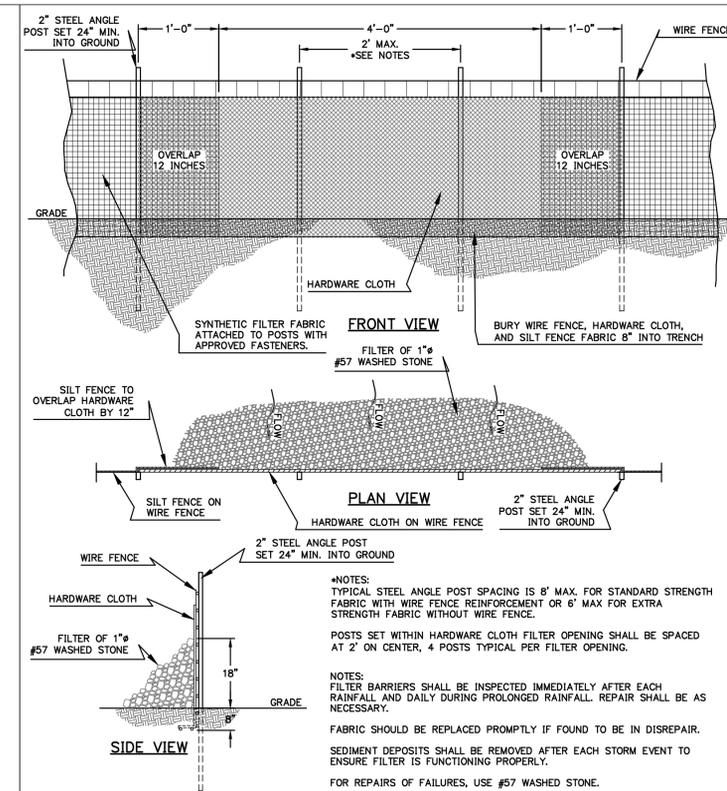
EXCAVATE 8"x8" TRENCH UPSLOPE ALONG LINE OF POSTS. EXTEND FILTER FABRIC INTO TRENCH, A MINIMUM OF 8" DOWN AND 8" FORWARD ALONG THE TRENCH. BACKFILL TRENCH A MINIMUM OF 8" AND COMPACT SOIL.

NOTES:

- FILTER BARRIERS SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND DAILY DURING PROLONGED RAINFALL. REPAIR SHALL BE MADE AS NECESSARY.
- FABRIC SHALL BE REPLACED PROMPTLY IF FOUND TO BE IN DISREPAIR.
- SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT AND WHEN DEPOSITS REACH APPROXIMATELY 1/3 HEIGHT OF BARRIER.
- FOR REPAIR OF FAILURES, USE WASHED STONE.

**SILT FENCE**  
NOT TO SCALE

EC-36

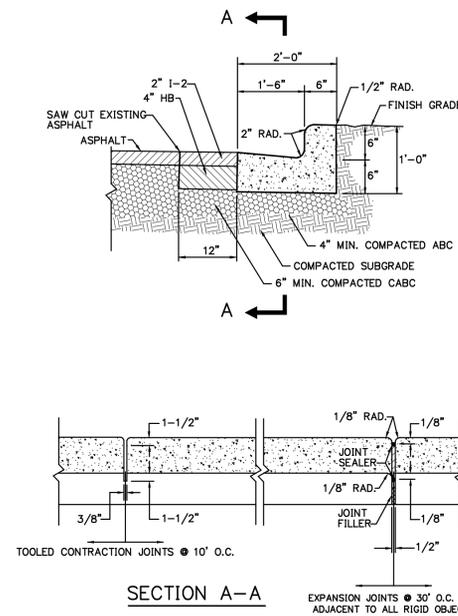


\*NOTES:  
TYPICAL STEEL ANGLE POST SPACING IS 8' MAX. FOR STANDARD STRENGTH FABRIC WITH WIRE FENCE REINFORCEMENT OR 6' MAX FOR EXTRA STRENGTH FABRIC WITHOUT WIRE FENCE.  
POSTS SET WITHIN HARDWARE CLOTH FILTER OPENING SHALL BE SPACED AT 2' ON CENTER, 4 POSTS TYPICAL PER FILTER OPENING.

NOTES:  
FILTER BARRIERS SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND DAILY DURING PROLONGED RAINFALL. REPAIR SHALL BE AS NECESSARY.  
FABRIC SHOULD BE REPLACED PROMPTLY IF FOUND TO BE IN DISREPAIR. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT TO ENSURE FILTER IS FUNCTIONING PROPERLY.  
FOR REPAIRS OF FAILURES, USE #57 WASHED STONE.  
EXCAVATE 8"x8" TRENCH UPSLOPE ALONG LINE OF POSTS. EXTEND FILTER FABRIC INTO TRENCH, A MINIMUM OF 8" DOWN AND 8" FORWARD ALONG THE TRENCH. BACKFILL TRENCH A MINIMUM OF 8" AND COMPACT SOIL.

**MODIFIED FILTER BERM**  
NOT TO SCALE

EC-66

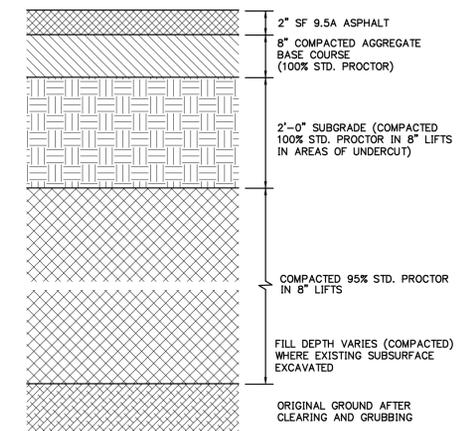


CONSTRUCTION NOTES

- CURB SHALL BE CONSTRUCTED WITH CLASS B 4000 PSI CONCRETE
- SURFACE SHALL BE GIVEN A LIGHT BROOM FINISH WITH THE BRUSH MARKS PARALLEL TO THE CURB.

**CONCRETE CURB & GUTTER (2'-0")**  
NOT TO SCALE

ST-6



**TYPICAL CROSS-SECTION**  
NOT TO SCALE

ST-39



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Job No.: 13102  
Date: April 2013  
Scale: NTS  
Revision:

Details

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
TEXT AMENDMENT ANALYSIS

CASE NUMBER : ZPH2013-00003  
TEXT AMENDMENT REQUESTED : AMEND TABLE TO SHOW “MOTOR SPORTS  
: FACILITY” AS A CONDITIONAL USE IN EMP  
: AND CS

APPLICANT/OWNER: STACY OGLE  
43 LYTTLE COVE ROAD EXT.  
SWANNANOA, NC 28778

DEPARTMENT RECOMMENDATION: **DENIAL**

TEXT AMMENDMENT ANALYSIS: The applicant requests that the permitted use table be revised to allow “motor sports facility” as a Conditional Use in EMP (Employment District) and CS (Commercial Service District). The use is currently allowed in the OU (Open Use District). Staff feels that current allowance of the use within in the OU zoning district is appropriate given the noise and nuisances associated with this use, and that it would not be appropriate to allow the use in more densely populated areas of the County, as this use tends to be disruptive to adjoining property owners. Therefore the Buncombe County Department of Planning and Development recommends **DENIAL** of the request.

**LAND USE PLAN CONSISTENCY STATEMENTS**

**NOT CONSISTENT:** The proposed amendments regarding the establishment of conditional use standards for motor sport facilities and the addition of motor sport facilities as a conditional use in the Commercial Service and Employment Districts **are inconsistent with the Buncombe County Comprehensive Land Use Plan and updates for the following reasons:**

- o the 2006 Update (VII-2.1) recommended the adoption of a mixed-use zoning district outside the Primary Service Area “that regulates only those uses that are often necessary but typically considered undesirable because they are- or are perceived to be-incompatible with other land uses, and in some cases, have a negative impact on adjacent land uses” and which specifically identifies Motor Sports Facilities within this list of uses.
- o the Commercial Service District is meant to provide locations for “clustered commercial development” (VII-4) that may be incompatible with the noise generated by a Motor Sport Facility, such as restaurants or outdoor sales.
- o the 2006 Update also recommended that the Employment District only allow those manufacturing uses “which meet all local, state, and federal environmental standards, and do not involve obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazards, or other objectionable conditions that would be detrimental to the health, safety, and general welfare of the community” (VII-4).

The proposed amendments to the text are **neither reasonable nor in the public interest** as given the noise and nuisances associated with this use that it would not be appropriate to allow the use in more densely populated areas of the County, as this use tends to be disruptive to adjoining property owners.

**CONSISTENT:** The proposed amendments regarding the establishment of conditional use standards for motor sport facilities and the addition of motor sport facilities as a conditional use in the Commercial Service and Employment Districts **are consistent with the Buncombe County Comprehensive Land Use Plan and updates, as the 2006 update (II-1) indicated that “high traffic generating commercial, industrial, and multi-family residential development [should be concentrated] along major corridors where the availability of water sewer and transportation can be easily managed.”** Furthermore, the setting of conditional use standards for existing conditional uses within the Zoning Ordinance such as motor sport facilities as such does not contradict the Buncombe County Comprehensive Land Use Plan or Updates.

The proposed amendments to the text are **reasonable and in the public interest** as the applicant has indicated that a large number of local youth participate in motocross riding competitions. As such a facility would meet an existing need and provide more centrally located access it should also be held to standards which can help mitigate said nuisance.

# ATTACHMENT F

Amend Section 78-641(a) Permitted use table.

	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	BDM	OU
Motor Sport Facilities						<u>C</u>	<u>C</u>			C

Add to Section 78-678. Conditional use standards.

*(14) Motor Sport Facilities. Standards for motor sport facilities shall be as follows:*

- a. The parcel on which the facility is located shall be set back at least 2,640 feet from any parcel where a hospital; hospice facility; licensed nursing home; licensed adult care home; licensed family care home; drop-in or short term child care center providing care to at least 10 preschool children; licensed child care center; private or public elementary, middle or high school; publicly accessible state or federal land (to include the Blue Ridge Parkway); or municipal or county park or recreation facility is located.
- b. The facility must comply with the Buncombe County Flood Damage and Prevention Ordinance. But in no case shall storage of hazardous materials (to include bulk fuels) be located in the Special Flood Hazard Area.
- c. The area of operations shall be set back from all perennial waters, as shown on the most recent version of the quadrangle topographic maps prepared by the United States Geological Service, and from all wetlands, as defined by G.S. 143-212(6) for a distance sufficient to protect surface and groundwater from spills and leaks. Said setback shall be a vegetative buffer no less than 100 feet in width, with no less than the first 50 feet from the stream or wetland being undisturbed and the remaining area consisting of managed vegetation.
- d. There shall be sufficient access to a major highway so as to minimize facility-related travel through residential neighborhoods.
- e. Depending on the size, scope, and nature of the proposed facility and the reasonable requests of the adjacent property owners, the board of adjustment may require buffering up to the maximum of the following standards. In appropriate cases, buffering may be waived by adjacent landowners. A buffer strip along all property lines shall be required that is sufficient in height, density, and foliage at all times of the year to minimize the visual impact to persons and

motorists not on the property and to maximize the buffering of noise and particulate matter. Said buffer strip shall not extend into the established setback along any street. The required buffer shall be placed according to one or a combination of the following methods, as approved by the board of adjustment as fitting for the use and surrounding areas:

1. A continuous, natural and undisturbed 100 foot buffer strip of trees, shrubbery, and other natural vegetation.
2. A 100 foot planted buffer strip consisting of at least three rows of evergreen trees, whose species shall be approved by the board of adjustment, which at the time of planting shall be at least six feet in height, and which at maturity, shall be at least fifteen feet in height. In each row the trees shall be spaced no more than ten feet apart (from base of tree to base of tree) at time of planting, with trees in adjacent rows offset (staggered) five feet. The rows shall be no more than thirty feet apart and centered within the buffer strip. The buffer strip shall also contain at least two evergreen shrubs for every one tree and the shrubs shall be intermixed between the trees.
3. An earthen berm landscaped with evergreen shrubs and topped with a row of evergreen trees, whose species shall be approved by the board of adjustment. The berm shall be a minimum of eight feet in height and shall have slopes that do not exceed one foot in height to three feet horizontal. The row of evergreen trees shall be at least five feet in height at the time of planting and which at maturity shall be at least ten feet in height. The trees shall be spaced no more than eight feet apart (from base of tree to base of tree) at the time of planting. No less than two evergreen shrubs for every tree shall be planted in two rows; the first row shall be planted at the base of the berm. The second row shall be planted at the midpoint of the berm and shall be offset (staggered) from the first row.

The owner of the property on which the buffer is located shall be responsible for the maintenance of said buffering. Unhealthy or dead plants shall be promptly removed and replaced within one planting season.

- f. A security fence shall surround the entire motorsports area and any associated maintenance facilities, shall be a minimum of six feet in height, and shall be located between the motorsports area and the required buffer strip. Driveways or entranceways shall be gated during the hours when the facility is not open and operating.
- g. The facility shall maintain adequate parking for all events. Parking must be contained on-site, with parking prohibited in any setbacks. Parking must be in

designated parking areas and shall ensure adequate passage of emergency vehicles throughout the site at all times.

- h. Hours of operation, signs and exterior lighting shall be evaluated for economic, noise, vibration, glare, dust and odor effects and shall be compatible and in harmony with surrounding properties.

# ATTACHMENT G

Add to Section 78-678. Conditional use standards.

(14) Motor Sport Facilities. Standards for motor sport facilities shall be as follows:

- a. The parcel on which the facility is located shall be set back at least 2,640 feet from any parcel where a hospital; hospice facility; licensed nursing home; licensed adult care home; licensed family care home; drop-in or short term child care center providing care to at least 10 preschool children; licensed child care center; private or public elementary, middle or high school; publicly accessible state or federal land (to include the Blue Ridge Parkway); or municipal or county park or recreation facility is located.
- b. The facility must comply with the Buncombe County Flood Damage and Prevention Ordinance. But in no case shall storage of hazardous materials (to include bulk fuels) be located in the Special Flood Hazard Area.
- c. The area of operations shall be set back from all perennial waters, as shown on the most recent version of the quadrangle topographic maps prepared by the United States Geological Service, and from all wetlands, as defined by G.S. 143-212(6) for a distance sufficient to protect surface and groundwater from spills and leaks. Said setback shall be a vegetative buffer no less than 100 feet in width, with no less than the first 50 feet from the stream or wetland being undisturbed and the remaining area consisting of managed vegetation.
- d. There shall be sufficient access to a major highway so as to minimize facility-related travel through residential neighborhoods.

**Comment [NI1]:** What is sufficient? What is determined to be a "highway"? Is it based on certain NCDOT standards for daily trips?

**Comment [NI2]:** What about adjacent to residential neighborhoods?

**Comment [NI3]:** Does this include trailer parks? These are also neighborhoods, though not in the popular sense of the word.

e. Depending on the size, scope, and nature of the proposed facility and the reasonable requests of the adjacent property owners, the board of adjustment may require buffering up to the maximum of the following standards. In appropriate cases, buffering may be waived by adjacent landowners. A buffer strip along all property lines shall be required that is sufficient in height, density, and foliage at all times of the year to minimize the visual impact to persons and motorists not on the property and to maximize the buffering of noise and particulate matter. Said buffer strip shall not extend into the established setback along any street. The required buffer shall be placed according to one or a combination of the following methods, as approved by the board of adjustment as fitting for the use and surrounding areas:

1. A continuous, natural and undisturbed 100 foot buffer strip of trees, shrubbery, and other natural vegetation.

2. A 100 foot planted buffer strip consisting of at least three rows of evergreen trees, whose species shall be approved by the board of adjustment, which at the time of planting shall be at least six feet in height, and which at maturity, shall be at least fifteen feet in height. In each row the trees shall be spaced no more than ten feet apart (from base of tree to base of tree) at time of planting, with trees in adjacent rows offset (staggered) five feet. The rows shall be no more than thirty feet apart and centered within the buffer strip. The buffer strip shall also contain at least two evergreen shrubs for every one tree and the shrubs shall be intermixed between the trees.

**Comment [NI4]:** This is absolutely unbelievable. An adjacent land owner does not have the authority or right to waive any ordinance requirements imposed on an applicant. It is completely arbitrary and indefensible.

**Comment [NI5]:** What is "sufficient"? Who makes this determination and based on what facts or information? Vague language such as this stacks the cards in favor of the applicant, making any decision more subjective.

**Comment [NI6]:** From the date of installation or once it's reached its peak growth? How long will it take for newly installed landscaping to reach peak growth and screening ability? Will any approved conditional use be held off until the screening reaches maturity?

**Comment [NI7]:** How is this determined, since the specific details of any track haven't been established yet? And what is it based on? Has any research been done into the decibel levels at such facilities, and at specific distances (say adjacent to, ¼ mile from, ½ mile from, and 1 mile from the track?)

**Comment [NI8]:**

**Comment [NI8]:** This is not a buffer. My boyfriend is 6'2" tall.

**Comment [NI10]:** How long will this take? It will not actually provide a buffer until it reaches maturity. Has any research been done about specific kinds of buffers adjacent to motor sports tracks?

3. An earthen berm landscaped with evergreen shrubs and topped with a row of evergreen trees, whose species shall be approved by the board of adjustment. The berm shall be a minimum of eight feet in height and shall have slopes that do not exceed one foot in height to three feet horizontal. The row of evergreen trees shall be at least five feet in height at the time of planting and which at maturity shall be at least ten feet in height. The trees shall be spaced no more than eight feet apart (from base of tree to base of tree) at the time of planting. No less than two evergreen shrubs for every tree shall be planted in two rows; the first row shall be planted at the base of the berm. The second row shall be planted at the midpoint of the berm and shall be offset (staggered) from the first row.

**Comment [NI11]:** This is completely unrealistic. Under what conditions might the Board of Adjustment require this? This condition appears to be thrown in as a way to appease possible opponents, but the likelihood of it being implemented is very, very low.

The owner of the property on which the buffer is located shall be responsible for the maintenance of said buffering. Unhealthy or dead plants shall be promptly removed and replaced within one planting season.

**Comment [NI12]:** Who enforces this, and what is the history of enforcement?

- f. A security fence shall surround the entire motorsports area and any associated maintenance facilities, shall be a minimum of six feet in height, and shall be located between the motorsports area and the required buffer strip. Driveways or entranceways shall be gated during the hours when the facility is not open and operating.

**Comment [NI13]:** Will there be any standards for design to help mitigate the adverse impact? Or can it simply be a chain link fence that, unmaintained and subject to dirt and grime, will rust and further degrade the appearance of the landscape?

- g. The facility shall maintain adequate parking for all events. Parking must be contained on-site, with parking prohibited in any setbacks. Parking must be in designated parking areas and shall ensure adequate passage of emergency vehicles throughout the site at all times.

**Comment [NI14]:** How is this determined? Shouldn't this follow parking standards as for any commercial business?

**Comment [NI15]:** Will the County provide enforcement staff to ensure that parking for all weekend events will be handled appropriately?

- h. Hours of operation, signs and exterior lighting shall be evaluated for economic, noise, vibration, glare, dust and odor effects and shall be compatible and in harmony with surrounding properties.

**Comment [NI16]:** These are the among the worst of the impacts of such a facility. Why is there not more thought or detail given to these topics. This language provides absolutely no guidance for making defensible decisions on this topic. What is the "economic" effect of lighting? Will there be footcandle standards for facilities adjacent to residential neighborhoods? What about noise standards? What the heck is "in harmony"? How can a motor sports track be "in harmony with" a residential neighborhood? Who determines what "harmony" means!

This language is much too vague. It doesn't provide sufficient guidance to enable the Board of Adjustment to make fair and defensible decisions about how to evaluate and mitigate any adverse impacts on adjacent properties.

The information on buffering should be more realistic and contained in a matrix that specifies appropriate types of buffers (even something like a combination of hardscape and landscaping) depending on the adjacent or nearby uses. For example, a motor sports facility adjacent to an industrial park would be ideal, since it results in the co-location of high-decibel activities. But at even a half-mile away from a residential neighborhood, the impact will likely be great, requiring a stronger buffer. So a more appropriate, fair, and defensible approach to presenting the different buffer standards would be to include them in a matrix of adjacent and nearby uses.

There is absolutely no discussion of such things as:

- Will there be alcohol sales at events?
- What are appropriate lighting standards (footcandle levels, height of light posts, etc).
- Appropriate size of events.
- Number of vehicles permitted on site.
- Hours of operation.
- If approved as a conditional use, will a site plan and listing of approval conditions on the site plan be required?
- What are the specific types of vehicles permitted? What about monster trucks? Is this for ATV and dirt bikes only? What about demolition derbies? The definition appears to be wide open. Are there acreage requirements for this type of use?

**ATTACHMENT H**

My name is: Jane Hansel, and am a resident at 75 Outlook Circle, Swannanoa, N.C.

I am here today to address some real concerns about the vehicular proposal before this Planning Board, which if adopted could definitely impact the Buncombe County, N.C. Code of Ordinances. There are three areas I wish to address:

First is Article IV. Noise – Section 26-181. Which states that: Unnecessary Noises: 1) ... It shall be unlawful for any person or persons to make, permit continue or cause to be made or to create any unreasonably loud, disturbing and unnecessary noise in the county. Factors to be considered in unusually loud and disturbing are clearly defined and motorcycles are definitely spoken to. At best it appears that the projected proposal defies this ordinance and even the spirit of which its limitations are intended- even the exceptions. The Enforcement is totally the Sheriff's responsibility in unincorporated areas- and is this to become the time consuming focus of our law enforcement?

Second: Some real concerns about Division 1: Section 26-207,208: Accelerated erosion, land disturbing activity, especially that speaking to land disturbing with operations on land by any person in residential, industrial, educational, institution, commercial development highway and road construction that results in change in natural topography and cause change or contribute to sedimentation. There must be a plan, the developer is responsible, and however folks in Lytle Cove area can attest to sound wise as well as negative impact on land and erosion that impacts on their own land values that plummeted.

Third: Division 1: Section 26-27: Air Quality Standards, emission control standards, regs governing air pollution. Control of these sources and common sense should denote here that the requested facility would cause large amounts of DUST and this will travel to nearby areas. Pollen produced by nature is difficult to handle, even by ones who are as I am: asthmatic. Air Quality of motor vehicle facility could establish a nightmare for folks and just breathing.

I respectfully request that this Planning Board deny the request in the proposal before them for use of land for Motor Sports Facilities, Conditional use standards (78-678 (14)). There can be other alternatives rather than those that would impact negatively on so much land use and daily lives of folks.

My name is Steffi Rausch and I live in Swannanoa.

I respectfully plead with you NOT to approve this amendment. The first sentence of your Conditions for Granting Approval of a Conditional Use Permit states "If the use for which...the conditional use permit is sought will not be...**injurious to property or public improvements** in the neighborhood, a permit may be granted." Furthermore, the Employment District's definition states "Only those manufacturing uses will be allowed which...do not involve **obnoxious noise, fumes, or dust** or other objectionable conditions which would be detrimental...to the **general welfare of the community.**"

Motor Sports facilities DO cause a devaluation of homes/businesses in the neighborhood way past adjacent/surrounding neighbors. It limits the businesses that could function in these areas and it limits the sale/rental of homes nearby. Any amount of conditions you set forth with trees/walls as buffers will not be enough to protect those in nearby areas, unless it is completely contained indoors. The people of Lytle Cove as far as 2 miles up the mountain could testify to that and there were trees the whole way. We all know that sound echoes in these mountains and valleys very easily and the high-pitched sound from these types of motor sports are louder and more annoying than any highway traffic, lawn mower, or train and extend way past adjacent neighbors or 100 ft of tree buffering.

So with that said, I would like to ask you to reconsider what happens when your office staff gets inundated with complaints from the outlying community about a nearby track? How can they as a community pursue mitigation with you or will they have to go to court? Also, who will enforce these regulations? Our past experience in Lytle Cove was that there was **no enforcement**. We complained multiple times to the Sherriff's department regarding the noise ordinance who said "there was nothing they could do". We had to pay \$10,000 to just compromise in court. And that compromise didn't end up being good enough for Stacy Ogle who even said himself that the hours we limited them to were not enough. Those hours were 2 days during the week from 3-6pm and Saturday between noon and 5pm, a total of 11 hrs/week (not the 7 hrs Stacy Ogle mentioned in the first meeting). You can reference the Consent Judgement Order I sent you via email from our court case.

I believe there is a place for motor sports and urban areas are not it, PERIOD. And with 80% of the county Open Use zone district available to them, I do not understand how they can't find a place to run. I would like to know if anyone has checked this fact with Stacy Ogle as to who he has contacted in those areas. The unrelenting high-pitched sound, dust, and fumes **ARE detrimental and injurious to property and public improvements in urban areas**, and therefore should not be allowed. If approved, it will affect people's livelihood over the wants of a few and any amount of buffering you create will not be enough to counteract this type of noise.

✓  
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STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 10-CVS-1700

RJ DEL VECCHIO, )  
PATRICIA CRAIG, )  
STEPHANIE RAUSCH, )  
SHANNON HOLLIFIELD, and )  
MARTHA ELOISE STYLES, )

Plaintiffs, )

v. )

BARBARA WRIGHT, )

Defendant. )

NON-STANDARD  
FILING

CONSENT JUDGMENT ORDER

BUNCOMBE CO. C.S.C.

2011 JUN 20 PM 12:59

FILED

WHEREAS, Plaintiffs filed this lawsuit alleging that Defendant operates an off-road vehicle track ("the Track") on Defendant's Property, and alleged that the operation of the Track constitutes a nuisance and trespass to Plaintiffs; and

WHEREAS, Defendant denies the allegations against her; and

WHEREAS, Plaintiffs and Defendant wish to avoid the uncertainties and expenses of additional litigation over their claims and defenses in this case; and

WHEREAS, Plaintiffs and Defendant, with the advice of their respective counsel, have agreed to resolve and settle the claims and defenses at issue in this lawsuit on mutually-agreed to terms set forth below.

WHEREFORE, THE COURT HEREBY ORDERS, with the informed consent of the Plaintiffs and Defendant, and the Court having been fully appraised of the issues, that the following terms shall govern the settlement of the Plaintiffs and Defendant in this lawsuit, and the following terms shall, by the Order of this Court, govern in all respects the operation of the Track on the Defendant's Property; and accordingly, THE COURT HEREBY ENTERS THE FOLLOWING CONSENT JUDGMENT ORDER.



Doc ID: 023705820014 Type: CRP  
Recorded: 07/20/2011 at 04:26:57 PM  
Fee Amt: \$51.00 Page 1 of 14  
Workflow# 0000071253-0001  
Buncombe County, NC  
Drew Reisinger Register of Deeds

BK 4900 PG 1042-1055

## DEFINITIONS

The term "Plaintiffs" means the named Plaintiffs in this lawsuit, and their heirs, successors, lessees, and assigns.

The term "Defendant" means the named Defendant in this lawsuit, and her heirs, successors, lessees, and assigns. This includes any person or organization operating the Track.

The term "Defendant's Property" means the real property owned by Defendant at the address commonly known as 12 Jesse James Lane, Swannanoa, North Carolina 28778, and as more particularly described by the deed recorded with the Buncombe County, North Carolina Register of Deeds, Book 2092 Page 3 (attached hereto as Exhibit A), and as depicted by the aerial photograph from the Buncombe County website (attached hereto as Exhibit B), and as described by Defendant in her August 9, 2010 deposition in this case.

The term "the Track" means the Track designed for use by vehicles such as motorcycles and motocross bikes (and in the past other motorized vehicles), that is located on Defendant's Property and that is the subject of this lawsuit, and about which Defendant gave testimony at her deposition in this case on August 9, 2010.

## TERMS OF SETTLEMENT AND OPERATION OF THE TRACK

The following terms have been agreed to by the Plaintiffs and the Defendant and shall govern the settlement of this lawsuit and the operation of the Track by Defendant.

1. Riding on the Track is permitted on Saturdays between noon and 5:00 p.m.
2. There will be no riding on Fridays or Sundays. Defendant shall be permitted to water the Track on Fridays.
3. Riding may take place on two weekdays of a calendar week (other than Friday) between the hours of 3:00 p.m. and 6:00 p.m.
4. The two weekdays on which there may be riding on the Track will be specifically identified days of the week, and these two specifically identified days of the week may only be changed once every year, with notice being given to Plaintiffs as to which two specific weekdays there will be riding. For example, for the remainder of 2011, the additional two days of the week for riding might be Tuesdays and Thursdays from 3:00 p.m. to 6:00 p.m. The intent of this paragraph is to keep the scheduled weekday riding days predictable so that Plaintiffs know in advance when there will be riding so that they can schedule their family or other events around the scheduled weekday riding days.

5. Plaintiffs note that extensive work using heavy equipment has been done on the Track in the recent past. After entry by the Court of this Consent Judgment Order, Defendant or her lessee may make and complete maintenance or repairs to the Track on an annual basis beginning late this year. The "major" maintenance period during which maintenance on the Track must be completed in no longer than a two week period of time. All other routine Track maintenance may be conducted only during regularly scheduled riding days and hours. This paragraph shall not be construed as prohibiting Defendant from conducting routine *care* of her *property* (as contrasted with *maintenance, improvements or repairs* to the *Track*). Such routine care of her property shall include, but not be limited to: cutting grass, cutting trees, or other typical property care that is unrelated to the condition or operation of the Track.

6. No more than three (3) riders may be simultaneously riding on the Track at any given time, except that there may be five (5) riders simultaneously riding on the Track during regularly scheduled riding times provided that all five (5) riders are riding motorcycles of sixty five (65) cc or less; Plaintiffs or their agents may, upon reasonable notice, be permitted on the Track to verify that all five (5) motorcycles are sixty five (65) cc or less.

7. All riders on the Track must be registered members of a riding club which will have exclusive access to the Track and which will be limited to a maximum membership of 30 riders. The Track shall not be open for riding by members of the public at large who are not members of a riding club which has a lease to use the Track.

8. The only vehicles that may ride on the Track are two-wheeled motocross bikes or comparable motorcycles (hereafter collectively referred to as "motorcycles") and all motorcycles that are allowed to ride on the Track shall be checked for noise output, and none registering over 94 decibels when revving up shall be allowed to use the Track.

9. All entry to the Track will be through the one gate on Lytle Cove Road, which shall remain locked during non-operational hours.

10. All vehicles belonging to those visiting or using the Track must park somewhere other than Lytle Cove Road and traffic congestion on Lytle Cove Road must be avoided.

11. If Plaintiffs so request on or prior to October 31, 2011, Defendant will erect a fence near the property line that exists between the Track and Plaintiff Patricia Craig's property at no cost to Plaintiffs. If Plaintiffs request construction of such a fence, the parties agree to work in good faith together to finalize the details of this fencing, including the type, size and location of the fencing. In the event the parties are unable to resolve a dispute over the details of the fencing, Plaintiffs or Defendant may submit the issue to the Court for resolution.

12. The Track must be irrigated at regular intervals, but in no event less than is reasonably necessary under existing conditions to keep the dust clouds down and to prevent the dust from accumulating on the property of the adjacent owners. A "hydro-seeder" (identified by counsel for Defendant as "as 800 gallon tank that sprays water on the Track as it is pulled behind a vehicle") is an acceptable irrigation system.

13. Any special event or emergency on the part of those neighboring the Track during riding hours will be communicated to the designated agent or lessee responsible for operating the Track verbally and in writing, and the event shall be given consideration and use of the Track abbreviated.

14. The operation of the Track and the conduct of any riding club and its members using the Track shall be in strict conformance with the document entitled "Sullivan's Motocross Rules and Regulations" (attached hereto as Exhibit C).

15. The terms set forth in this Consent Judgment Order hereby attach to Defendant's Property on which the Track is located and will apply to all who hereafter shall ever own or use the Track or Defendant's Property, regardless of the identity of the person or entity that owns Defendant's Property or that leases Defendant's Property or that operates any riding club that has access to the Track. All lessees or operators of the Track must use it only as a practice Track for club members, not as a commercial Track charging for entry to members of the general public.

16. Notice under this Order shall be provided to Plaintiffs' and Defendant's designated agents as follows:

Notice to the Plaintiffs should be communicated to:

Mr. RJ Del Vecchio  
1001 Tyler Farms Drive  
Raleigh, NC 27603  
(919) 270-5336 - mobile  
(919) 326-1469 - home  
[techconsultserv@juno.com](mailto:techconsultserv@juno.com)

Notice to Defendant should be communicated to the person or organization operating the Track, who is currently:

Mr. A. Houston Sullivan  
34 Raleigh Road  
Asheville, NC 28803  
(828) 335-9180

17. The identity and complete contact information (mailing address, physical address, telephone numbers and email addresses) for any person or organization operating the Track shall also be provided to Plaintiffs within 10 days of any change in the identity of such person or organization.

18. The parties to this action hereby designate and authorize their undersigned attorneys to sign this Consent Judgment Order on their behalf, and all parties agree to be bound by this Consent Judgment Order as though they had signed it themselves, and all parties waive any and all objections to the terms of this Consent Judgment Order that may be based in whole or in part of the fact that they did not personally sign this Consent Judgment Order.

SO ORDERED:

This the 30<sup>th</sup> day of June 2011.

Alan Z. Thompson  
Presiding Superior Court Judge

WITH THE CONSENT OF THE PARTIES:

Brady J. Fulton 6/27/11  
Brady J. Fulton - NC Bar No. 39385  
Attorney for Plaintiffs  
Northup, McConnell & Sizemore, PLLC  
123 Biltmore Avenue  
Asheville, NC 28801  
(828) 232-4481

David G. Budd  
David G. Budd - NC Bar No. 34513  
Attorney for Defendant  
Law Offices of Stanley D. Young  
68 North Market Street  
Asheville, NC 28801  
(828) 255-0569



6

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE  
COUNTY OF BUNCOMBE 2011 MAR -4 PM 2:06 SUPERIOR COURT DIVISION  
FILE NO. 10-CVS-1700

BUNCOMBE COUNTY, C.S.C.

RJ DEL VECCHIO,  
PATRICIA CRAIG,  
STEPHANIE RAUSCH,  
SHANNON HOLLIFIELD, and  
MARTHA ELOISE STYLES,

BY 

Plaintiffs,

v.

BARBARA WRIGHT,

Defendant.

**ORDER ALLOWING  
PLAINTIFFS' MOTION FOR  
EXTENSION OF TIME  
(EXTM)**

Upon motion of Plaintiffs, and for good cause shown, Plaintiffs are hereby allowed an additional thirty (30) days up to and including the 18<sup>th</sup> day of April, 2011, within which to answer or otherwise respond to Defendant's First Set of Interrogatories and Request for Production of Documents.

THIS the 4 day of March, 2011.

  
CLERK OF SUPERIOR COURT  
BUNCOMBE COUNTY

BK 2092 PG 008  
REGISTERED

1999 MAY 10 P 2:52

*Richard S. Sneed*  
REGISTER OF DEEDS  
BUNCOMBE COUNTY, N.C.

Excise Tax \$0

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. \_\_\_\_\_  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
by \_\_\_\_\_

Mail after recording to Barbara R. Wright  
223 Lytle Cove Road, Swannanoa, NC 28778

This instrument was prepared by RONALD E. SNEED

Brief description for the Index

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 14<sup>th</sup> day of May, 1999, by and between:

GRANTOR	GRANTEE
LEWIS A. WRIGHT, by his Attorney-in-Fact, BARBARA R. WRIGHT, and wife, BARBARA R. WRIGHT	BARBARA R. WRIGHT  223 Lytle Cove Road Swannanoa, NC 28778

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of, Black Mountain Township, Buncombe County, North Carolina and more particularly described as follows:

SEE ATTACHED "EXHIBIT A"

0009B3

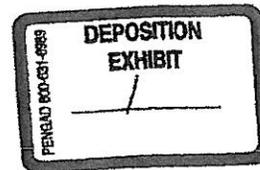
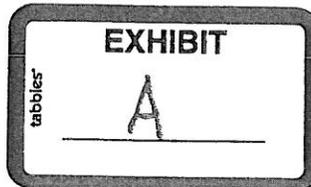


EXHIBIT A BK 2092 PG 004

TRACT 1

BEGINNING at the northeast corner of that property conveyed to Fred W. Vess and Wife, Della M. Vess by a deed recorded in the Office of Register of Deeds for Buncombe County in Deed Book 840 at page 426, THENCE, North 1° 29' 45" West 87.53 feet to an iron pin in the right of way of Interstate Highway 40; THENCE, with said right of way, North 76° 04' 41" East 336.55 feet to a right of way monument; THENCE, South 84° 23' 09" East 42.15 feet; THENCE, South 65° 50' 13" West 387.16 feet; THENCE, South 4° 55' 13" West 118.5 feet; THENCE, North 1° 29' 45" West 112.22 feet to the BEGINNING.

BEING a part of that property described in a deed book recorded in Deed Book 1187 at page 599 and in a deed recorded in Deed Book 840 at page 426.

TRACT 2

BEING all of the right, title and interest of the Grantor herein in and to a common twenty foot right of way extending from the lands of Lewis A. Wright et ux. Eastwardly to the Lytle Cove Road. Said right of way being set forth in a deed duly recorded in the aforesaid Buncombe County Registry in Deed Book 1112 at Page 673. This conveyance is made subject to the common use of said right of way by the Grantees herein and the Swannanoa Valley Child Care Council, Inc. and their successors in title as set forth in a deed from the Grantor herein to said Council and duly recorded in the Buncombe County Registry.

TRACT 3

BEGINNING at a post, being in the Southeastern corner of the Wm Crabb and Company property and also the Northeastern corner of the Tom C. Smith property as shown on a plat made April 28, 1954, and runs thence with the Phillips land South 10° 30' East 1039 feet to a stake in the Lytle Cove Road; thence with the Northern margin of said Road South 63° 10' West 366.5 feet to a stake; thence North 40° West 86 feet to a pipe; thence West 75 feet to a pipe; thence North 55° 95 feet to a stake in the middle of Mill Cove Branch; thence with said Branch North 1° 15' West 127.9 feet; thence North 30° 15' East 66.8 feet; thence North 8° 45' West 153 feet; thence North 53° 30' West 62 feet; thence North 5° West 181 feet; thence leaving the Branch and runs North 11° 30' East 183 feet to a stake; thence North 4° 15' East 118.5 feet to a stake in the Southern margin of the Wm Crabb and Company property; thence North 65° 10' East 387.5 feet to the point of BEGINNING. Containing 10 and 1/2 acres, more or less, and being the same property conveyed to the Grantors herein by deed date of February 7, 1958 from William R. Kelly and wife, Gladys Kelly, the said deed being duly recorded in the Office of the Register of Deeds for Buncombe County, North Carolina, in Deed Book 796, page 529, to which reference is hereby made; and being Lot No. 7 1/4 as shown in Sheet 65 of the Black Mt. Tax Maps, and being all of the Tom C. Smith property as shown in a Plat made April 28, 1954, EXCEPTING FROM THE ABOVE TRACT a small triangular tract of land in the Northwestern corner thereof, heretofore conveyed to C. C. Arrington, also the right of way to the use of a road to the Lytle Cove Road for the benefit of the aforesaid triangular tract of land.

TRACT 4

BEGINNING on a stake in the center of the paved portion of the Lytle Cove Road, said stake being also located in the South-easternmost corner of a tract of land heretofore conveyed by Milton R. Adams and wife, Svea E. Adams to Wayne Craig and wife, by deed duly recorded in the Office of the Register of Deeds for Buncombe County, North Carolina, and being also in the Western line of the Roy Watson property, and runs thence with the Southern line of said Wayne Craig property South 74° 39' West 144.40 feet to a stake in the Eastern line of the Lewis A. Wright property, and the old line of the Edith Adams Phillips property; thence with the Eastern line of said Lewis A. Wright property, South 10° 32' East 20 feet to a stake; thence North 74° 39' West 145.40 feet to a stake in the center of the paved portion of aforesaid Lytle Cove Road; thence North 15° 41' West 20 feet to the point of BEGINNING. Being a 20 by 144.40 foot strip of land adjoining the Southern portion of the above said Wayne Craig property, said strip being conveyed for the purposes of a roadway to extend from the Lewis A. Wright property, herein above mentioned, to the Lytle Cove Road. And being a portion of the property conveyed to Grantors herein by deed date of May 26, 1956, by deed duly of record in the above mentioned Register's Office for Buncombe County.

BK 2092 PG 005

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 1314 at Page 199 (Tract 1), Deed Book 1134 at Page 504 (Tract 2), Deed Book 801 at Page 304 (Tract 3), and Deed Book 475 at Page 575 (Tract 4), Buncombe County Registry.

A map showing the above described property is recorded in Plat Book page .

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF the Grantor set his hand and seal, as if in person, has caused this instrument to be signed in his corporate name by his duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

*Lewis A. Wright* (SEAL)  
LEWIS A. WRIGHT

By: \_\_\_\_\_  
President

By: *Barbara R. Wright, A.F.F.* (SEAL)  
BARBARA R. WRIGHT, Attorney-in-Fact

ATTEST:  
\_\_\_\_\_  
Secretary

*Barbara R. Wright* (SEAL)  
BARBARA R. WRIGHT

(SEAL)



NORTH CAROLINA, BUNCOMBE COUNTY.

I, a Notary Public of the County and State aforesaid, do hereby certify that BARBARA R. WRIGHT, individually and as attorney-in-fact for LEWIS A. WRIGHT, personally appeared before me this day, and being by me duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of LEWIS A. WRIGHT and that her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the Office of the Register of Deeds for Buncombe County, North Carolina on the 13th day of April, 1999, in Deed Book 3086 at Page 674, and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney.

I do further certify that the said BARBARA R. WRIGHT acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said LEWIS A. WRIGHT.

WITNESS my hand and official seal this 14th day of May, 1999.

*Kathryn B. Ansley* Notary Public

My commission expires: 5-10-2003



NORTH CAROLINA, BUNCOMBE COUNTY.

I, a Notary Public of the County and State aforesaid, certify that BARBARA R. WRIGHT, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 14th day of May, 1999.

*Kathryn B. Ansley* Notary Public

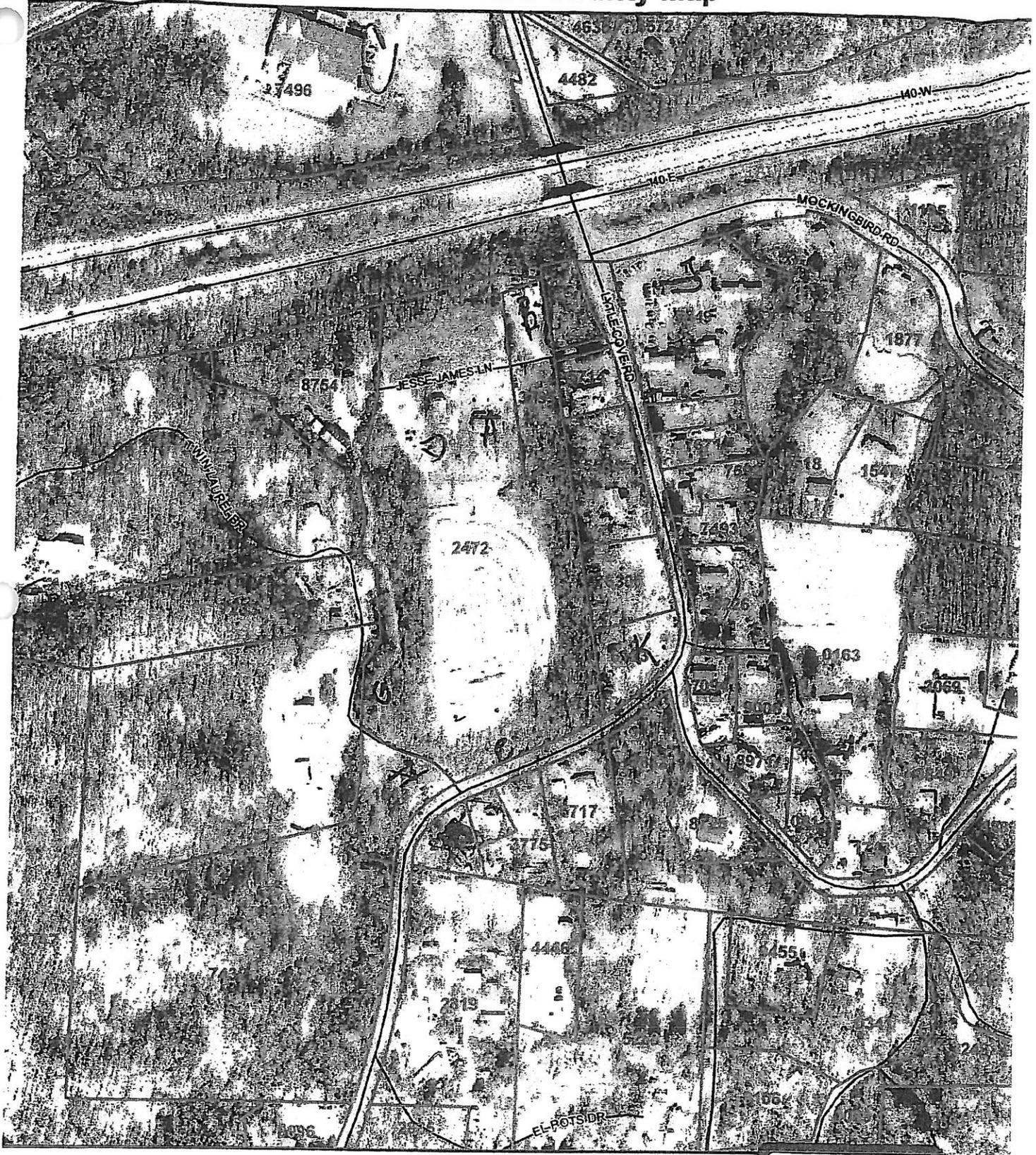
My commission expires: 5-10-2003

The foregoing Certificate(s) of Kathryn B. Ansley

is/are verified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

*Ortha W. DeBryll* REGISTER OF DEEDS FOR Buncombe COUNTY  
By *Karan A. Johnson* DEPUTY REGISTER - REGISTER OF DEEDS

# Buncombe County Map

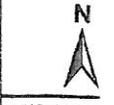


0 135 270 540 810 1,080 Feet

The information provided is based on the best available data at the time of currency for all... before making any decisions or taking any actions based on the information. Buncombe Co... commission, errors concerning the content of the data, and relative and positional accuracy.

EXHIBIT  
**B**

DEPOSITION  
EXHIBIT  
2



to ver... the GIS data... in the GIS data. This includes errors of omission.

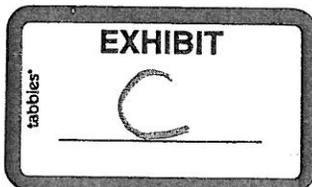
11

SULLIVANS MOTOCROSS  
RULES AND REGULATIONS

WWW.SULLIVANMX.COM

Sullivan Racing is a private membership ONLY facility, and will be only used for training purposes. There will NOT under any circumstances be any sanctioned racing events or contests held at Sullivan Motocross. A maximum of thirty (30) members shall be established and maintained. Quarterly dues will be reviewed every three (3) months and will be based on Sullivan Motocross requirements. The track will be open to members on a schedule that will be set by Sullivan Motocross. Times and days are subject to change. This information will be posted on our website.

1. If members allow non members to ride without first having written permission and approval from Sullivan Motocross, it is automatic expulsion from the association.
2. Please never ride alone: this is a very unsafe thing to do.
3. A parent or person 19 years old or older must accompany all persons under 18 years old.
4. No riding outside the motocross area, such as on the county road or adjacent properties.
5. Maximum safety precautions will be used by all on and off the track, with day light operation.
6. If you ride wear a helmet as a minimum requirement. Other protective gear is highly recommended!
7. Everyone will ride in the same direction, as traffic flows, (counter clockwise) on all tracks and warm up area.
8. No motor vehicles allowed on the track or in the track area (automobiles).



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9. If, as a rider, you can't keep up with the flow of other riders move over or off the track to allow safe passing. If you are not jumping doubles for example, the rule is roll jumps right (roll right) and allow jumping to the left. In the event of a fall or stalled engine get yourself and cycle off the edge of the track immediately if others are riding at the same time.
  10. Barrels will be provided for trash, please use them, and don't abuse the area.
  11. Absolutely no riding on the dike, if caught doing so it is automatic expulsion from the association.
  12. Language and conduct will be sportsman like at all times ( this means no cussing no matter your age or gender).
  13. No alcoholic beverages, drugs, firearms, fireworks, or open fires.
  14. Control of the track layout, alterations, or changes shall be the control of the Association Board.
  15. Red-Board, Green-Board policy will be in effect. When the track is too dry, wet or is being worked on, the red board will be up. For those out of town, there will be a message on the website.
  16. Please carry your membership cards with you at all times. From time to time an officer may ask to see it. Please comply and conduct yourself in a proper manner as the land use is granted as a Privilege from Sullivan Motocross. Enforcement of the membership is vital to our continued operation of this site.
  17. No overnight Camping. No Exceptions.
  18. Accidents shall be reported and brought to the attention of Sullivan Motocross.
  19. Emergency contact number is 911.
  20. Sullivan Motocross reserves the right to refuse or take anyone's membership away. NO REFUNDS.

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21. Sullivan Motocross and/or Barbara Wright are not responsible for accidents. **RIDE AT YOUR OWN RISK AND ALWAYS RIDE SAFE.**

22. Members are required to conduct themselves in a responsible manner and in a manner that is harmonious with the direction and goals of Sullivan Motocross.

23. The property will remain locked at all times unless there is an approved adult member. Under no circumstance, no one is to trespass, ride, vandalize, or alter the property in anyway.

Sullivan Motocross has the right to alter, change and/or modify rules and regulations.

**ACCESS TO THIS FACILITY IS A PRIVILEGE AND NOT A RIGHT,  
PLEASE SUPPORT THIS PRIVILEGE.**

SULLIVAN  
M  
CROSS  
T  
O

PRIVATE TRAINING FACILITY

I understand and agree that riding at Sullivan Motocross, that I am riding at my own risk. I also agree that Sullivan Motocross will not be liable for any injuries and/or fatalities that may occur during my time on the tracks property, whether riding or as a spectator. This also includes any loss or damage to any personal property. This includes myself and anyone that accompanies me to the track and/or is a spectator. I agree to follow all the rules and regulations associated with the use and safety of this riding facility. I understand, that if I or any persons that accompanies me does not follow the rules, that I will be required to vacate the premises, depending on the violation, Sullivan Racing reserves the right to ban any said person or persons from attending any future events.

Thank you for visiting and using our facilities. Have a Safe and Fun time.

By signing below, I agree that I have read and fully understand all the rules and regulations associated with riding at Sullivan Motocross.

Riders Name \_\_\_\_\_ Age \_\_\_\_\_

Riders Signature \_\_\_\_\_

Parent/Guardian \_\_\_\_\_

Date \_\_\_\_\_