#### REQUEST FOR COMMITTEE ACTION

# HENDERSON COUNTY TECHNICAL REVIEW COMMITEE

**MEETING DATE:** May 4, 2021

**SUBJECT:** Development Plan for Phases 1-4 for Tap Root (2021-M04)

**PRESENTER:** Matt Champion, Zoning Administrator

**ATTACHMENTS:** 1.) Staff Report

2.) Master Plan

3.) Development Plan

4.) Conditions Response Letter

#### **SUMMARY OF REQUEST:**

Conditional District CD-2020-01 was approved by the Board of Commissioners on August 19, 2020. The master plan approved by the BOC included 699 residential units with specific associated amenities. As part of the conditions for approval set by the BOC and agreed upon by the applicant, each development plan must be reviewed and approved by the Planning Board. Development Plan for Phases 1-4 includes 427 single-family structures and 227 townhome units. The total area in Phases 1-4 is 297 acres. The property owner/developer is Forestar Group, Inc. and John Richardson Jr. will be serving as agent.

#### TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

Staff has found that the Development Plan for Phases 1-4 meets the standards of the subdivision regulations of Chapter 42, Henderson County Land Development Code (LDC). Staff recommends the Development Plan for Phases 1-4 be subject to the developer addressing any issues raised by the TRC and addressing comments listed in the Staff Report.

#### **Suggested Motion:**

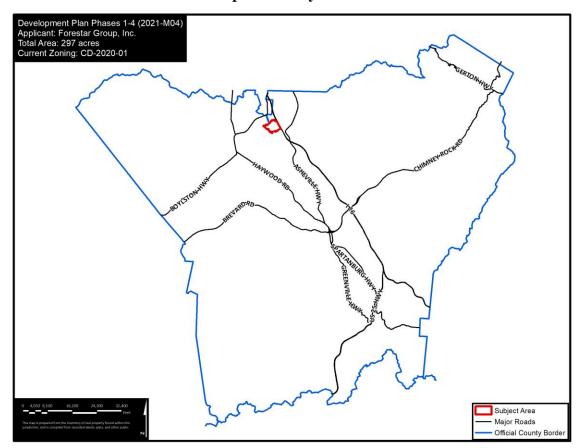
I move that the TRC forward Development Plan for Phases 1-4 for Tap Root, 2021-M04, to the Planning Board for further review pending it meets the technical requirements laid out in the Henderson County Land Development Code and any conditions in the staff report or as discussed by the TRC.

### Henderson County Planning Department Staff Report Development Plan for Tap Root Phases 1-4 (2021-M04)

#### Owner/Developer Forestar Group, Inc. (John Richardson Jr, Agent)

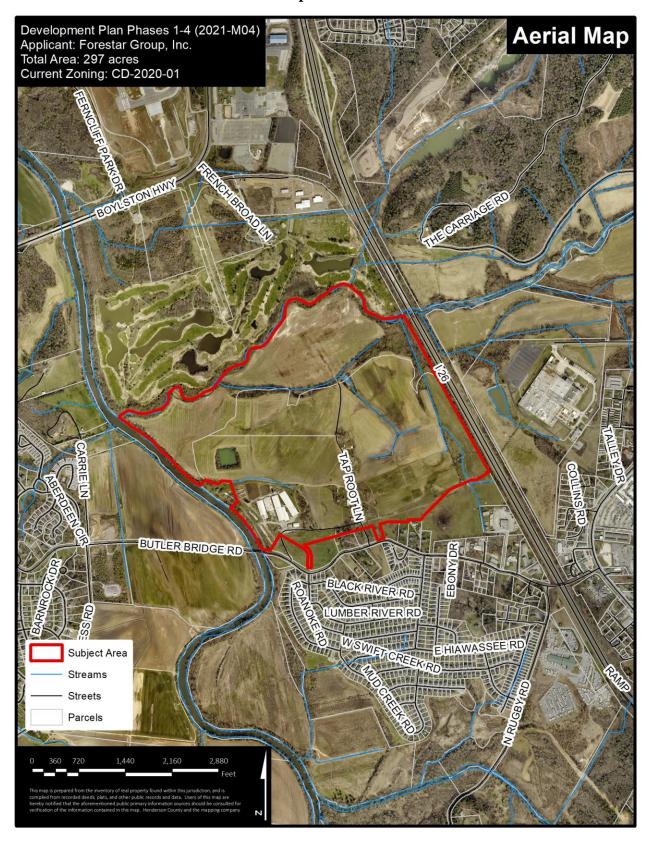
#### 1. Development Plan Request

- 1.1. **Applicant:** Forestar Group, Inc. (John Richardson Jr, Agent)
- 1.2. Plan Preparer: Civil Design Concepts, P.A. (Michael Cain, P.E.)
- 1.3. **PINs:** 9652-03-1362, 9542-82-3681, & 9642-84-4544 (Property to be Recombined)
- 1.4. **Zoning:** Conditional District (CD-2020-01).
- 1.5. **Size:** Phase 1-4 acreage is approximately 297 acres.
- 1.6. **Location:** The subject area is located on Butler Bridge Road (SR 1345), adjacent to Interstate I-26, and just south of the Henderson County/Buncombe County line. The northern boundary of the site runs parallel to Cane Creek, while the French Broad River runs adjacent to the western boundary of the site.



**Map A: County Context** 

Map B: Aerial



#### 2. Current Uses of Subject Area and Adjacent Properties

- 2.1. **Subject Area Uses:** The subject area is primarily used for agriculture with a limited number of residential structures located on the three parcels making up the subject area.
- 2.2. **Adjacent Area Uses:** The surrounding properties include a variety of uses. To the west, adjacent uses are primarily considered agricultural with one residential property between the subject area and the French Broad River. On the northern boundary of the subject area is a 171-acre parcel, which is utilized as a golf course. To the east of the subject area are agricultural uses as well as an 86-acre tract that is occupied by an industrial manufacturing facility. Parcels to the east of the subject area are separated by Interstate 26 (I-26). South of the subject area, along Butler Bridge Road, are a mixture of commercial, industrial, and residential properties. Included in the residential properties along Butler Bridge road is the River Stone subdivision which contains approximately 549 single-family homes.
- 2.3. **Asheville Regional Airport:** The Asheville Regional Airport property is located within 600 feet to the north of the subject area. According to the airport's Executive Director, the developer is required to make an application to the Federal Aviation Administration (FAA) to determine if the development would have any impacts on the operations at the airport. A copy of this report showing no impact to airspace has been received. The airport has expressed concern with the noise of the aircraft on potential residents that could impact the operation of the airport and with the proximity to the runway and land use compatibility with aircraft traffic. The applicant has provided draft easement language and deed restrictions to mitigate legal challenges to the airport's operations.

#### 3. Current Zoning

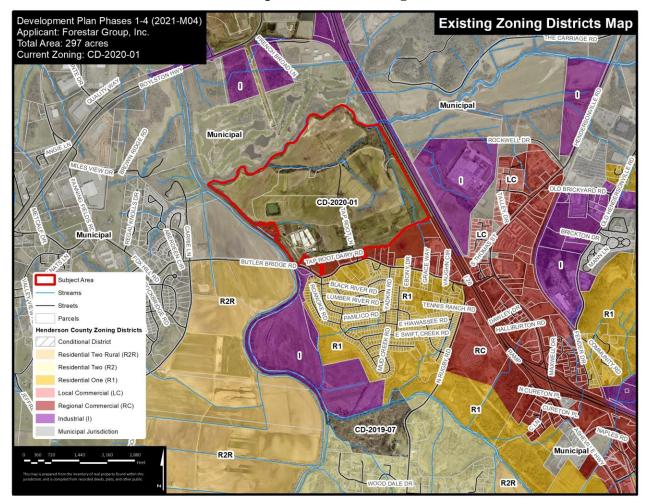
- 3.1. **Application of Current Zoning:** The subject area is currently zoned Conditional District (CD-2020-01). (See Map C).
  - 3.1.1. **Conditional District (CD):** "Conditional Zoning Districts are created for the purpose of providing an optional rezoning choice where the owner of property proposes to rezone property and, in order to, among other reasons, carry out the purposes of the Comprehensive Plan, proposes to impose special limitations and conditions on the use of the property proposed for rezoning" (Chapter 42, Land Development Code §42-45). Conditions may be imposed in the furtherance of the purpose of the LDC and the recommendations of the County Comprehensive Plan.
- 3.2. **Adjacent Zoning:** The subject area is adjacent to a variety of zoning districts including municipal zoning districts.

<u>County Zoning</u>: The subject area is adjacent to Regional Commercial (RC), Residential One (R1) and a small portion of Industrial (I) zoning to the south. An Industrial (I) zoning district is also directly adjacent to the east of the subject area.

<u>Town of Fletcher</u>: The Town of Fletcher is adjacent to the north and east of the subject area. The Town of Fletcher's zoning designation is General Commercial (C-1) and Interstate Commercial (C-2).

<u>Town of Mills River</u>: The property across the French Broad River and adjacent to the subject area, are part of the Town of Mills River's municipal district. These properties are zoned MR - Light Industrial (MR-LI).

3.3. **Water Supply Watershed:** The subject property is located within a WS-IV-PA and allows a maximum built upon limit of 24% under the Low-Density option.

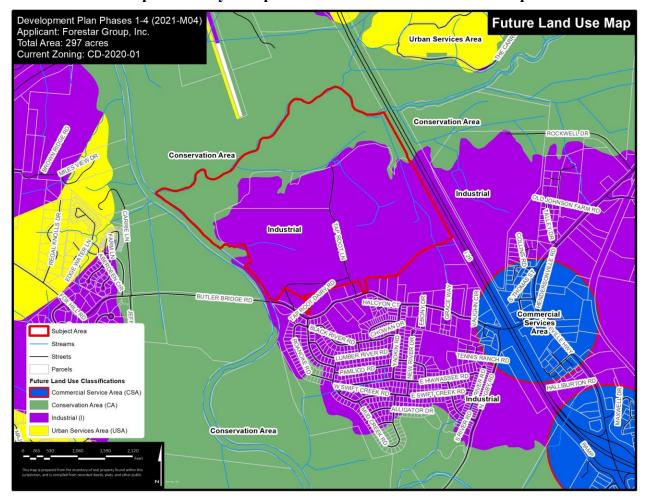


**Map C: Current Zoning** 

#### 1. The Henderson County Comprehensive Plan (CCP)

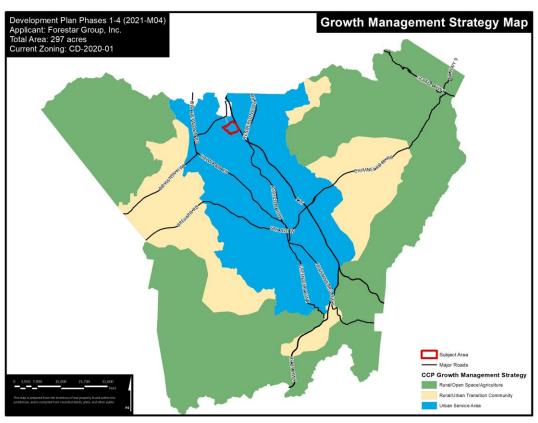
- 1.1. The CCP Future Land Use Map identifies the subject area as primarily being in an Industrial area with a large portion of the subject area along the French Board River being in the Conservation area (CCP, Pgs. 128, 129 & Appendix 1, Map 24). (See Map E). The subject area is also located within the Urban Service Area.
  - 1.1.1. **Industrial:** The CCP states that, "Most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses except for Regional Commercial uses. Industrial areas depicted on Map #24, Future Land Use Map are derived from existing industrial zoning districts, as well as from those area depicted upon Map #8, "Committee of 100" Recommended Industrial Development Zones." (CCP, Pg. 140).

1.1.2. Conservation: This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives. Conservation areas are lands that generally exhibit any of the following characteristics: 1. Sensitive natural areas such as steep slopes, floodplains, major wetlands, forest reserves and wildlife conservation areas, and key watersheds 2. Areas of historic and archeological significance 3. Local, state or federally-managed natural areas 4. Areas managed for agricultural or forestry land uses 5. Other areas yet to be defined.



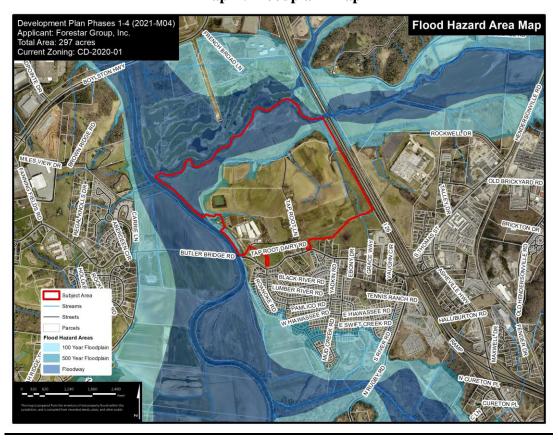
Map D: County Comprehensive Plan Future Land Use Map

1.1.3. **Growth Management Strategy:** The CCP shows the subject area located in the Urban Services area for Growth Management Strategy. The CCP states "The USA will contain considerable commercial development at a mixture of scales: Local, Community, and Regional, as defined below. In particular, all Regional Commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community." (CCP, pg. 133, #4.) (See Map E)



**Map E: Growth Management Strategy Map** 

Map F: Floodplain Map



6

#### 5. Floodplain

- 5.1. **Floodway:** Most of the identified flood prone area within the subject area is in the floodway or non-encroachment area (See Map G). The LDC does not allow structures in the floodway unless it is a functionally dependent facility, such as docks, new water or sewer lines, streambank restoration projects, recreational uses (excluding enclosed structures) and bridges.
- 5.2. **Floodplain:** The subject area contains both the 100-year and 500-year floodplains (See Map G). Structures are permitted in this area provided they are elevated, and up to 20% of this area may be filled by right.

#### 6. Water and Sewer

- 6.1. **Public Water:** The applicant is proposing connection to public water via the City of Hendersonville to serve the development. The applicant must provide a capacity letter as a condition.
- 6.2. **Public Sewer:** The applicant is proposing connection to public sewer via the Metropolitan Sewerage District (MSD) to serve development. The applicant has provided a capacity letter as a condition of approval.

#### 7. Conditional District Approval

- 7.1. **Approved Master Plan:** The subject area was rezoned to a conditional district, CD-2020-01, on August 19, 2020 by the Board of Commissioners. The master plan approved by the Board of Commissioners included the following:
  - 699 (Project Total)
  - 427 Single-family
  - 227 Townhomes
  - Proposed Density of 3.05 units per acre
  - 4 Proposed Phases
  - Proposed Road Length, 29,700 LF
  - Minimum of 121 acres or 40.1% Open Space
  - Common Area and Development Amenities

#### 8. Traffic Impact Analysis (TIA)

8.1. NCDOT required a Traffic Impact Analysis (TIA) due to the State's threshold for traffic generation by the proposed use. The applicant completed a preliminary scoping meeting with NCDOT to determine the intersections to be studied (8 intersections total), the peak hours for traffic counts, and any other potential impacts of the development. A condition of approval included any required road improvements identified in the TIA and as approved and required by NCDOT.

#### 9. <u>Development Plan</u>

9.1. The development plan is a graphic representation or map of the tract of land to be developed indicating all proposed divisions of land, their uses, improvements, and other information as may be required to fully disclose the applicant's intentions. The purpose of the plan is to provide general and specific information and is not intended to be a

- recordable document. The applicant may, only upon receipt of approval of the development plan proceed with the establishment of erosion and sedimentation control measures, clearing and other land-disturbing activities and improvement activities associated with the project (LDC§42-342).
- 9.2. As part of the conditions for approval set by the Board of Commissioners and agreed upon by the applicant, each development plan must be reviewed and approved by the Planning Board. The applicant is proposing to develop the subject areas 4 phases.
- 9.3. Development Plan Elements:
- Phase 1: 46.18 Acres
  - o 128 Single Family Units & 52 Townhomes Units
- Phase 2: 42.11 Acres
  - o 125 Single Family Units & 55 Townhomes Units
- Phase 3: 34.04 Acres
  - o 105 Single Family Units & 61 Townhomes Units
- Phase 4: 32.95 Acres
  - o 116 Single Family Units & 59 Townhomes Units
- Total Disturbed Area: 155.7 Acres
- Total Length of Roads:
  - o 19,203 LF of Local Roads
  - o 9,383 LF of Collector Roads
- Amenity Center Elements:
  - o 31 Total Parking Spaces
  - o Mailbox Cluster
  - o Swimming Pool
  - o Clubhouse for Residents
  - o Playground,
  - o Pickleball Courts

#### 10. Staff Comments

- 10.1. **The CCP:** The CCP Future Land Use Map (See Map D) places the subject area in the Industrial Area and Conservation Area classifications.
- 10.2. **Adjacent Zoning:** The subject area is adjacent to Henderson County Regional Commercial (RC), Residential One (R1), and Industrial (I) zoning districts. The subject area is also adjacent to the Town of Fletcher General Commercial (C-1) and Interstate Commercial (C-2), and the Town of Mills River Light Industrial (MR-LI) zoning districts.
- 10.3. **Conditional Zoning Approval**: After a petition for conditional zoning is approved, the development and use of the property shall be governed by the existing Chapter requirements applicable to the district's category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Official Zoning Map.

10.3.1. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to §42-50 (Alterations to Approval). Changes to the site plan layout shall not increase the number of structures. (LDC §42-49)

#### 11. Technical Review Committee (TRC)

11.1. The TRC will review the application at their May 4, 2021 meeting.

#### 12. Planning Board

12.1. The Planning Board will review the application at their May 20, 2021 meeting.

#### **Development Plan Comments:**

- 1. **Soil Erosion and Sedimentation Control Plan.** The Applicant shall submit written notice from the appropriate local agencies verifying that an Erosion and Sedimentation Control Plan has been received (LDC §42-95B).
- 2. **Private Roads.** Private roads shall be constructed in accordance with the Private Subdivision Local Road standards stated in Chapter 42 (LDC§42-104).
- 3. **Shoulder Stabilization.** All areas disturbed by the construction of a public road, including cut and fill slopes, shoulders and ditch banks, shall be seeded to stabilize the soil and prevent erosion. Seeding should be done as soon as feasible after road construction (LDC §42-97).
- 4. **Road Drainage, Culverts and Shoulder Stabilization.** Road or drainage structures shall be constructed in accordance with state roads standards. Road drainage side ditches shall be constructed with sufficient depth and width to carry the expected volume of storm water runoff (LDC §42A-100). All areas disturbed by the construction of a public road, including cut and fill slopes, shoulders and ditch banks, shall be seeded to stabilize the soil and prevent erosion. Seeding should be done as soon as feasible after road construction (LDC §42-97).
- 5. **Perennial and Intermittent Surface Water Buffer.** All built-upon area shall be a minimum of 30 feet landward of all perennial and intermittent surface water, as defined in LDC §42-251. Stormwater permit will not be required by LDC §42-113.
- 6. **Road Name Approval.** Proposed road names for a private and/or public road shall be preapproved by Henderson County in accordance with Chapter 42 of the Henderson County Code, Property Addressing (LDC §42-103). The names of the proposed roads and easements should be confirmed with the development plan approval.
- 7. **Road Name Signs and Regulatory Signs.** Road name signs and regulatory signs shall be provided in accordance with Chapter 142 of the Henderson County Code. Road name signs and regulatory signs must be acquired and installed prior to final plat approval (LDC §42-104).
- 8. **NCDOT Driveway Permit.** An NCDOT Driveway Permit is required for the proposed road to access the site. Design should meet requirements of NCDOT.

- 9. **Street Tree Requirements.** According to the street tree requirements of Chapter 42 (LDC §42-95H) the applicant must provide one tree per 50 linear feet of property abutting an internal road. Trees may be placed in groups with a minimum spacing of no less than 15 feet and a maximum spacing of no more than 65 feet. The trees may be placed within the right-of-way or within 20 feet of the edge of the right-of-way. The applicant may use existing trees in accordance with LDC §42-185 instead of planting new trees. These existing trees must also be located within the right-of-way or 20 feet off the edge of the right-of-way as required by LDC §42-185.
- 10. **Water Quality.** The Applicant shall submit written notice from the appropriate local agencies verifying that a Stormwater Management Permit and a Floodplain Development Permit has been received (LDC §42-95E).
- 11. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the Miscellaneous Advisory Provisions of Chapter 42 (LDC §42-87).

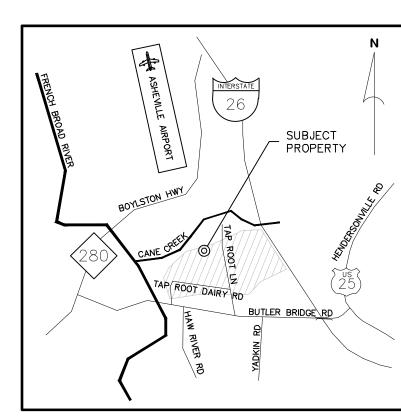
# TAP ROOT SUBDIVISION PHASES 1-4

# HENDERSON COUNTY, NORTH CAROLINA

PREPARED FOR:

FORESTAR, INC 4008 MENDENHALL OAKS PKWY, SUITE 101 HIGH POINT, NC 27265 JOHN RICHARDSON, JR. (704) 604-1571

	NDEX OF SHEETS
Sheet No.	Title
C000	COVER
	SURVEY
C010	MASTER INDEX PLAN
C020	MASTER PHASE PLAN
C100	EXISTING CONDITIONS & DEMOLITION MASTER PLAN
C200	MASTER SITE PLAN
C201	SITE PLAN
C202	SITE PLAN
C203	SITE PLAN
C204	SITE PLAN
C205	SITE PLAN
C206	SITE PLAN
C207	SITE PLAN
C208	SITE PLAN
C209	SITE PLAN
C210	SITE PLAN
C211	SITE PLAN
C212	SITE PLAN
C213	SITE PLAN
C214	SITE PLAN
C215	SITE PLAN
C220	TAP ROOT FARMS PARKWAY PROFILE
C221	DAIRY FALLS ROAD PROFILE - STA 9+90 - STA 22+00
C222	DAIRY FALLS ROAD PROFILE - STA 22+00 - STA 35+64
C223	SALERS ROAD PROFILE
C224	RIVER BOTTOM ROAD PROFILE - STA 9+90 - STA 35+50
C225	RIVER BOTTOM ROAD PROFILE - STA 35+50 - STA 48+5
C226	WHEATFIELD ROAD PROFILE - STA 9+90 - STA 22+50
C227	WHEATFIELD ROAD PROFILE - STA 22+50 - STA 39+14
C228	SPRING MEADOW ROAD PROFILE
C229	SHORTHORN ROAD PROFILE
C230	GREEN PASTURE ROAD & MILKWEED ROAD PROFILES
C231	NARROW FIELD ROAD PROFILE - STA 9+90 - STA 30+00
C232	NARROW FIELD ROAD PROFILE - STA 30+00 - STA 35+8
C233	BOVINE BRANCH ROAD & VALLEY BREEZE ROAD PROFILES
C234	PINEY WOODS ROAD PROFILE
C235	LAGOON ROAD
C236	BURDOCK ROAD & DANDELION ROAD PROFILES
C300	ROUGH GRADING & EROSION CONTROL MASTER PLAN
C400	FINE GRADING & STORM MASTER PLAN
C600	MASTER UTILITY PLAN
C921	SITE DETAILS
C922	SITE DETAILS
C923	SITE DETAILS



VICINITY MAP



SRP

ASHEVILLE PAY

CIVIL

BY

NCBELS LICENSE #: C-2184

NCBELS LICENSE #: C-2184

NCBELS LICENSE #: C-2184

1		11111		N
03/25/2021				DATE
DEVELOPMENT PLAN SUBMITTAL				DESCRIPTION
SR				m m

NOT WELENSED
NOT WELENSED
CONSTRUCTION
CONSTRUCTION
CONSTRUCTION
CONSTRUCTION
CONSTRUCTION
CONSTRUCTION
CONSTRUCTION
CONSTRUCTION

AP ROOT SUBDIVISION

DRAWN BY: DSP
CDC PROJECT NO.: 11854
HENDERSON CO.
PLANNING: R-2020-01-C

C000

DEVELOPMENT DATA

OWNER/DEVELOPER:

FORESTAR, INC
4008 MENDENHALL OAKS PKWY, SUITE 101
HIGH POINT, NC 27265
JOHN RICHARDSON, JR.

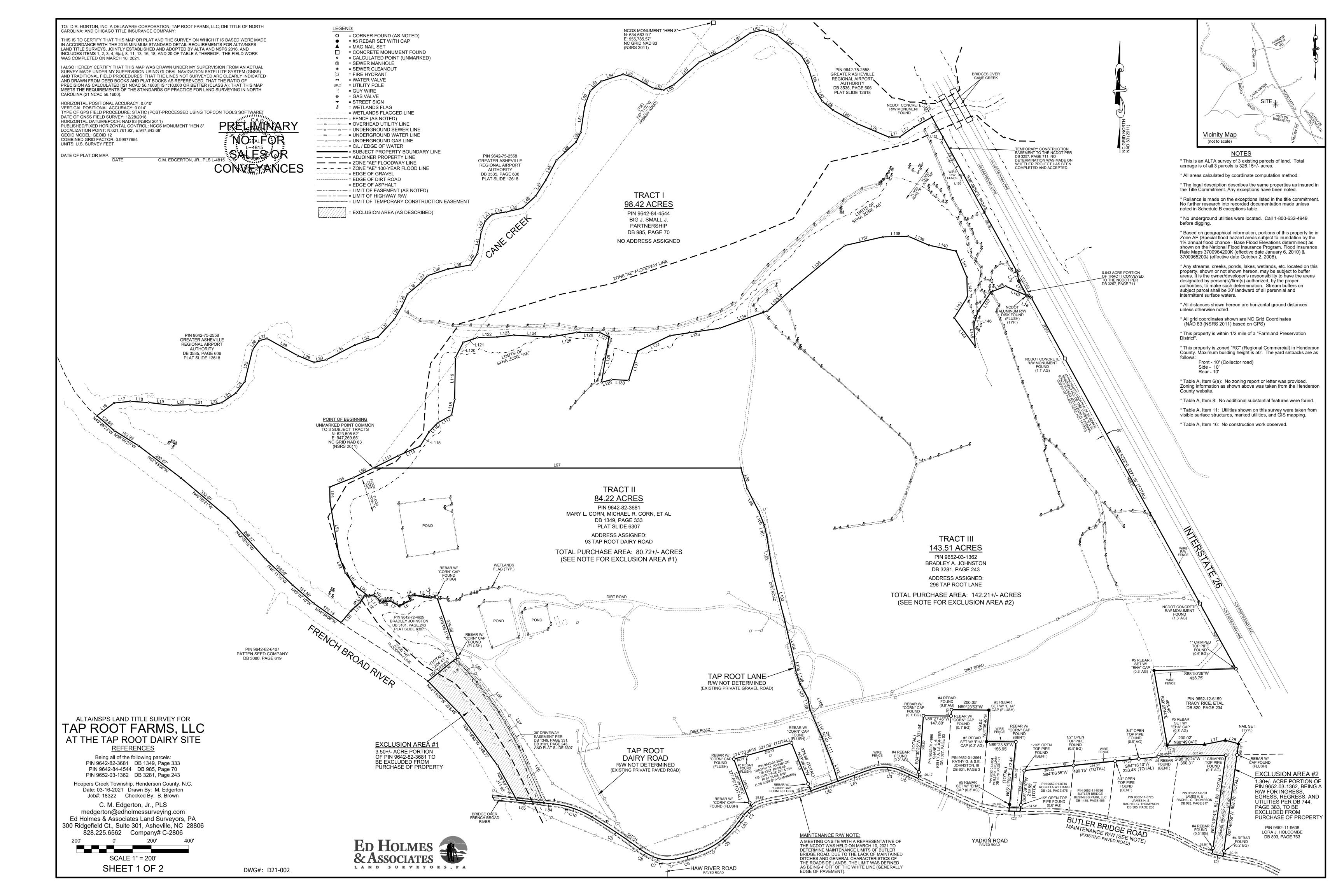
CONTACT:

CIVIL ENGINEER:

CONTACT:

CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NC 28801 MICHAEL CAIN, P.E. (828) 252-5388

(704) 604-1571



THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS 2016, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 8, 11, 13, 16, 18, AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 10, 2021

ALSO HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION USING GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS AND TRADITIONAL FIELD PROCEDURES; THAT THE LINES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM DEED BOOKS AND PLAT BOOKS AS REFERENCED, THAT THE RATIO OF PRECISION AS CALCULATED [(21 NCAC 56.1603)] IS 1:10,000 OR BETTER (CLASS A); THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDAROS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

HORIZONTAL POSITIONAL ACCURACY: 0.012' VERTICAL POSITIONAL ACCURACY: 0.020

TYPE OF GPS FIELD PROCEDURE: STATIC (POST-PROCESSED USING TOPCON TOOLS SOFTWARE) DATE OF GNSS FIELD SURVEY: 08/03/2018

HORIZONTAL DATUM/EPOCH: NAD 83 (NSRS 2011) PUBLISHED/FIXED HORIZONTAL CONTROL: NCGS CORS "NCHE" LOCALIZATION POINT: N:591,949.39', E:928,078.98' GEOID MODEL: GEOID 12

COMBINED GRID FACTOR: 0.99977551 UNITS: U.S. SURVEY FEET DATE OF PLAT OR MAP:

C.M. EDGERTON, JR., PLS L-4815

#### TRACT I LEGAL DESCRIPTIONS

TRACT I (DEED DESCRIPTION PER SCHEDULE "A" OF TITLE COMMITMENT) BEGINNING at a stake which stands in the western margin of the right of way of Interstate Highway 26 said beginning point standing North 28 degrees, 51 minutes, 09 seconds West, 2210.92 feet from the Northeast corner of that tract of land of Judy Jones as described in deed recorded in Deed Book 820, Page 234, Henderson county Registry and running from said beginning point and with the Western margin of the right of way of Interstate Highway 26 North 28 degrees, 51 minutes, 09 seconds West, 1089.83 feet to a stake standing in the center of Cane Creek and running thence down and with the center of Cane Creek the following courses and distances; South 68 degrees, 36 minutes, 22 seconds West, 164.89 feet; North 40 degrees 36 minutes, 24 seconds West, 79, 19 feet; North 54 degrees, 05 minutes, 08 seconds West, 83,83 feet; South 13 degrees, 07 minutes, 37 seconds West, 119.03 feet; North 79 degrees, 40 minutes, 36 seconds West, 115.18 feet; North 56 degrees, 22 minutes, 52 seconds west, 109.42 feet; North 08 degrees, 04 minutes, 22 seconds, West, 115.30 feet; North 31 degrees, 57 minutes, 57 seconds West, 103.31 feet; North 56 degrees, 13 minutes, 46 second& Nest, 43.59 feet; North 46 degrees, 35 minutes, 08 seconds West, 113.18 feet; North 56 degrees, 56 minutes, 49 seconds West, 85.97 feet; North 85 degrees, 56 minutes, 12 seconds West, 66 .60 feet; South 69 degrees, 07 minutes, ·23 seconds West, 75.36 feet; South 61 degrees, 23 minutes, 46 seconds West, 252.69 feet; South 54 degrees, 40 minutes, 38 seconds West, 139.28 feet: South 68 degrees, 58 minutes, 37 seconds West, 92,29 feet North 77 degrees, 47 minutes, 36 seconds West. 176.55 feet; south 81 degrees, 52 minutes, 59 seconds West, 131.64 feet; South 72 degrees, 19 minutes, 51 seconds West, 79.55 feet; South 35 degrees, 45 minutes, 14 seconds West, 93.14 feet; South 05 degrees, 48 minutes, 08 seconds East, 95.86 feet; south 34 degrees, 21 minutes, 34 seconds West, 558.71 feet; South 13 degrees, 00 minutes, 01 seconds West, 191.50 feet; South 52 degrees, 28 minutes, 58 seconds west, 82.10 feet; South 14 degrees, 41 minutes, 30 seconds West, 60.81 feet; South 06 degrees, 07 minutes, 13 seconds West, 124.94 feet; South 69 degrees, 40 minutes, 40 seconds West, 253.73 feet; south 54 degrees, 43 minutes, 57 seconds West, 96.51 feet; South 33 degrees, 31 minutes, 08 seconds West, 110.39 feet.; South 37 degrees, 27 minutes, 02 seconds West, 201.91 feet; South 59

degrees, 26 minutes, 18 seconds West, 366.18 feet; South 88 degrees, 27 minutes, 52 seconds West, 70.64 feet; North 66 degrees, 11 minutes, 34 seconds West, 68.02 feet; North 53 degrees. 20 minutes, 07 seconds west, 40.79 feet; North 16 degrees, 44 minutes, 29 seconds West, 124.48 feet: South 82 degrees, 39 minutes, 56 seconds West, 71.41 feet; south 73 degrees, 3 minutes, 21 seconds West, 65.26 feet; South 21 degrees, 05 minutes, 16 seconds West, 71.49 feet; South 13 degrees, 08 minutes, 35 seconds West, 124.01 feet, South 39 degrees 26 minutes, 21 seconds, West, 147.54 feet; south 69 degrees, 52 minutes, 30 seconds West, 253.30 feet; North 77 degrees, 09 minutes, 26 seconds West, 225.34 feet; South 58 degrees, 26 minutes, 44 seconds West, 283.00 feet to a stake standing in the center of French Broad River and thence up and with the center of French Broad River the following courses and distances: South 62 degrees, 03 minutes, 57 seconds East, 214.68 feet; South 50 degrees, 16 minutes, 40 seconds East, 612.28 feet; South 44 degrees, 14 minutes, 43 seconds East, 541.67 feet; South 53 degrees, 17 minutes, 10 seconds East, 212.00 feet; thence leaving the center of French Broad River and running with a branch North 42 degrees, 22 minute, 42 seconds East, 198.97 feet to an iron pin set at the base of a 24 inch Maple thence) North 53 degrees, 02 minutes, 21 seconds West, 77.14 feet; North 36 degrees, 45 minutes, 17 seconds West, 87.58 feet; North 20 degrees, 25 minutes, 51 seconds West, 99.45 feet; North 09 degrees, 20 minutes, 57 seconds West, 292.73 feet; North 01 degrees, 17 minutes, 22 seconds West, 78.43 feet; North 68 degrees, 30 minutes, 52 seconds East, 138.14 feet; North 64 degrees, 23 minutes, 08 seconds East, 117.63 feet; North 63 degrees, 30 minutes, 05 seconds East, 147.88 feet; North 66 degrees, 19 minutes,

56 seconds East, 128.92 feet; North 31 degrees, 53 minutes, 01 seconds East, 90.20 feet; North 43 degrees, 44 minutes, 47 seconds East, 65.91 feet; North 60 degrees, 57 minutes, 43 seconds East, 85.30; North 11 degrees, 02 minutes, 54 seconds East, 86.48 feet; North 01 degrees, 03 minutes, 42 seconds East, 223.61 feet; North 27 degrees, 09 minutes, 56 seconds East, 90.75 feet; North degrees, 39 minutes, 12 seconds East, 81.23 feet; North 88 degrees, 51 minutes, 18 seconds East, 103.60 feet; North 83 degrees, 31 minutes, 17 seconds East, 91.73 feet; South 86 20) North 24°05'04" East 72.54 feet to a point degrees, 55 minutes, 29 seconds East, 192.93 feet; North 80 degrees, 16 minutes, 44 seconds, 21) North 50°21'14" East 89.88 feet to a point; East, 147.12 feet; North 90 degrees, 00 minutes, 00 seconds East, 124.29 feet; south 62 degrees, 27 minutes, 48 seconds East, 53.73 feet; South 09 degrees, 13 minutes, 48 seconds West, 245.38 feet; North 74 degrees, 56 minutes, 29 seconds East, 55.78 feet; South 87 degrees, 23 minutes, 57 seconds East, 91.24 feet; North 17 degrees, 32 minutes, 12 seconds East, 165.00 feet; North 64 degrees, 27 minutes, 35 seconds East, 190.56 feet; North 81 degrees, 33 minutes, 45 seconds East, 268,06 feet; North 70 degrees, 03 minutes, 59 seconds East, 273.24 feet; North 48 degrees, 19 minutes, 49 seconds East, 177.48 feet; North 50 degrees 29 minutes 02 seconds Fast 365 20 feet. North 77 degrees 20 minutes 02 seconds East, 211.37 feet; North 88 degrees, 47 minutes, 41 seconds East, 134.25 feet, South ,,(sic) degrees, 43 minutes, 41 seconds East, 121.so feet; south 77 degrees, SO minutes, 12 seconds East, 147.42 feet; South 22 degrees, 27 minutes, 33 seconds East, 151.63 feet; South 01

149.94 to the point and place of beginning containing 98.5 acres, more or less. \* Above legal description and the land surveyed, shown, and described hereon are the same

degrees, 30 minutes, 30 seconds East, 107.34 feet; South 32 degrees, 40 minutes, 43 seconds West, 130.84 feet; South 36 degrees, 00 minutes, 54 seconds East, 192.23 feet; North 04

degrees, 08 minutes, 15 seconds West, 117.50 feet; North 17 degrees, 47 minutes, 43 seconds East, 78.59 feet; North 34 degrees, 15 minutes, 20 seconds East, 122.99 feet; North 68 degrees,

2 minutes, 43 seconds East, 83.69 feet and South 66 degrees, 05 minutes, 35 seconds East,

TRACT I (AS SURVEYED DESCRIPTION)

Being all that certain parcel of land lying and being in the Hoopers Creek Township, Henderson unty, North Carolina, being the same property as described in Deed Book 985, Page 70, and being more particularly described Has follows

BEGINNING at an unmarked point, lying on the northern line of the Corn property as described in Deed Book 1349, Page 333, and also being the westernmost corner of the Bradley Johnston (hereinafter "Johnston #1") property as described in Deed Book 3281, Page 243; said point also naving "NAD 83 (2011)" coordinates of N: 623,505.62 feet and E: 947,269.65 feet and lying a grid bearing and distance of South 37°21'02" West 14036 68 feet from NCGS Monument "HEN (with coordinates of N: 634,663.91 feet and E: 955,785.57 feet); thence from said POINT OF BEGINNING with the Corn line South 64°22'51" West 117.62 feet to a point; thence South 68°30'35" West 138.12 feet to a point; thence South 01°17'39" East 78.42 feet to a point; thence South 09°21'14" East 292.70 feet to a point: thence South 20°26'08" East 99.44 feet to a point: thence South 36°45'34" East 87.57 feet to a point; thence South 53°02'38" East 86.92 feet to a point in the center of a branch, said point also lying on the northern line of the Bradley Johnstor

hereinafter "Johnston #2") property as described in Deed Book 3101, Page 243; thence leaving

the Corn property and with the Johnston #2 property with the center of said branch the following ) South 83°27'34" West 20.93 feet to a point; ) South 34°01'16" West 43.79 feet to a poin

) South 48°33'50" West 63.37 feet to a point; 4) South 39°37′18″ West 81.58 feet to a point in the center of the French Broad River; Thence with the center of the French Broad River the following eight calls:

1) North 54°58'06" West 178.18 feet to a point: 2) North 49°07'10" West 151.85 feet to a point 3) North 46°11'10" West 199.09 feet to a poir

4) North 42°08'05" West 298.27 feet to a point North 49°50'21" West 332.60 feet to a point; 6) North 52°43'56" West 283.67 feet to a point:

8) North 49°28'23" West 122.65 feet to a point at the intersection of the centerlines of the French Broad River and Cane Creek;

Thence with the center of Cane Creek the following fifty-eight calls: 1) North 53°13'37" East 113.83 feet to a point; 2) North 84°06'35" Fast 87 69 feet to a point

3) South 86°24'13" East 98.92 feet to a poin 4) South 83°05'04" East 124.14 feet to a point; 5) North 87°55'17" East 98.69 feet to a point;

6) South 85°29'46" East 94.11 feet to a poin 7) North 76°25'44" Fast 79 90 feet to a point 8) North 55°36'24" East 92.18 feet to a point

9) North 37°18'36" East 75.39 feet to a point 1) North 36°04'29" Fast 60 06 feet to a point

2) North 73°53'00" East 43.77 feet to a point ર્લો South 60°55'06" East 188.97 feet to a point 14) South 67°17'44" East 94.02 feet to a point;

5) North 77°40'18" East 68.93 feet to a point 16) North 62°39'30" East 172.96 feet to a point. 7) North 70°56'29" East 129.26 feet to a poin

18) North 42°46'17" East 127.58 feet to a point

22) North 43°09'41" East 56 23 feet to a poin

24) North 79°39'43" East 122.85 feet to a poin 25) North 31°49'30" East 72.13 feet to a point; 26) North 09°44'07" East 124.98 feet to a poir

7) North 22°07'23" Fast 55 24 feet to a point

29) North 79°40'04" Fast 78 99 feet to a point 30) North 77°39'28" East 87.41 feet to a point

1) North 47°14'55" East 95.70 feet to a point 2) North 32°38'01" East 104.83 feet to a poin 33) North 28°10'07" Fast 118 16 feet to a noin

34) North 47°05'06" East 143.56 feet to a point 35) North 25°38'15" East 57.26 feet to a point

36) North 08°37'47" East 144.42 feet to a point; 37) North 20°33'06" East 85.52 feet to a poir

38) North 48°50'24" East 76.74 feet to a point

40) South 73°24'42" East 61.95 feet to a point 1) South 60°47'11" East 119.47 feet to a point

42) South 82°31'18" East 53.76 feet to a point 43) North 62°59'31" East 62.40 feet to a point 44) North 48°39'25" Fast 181 55 feet to a poin 45) North 63°57'02" East 166.73 feet to a point

46) North 55°58'05" East 149.02 feet to a poin 47) North 77°04'24" East 70.72 feet to a point: 48) South 69°08'53" East 79.73 feet to a poir

49) South 49°34'39" East 170.06 feet to a point

51) South 17°32'05" East 131.46 feet to a point 52) South 32°50'47" East 67.07 feet to a point;

53) South 50°38'51" East 74.15 feet to a point 54) South 60°53'00" East 147.29 feet to a poin

55) South 66°59'57" Fast 186 94 feet to a poin 56) North 87°37'26" East 56.14 feet to a point; 57) North 55°38'32" East 90.72 feet to a point

58) North 60°51'16" East 111.80 feet to a point in the western margin of Interstate 26, said point lying South 28°48'54" East 92.49 feet from an NCDOT Concrete R/W Monument fou hence with the western margin of Interstate 26 on a bearing of South 28°48'54" East 943.43 feet to an NCDOT Aluminum R/W Disk found; thence South 12°03'14" East 52.16 feet to a NCDOT Aluminum R/W Disk found; thence South 28°51'07" East 90.19 feet to an NCDOT Aluminum R/W Disk found; thence leaving the western margin of Interstate 26 and with the northern Johnston #1 line North 66°06'04" West 125.27 feet to a point; thence South 68°12'14" West 83.69 feet to a point; thence South 34°14'51" West 122.98 feet to a point; thence South 17°47'14" West 78.59 feet to a point; thence South 04°08'44" East 117.49 feet to a point; thence North 36°01'23" West 192.22 feet to a point; thence North 32°40'14" East 130.83 feet to a point; thence North 01°30'59" West 107.34 feet to a point; thence North 22°28'02" West 151.62 feet to

a point; thence North 77°50'41" West 147.41 feet to a point; thence North 66°44'10" West 121.49 feet to a point; thence South 88°47'12" West 134.24 feet to a point; thence South 77°19'33" West 211.36 feet to a point; thence South 50°28'33" West 365.18 feet to a point; thence South thence South 81°33'16" West 268.05 feet to a point: thence South 64°27'06" West 190.55 feet to a point; thence South 17°31'43" West 164.99 feet to a point; thence North 87°24'26" West 91.24 feet to a point: thence South 74°56'00" West 55.78 feet to a point: thence North 09°13'19" East 245.37 feet to a point; thence North 62°28'17" West 53.73 feet to a point; thence South 89°59'31' West 124.28 feet to a point; thence South 80°16'15" West 147.11 feet to a point; thence North 86°55'58" West 192.92 feet to a point; thence South 83°30'48" West 91.72 feet to a point; thence South 88°50'49" West 103.60 feet to a point; thence South 70°38'43" West 81.23 feet to a point; thence South 27°09'27" West 90.75 feet to a point; thence South 01°03'13" West 223.60 feet to a point; thence South 11°02'25" West 86.48 feet to a point; thence South 60°57'14" West 85.30 feet to a point: thence South 43°44'18" West 65.91 feet to a point: thence South 31°52'32" West

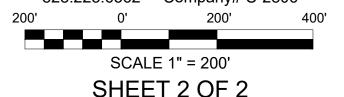
90.20 feet to a point; thence South 66°19'27" West 128.91 feet to a point; thence South 63°29'36" West 147.87 feet to the POINT AND PLACE OF BEGINNING, containing 98.42 acres, more or

ALTA/NSPS LAND TITLE SURVEY FOR TAP ROOT FARMS, LLC AT THE TAP ROOT DAIRY SITE REFERENCES

> Being all of the following parcels: PIN 9642-82-3681 DB 1349, Page 333 PIN 9642-84-4544 DB 985, Page 70 PIN 9652-03-1362 DB 3281, Page 243

Hoopers Creek Township, Henderson County, N.C. Date: 03-16-2021 Drawn By: M. Edgerton Job#: 18322 Checked By: B. Brown

C. M. Edgerton, Jr., PLS medgerton@edholmessurveying.com Ed Holmes & Associates Land Surveyors, PA 300 Ridgefield Ct., Suite 301, Asheville, NC 28806 828.225.6562 Company# C-2806



# TRACT II LEGAL DESCRIPTIONS

TRACT II (DEED DESCRIPTION PER SCHEDULE "A" OF TITLE COMMITMENT) TRACT II (AS SURVEYED DESCRIPTION) BEGINNING at a stake in the center line of Butler Bridge Road where the same is intersected by

the center line of French Broad River said BEGINNING POINT standing South 80 degrees, 59 minutes, 02 seconds East, 279.30 feet from North Carolina Grid Monument "Fore" "Azimuth Mark": N = 621,771.3083 feet and E = 947.759.1608 feet; combined factor = 0.99978149 (NAD 83) and running thence with the center of Butler Bridge Road the following courses and distances: South 84 degrees, 17 minutes, 27 seconds East, 195.70 feet and running thence on a curve to the right of a circle with a radius of 523.90 feet a distance of 255.77 feet; and running thence South 56 degrees, 19 minutes, 06 seconds East 310.81 feet and running thence on a curve to the left of a circle with a radius of 218.92 feet, a distance of 187.61 feet, and running thence North 74 degrees, 34 minutes, 48 seconds East, 93,35 feet and continuing thence on a curve to the left of a circle with a radius of 406.77 feet. a distance of 260.69 feet and running thence North 37 degrees, 51 minutes, 48 seconds East 87.94 feet and running thence North 4 degrees, 52 minutes, 40 seconds East, 28.65 feet and running thence North 55 degrees, 20 minutes, 24 seconds East, 39.33 feet and running thence North 69 degrees, 06 minutes, 32 seconds East, 46.25 feet and thence leaving Butler Bridge Road and running a new line North 20 degrees, 04 minutes, 27 seconds West, 265.40 feet and running thence another new line North 74 degrees, 25 minutes, 34 seconds East, 320 feet and running thence another new line South 22 degrees, 10 minutes, 03 seconds East, 272.56 feet to a stake in the center of Butler Bridge Road and thence with the center of said road North 70 degrees, 07 minutes, 39 seconds East, 84.02 feet and running thence the following new lines: North 17 degrees, 19 minutes, 15 seconds West, 103.50 feet; North 21 degrees, 48 minutes, 14 seconds West 148.24 feet; North 23 degrees, 49 minutes, 56 seconds West, 122.14 feet; North 21 degrees, 34 minutes, 44 seconds West, 38.25 feet; North 10 degrees, 03 minutes, 29 seconds West, 59.82 feet; North 29 degrees, 04 minutes, 17 seconds West, 89.77 feet; North 18 degrees, 59 minutes, 40 seconds West, 58.17 feet; North 10 degrees, 25 minutes, 24 seconds West, 71.63 feet; North 12 degrees, 59 minutes, 40 seconds West, 212.97 feet; North 14 degrees, 08 minutes, 04 seconds West, 269.08 feet; North 09 degrees, 12 minutes, 37 seconds West, 194 feet; North 11 degrees, 57 minutes, 12 seconds West, 66.51 feet; North 22 degrees, 16 minutes, 43 seconds West, 79.66 feet; North 26 degrees, 45 minutes, 13 seconds West, 136.12 feet; North 17 degrees, 19 minutes, 01 seconds West, 116.08 feet; and running thence due West 1,968.28 feet and running thence South 64 degrees, 23 minutes, 08 seconds West, 117.63 feet; South 68 degrees, 30 minutes, 52 seconds West, 138.14 feet; South 01 degrees, 17 minutes, 22 seconds East, 78.43 feet; South 09 degrees, 20 minutes, 57 seconds East, 292.73 feet; South 20 degrees, 25 minutes, 51 seconds East, 99,45 feet; South 36 degrees, 45 minutes, 17 seconds East, 87,58 feet; South 53 degrees, 02 minutes, 21 seconds East, 77.14 feet; South 42 degrees, 22 minutes, 42 seconds West, 198,97 feet to a stake in the center of French Broad River and thence up and

\* Above legal description and the land surveyed, shown, and described hereon are the same lands as described in Schedule A of the Title Commitment.

minutes, 36 seconds East, 269.41 feet; South 35 degrees, 00 minutes, 25 seconds East, 355.96 feet: South 27 degrees, 57 minutes, 12 seconds East, 173.34 feet to the point and place of

with the center of French Broad River the following courses and distances: South 53 degrees, 1 minutes. 35 seconds East. 122.49 feet; South 57 degrees, 31 minutes, 44 seconds East, 196.42

feet; South 54 degrees, 49 minutes, 55 seconds East, 240.53 feet; South 44 degrees, 41

BEGINNING containing 88 acres, more or less.

Being all that certain parcel of land lying and being in the Hoopers Creek Township, Henderson County, North Carolina, being the same property as described in Deed Book 1349, Page 333.

BEGINNING at an unmarked point, lying on the southern line of the Big J. Small J. Partnership property as described in Deed Book 985, Page 70, and also being the westernmost corner of the Bradley Johnston (hereinafter "Johnston #1") property as described in Deed Book 3281, Page 243; said point also having "NAD 83 (2011)" coordinates of N: 623,505.62 feet and E: 947,269.65 feet and lying a grid bearing and distance of South 37°21'02" West 14036.68 feet from NCGS Monument "HEN 8" (with coordinates of

less along said dirt farm road the following fifteen calls:

N: 634,663.91 feet and E: 955,785.57 feet); thence from said POINT OF BEGINNING with the Johnston #1 line North 89°59'43" East 1968.06 feet to a point in a dirt farm road; thence more o 1) South 17°19'18" East 116.07 feet to a point; 2) South 26°45'30" East 136.10 feet to a point; 3) South 22°17'00" East 79.65 feet to a point; 4) South 11°57'29" East 66.50 feet to a point;

S) South 14°08'21" Fast 269 05 feet to a point 8) South 10°25'41" Fast 71.62 feet to a point ) South 18°59'57" East 58.16 feet to a point

(0) South 29°04'34" East 89.76 feet to a poin

) South 10°03'46" East 59.81 feet to a point 2) South 21°35'01" East 38.25 feet to a poin 3) South 23°50'13" East 122.13 feet to a point; 4) South 21°48'31" East 148.22 feet to a point; 15) South 17°19'32" East 103.49 feet to a point in the center of Butler Bridge Road;

nence leaving the Johnston #1 line with the center of Butler Bridge Road South 70°15'59" West 153.27 feet to a point, being the southeastern corner of the Timothy Johnston property as described in Deed Book 1349, Page 329; thence leaving the center of Butler Bridge Road with the Timothy Johnston property North 22°06'25" West (passing a rebar with cap found at 30.53 feet) a total distance of 276.66 feet to a rebar with cap found; thence South 74°23'35" West sing a rebar found at 250.33 feet) a total distance of 321.08 feet to a rebar with cap found; nence South 20°04'18" East (passing a rebar with cap found at 248.01 feet) a total distance of 277.89 feet to a point in the center of Butler Bridge Road; thence leaving the Timothy Johnston ine with the center of Butler Bridge Road the following ten calls: on a curve to the left having a radius of 201.46 feet, an arc length of 60.90 feet, a chord

2) South 37°42'13" West 75.21 feet to a point;
3) on a curve to the right having a radius of 415.00 feet, an arc length of 237.26 feet, a chord bearing of South 54°04'54" West, and a chord distance of 234.04 feet to a point;
4) on a curve to the right having a radius of 959.98 feet, an arc length of 132.74 feet, a chord bearing of South 74°25'16" West, and a chord distance of 132.64 feet to a point; 5) on a curve to the right having a radius of 200.00 feet, an arc length of 124.16 feet, a chord bearing of North 83°50'01" West, and a chord distance of 122.17 feet to a point; 6) on a curve to the right having a radius of 371.75 feet, an arc length of 80.85 feet, a chord bearing of North 59°49'09" West, and a chord distance of 80.69 feet to a point; 7) on a curve to the left having a radius of 3326.46 feet, an arc length of 306.94 feet, a chord bearing of North 56°13'56" West, and a chord distance of 306.83 feet to a point 8) on a curve to the left having a radius of 512.93 feet, an arc length of 224.96 feet, a chord bearing of North 71°26'24" West, and a chord distance of 223.16 feet to a point;

earing of South 46°21'51" West. and a chord distance of 60.67 feet to a point

10) North 84°00'16" West 146.36 feet to a point on a bridge over the center of the French Broad Thence leaving Butler Bridge Road with the center of the French Broad River the following three 1) North 28°59'17" West 211.95 feet to a point;

2) North 36°19'33" West 348.77 feet to a point; 3) North 44°15'06" West 238.46 feet to a point being the southernmost corner of the Bradley Johnston (hereinafter "Johnston #2") property as described in Deed Book 3101. Page 243: Thence leaving the French Broad River and with the Johnston #2 property North 50°59'23" East 204.41 feet to a rebar with cap found; thence North 19°06'41" West 339.68 feet to a rebar with cap found; thence North 84°45'42" West 25.13 feet to a point in the center of a branch; thence with the center of said branch the following ten calls:

2) North 81°53'24" West 99 42 feet to a point 3) South 64°00'42" West 18.97 feet to a point; 4) South 04°34'14" East 20.73 feet to a poir 5) South 62°26'09" West 64.32 feet to a poin 6) North 59°45'00" West 55.05 feet to a poin South 81°00'27" West 53.59 feet to a point

8) North 31°49'21" West 30.42 feet to a poir North 57°46'44" West 24.52 feet to a poin 0) South 83°27'34" West 28.75 feet to a point; Thence leaving the Johnston #2 line and with the southern Big J. Small J. Partnership line North

53°02'38" West 86.92 feet to a point; thence North 36°45'34" West 87.57 feet to a point; thence North 20°26'08" West 99.44 feet to a point; thence North 09°21'14" West 292.70 feet to a point; thence North 01°17'39" West 78.42 feet to a point; thence North 68°30'35" East 138.12 feet to a point; thence North 64°22'51" East 117.62 feet to the POINT AND PLACE OF BEGINNING containing 84.22 acres, more or less.

# TRACT III LEGAL DESCRIPTIONS

TRACT III (DEED DESCRIPTION PER SCHEDULE "A" OF TITLE COMMITMENT) | TRACT III (AS SURVEYED DESCRIPTION) REGINNING at a stake which stands in the Western margin of the right of way of Interstate Highway 26, said BEGINNING POINT standing in the Northeast comer of that tract of land as described in deed to Judy Jones, said deed being recorded in Deed Book 820, Page 234 Henderson County Registry, and running from said beginning point the following courses and distances: South 88 degrees, 48 minutes, 51 seconds West, 438,72 feet; South 9 degrees; 57 minutes, 22 seconds East, 406. 45 feet; North 88 degrees, 47 minutes, 26 seconds East, 200.00 feet; North 78 degrees, 41 minutes, 36 seconds East, 114.08 feet; South 75 degrees, 19 minutes, 40 seconds East, 73.09 feet; South 07 degrees, 45 minutes, 20 seconds West, 608.57 feet; North 76 degrees, 30 minutes, 56 seconds West, 60.90 feet; North 07 degrees, 48 minutes, 37 seconds Fast 532 27 feet: South 88 degrees 47 minutes 22 seconds West 359 56 feet: South 84 degrees, 09 minutes, 14 seconds West, 723.22 feet; South 05 degrees, 42 minutes, 0 seconds West, 214,78 feet; North 87 degrees, 48 minutes, 26 seconds West, 60,11 feet; North 05 degrees, 42 minutes, 01 seconds East, 30.00 feet; North 05 degrees, 42 minutes, 01 seconds East 336.63 feet; North 89 degrees, 26 minutes, 04 seconds West, 156.93 feet; North 04 degrees, 03 minutes, 29 seconds East, 169.01 feet; North 89 degrees, 26 minutes, 04 seconds West, 200.02 feet; South 4 degrees, 11 minutes, 52 seconds West, 33.71 feet; North 89 degrees, 26 minutes, 04 seconds West, 147.80 feet; South 04 degrees, 11 minutes, 52 seconds West, 308.52 feet; South 04 degrees, 11 minutes, 52 seconds West, 30.00 feet to a stake in the center of Butler Bridge Road and thence with the center of Butler Bridge Road North 65 degrees, 47 minutes, 57 seconds West, 74.15 feet; North 67 degrees, 57 minutes, 23 seconds West, 57.27 feet; North 78 degrees, 53 minutes, 44 seconds West, 59.42 feet; South 82 degrees, 02 minutes, 32 seconds West, 52.95 feet; South 73 degrees, 19 minutes 34 seconds West 58.87 feet: South 70 degrees 07 minutes 39 seconds West 154.28 feet; and thence leaving center line of Butler Bridge Road North 17 degrees, 19 minutes, 15 seconds West, 103.50 feet; North 21 degrees, 48 minutes, 14 seconds West, 148.24 feet; North 23 degrees, 49 minutes, 56 seconds West, 122.14 feet; North 21 degrees, 34 minutes, 44 seconds West, 38.25 feet; North 10 degrees, 03 minutes, 29 seconds West, 59.82 feet; North 29 degrees, 04 minutes, 17 seconds West, 89.77 feet; North 18 degrees, 59 minutes, 40 seconds West, 58.17 feet; North 10 degrees, 25 minutes, 24 seconds West, 71.63 feet; North 12 degrees, 59 minutes, 40 seconds West, 212.97 feet; North 14 degrees, 08 minutes, 04 seconds West, 269.08 feet; North 09 degrees, 12 minutes, 37 seconds West, 194.00 feet; North 11 degrees, 57 minutes, 12 seconds West, 66.51 feet; North 22 degrees, 16 minutes, 43 seconds West, 79.66 feet; North 26 degrees, 45 minutes, 13 seconds West, 136.12 feet; North 17 degrees, 19 minutes, 01 seconds West, 116,08 feet thence due West, 1968,28 feet and running thence North 63 degrees, 30 minutes, 05 seconds East, 147.88 feet; North 66 degrees, 19 minutes, 56 seconds East, 128.92 feet; North 31 degrees, 53 minutes, 01 seconds East, 90.20 feet; North 43 degrees, 44 minutes, 47 seconds East, 65.91 feet; North 60 degrees, 57 minutes, 43 seconds East 85.30 feet; North 11 degrees, 02 minutes, 54 seconds East, 86.48 feet; North 01 degrees, 03 minutes, 42 seconds East, 223.61 feet; North 27 degrees, 09 minutes, 56 seconds East, 90.75 feet; North 70 degrees, 39 minutes, 12 seconds East, 81.23 feet; North 88 degrees, 51 minutes, 18 seconds East, 103.60 feet; North 83 degrees, 31 minutes, 17 seconds East, 91.73 feet; South 86 degrees, 55 minutes, 29 seconds East, 192.93 feet; North 80 degrees, 16 minutes, 44 seconds East, 147.12 feet and running thence due East 124.29 feet; South 62 degrees, 27 minutes, 48 seconds East 53.73 feet; South 9 degrees, 13 minutes, 48 seconds West, 245.38 feet; North 74 degrees, 56 minutes, 29 seconds East., 55.78 feet; South 87 degrees, 23 minutes, 57 seconds East, 91.24 feet; North 17 degrees, 32 minutes, 12 seconds East, 165.00 feet; North 64 degrees, 27 minutes, 35 seconds East, 190.56 feet; North 81 degrees, 33 minutes, 45 seconds East, 268.06 feet; North 70 degrees, 03 minutes, 59 seconds East, 273.24 feet; North 48 degrees, 19 minutes, 49 seconds East, 177.48 feet; North 50 degrees, 29 minutes, 02 seconds East, 365.20 feet; North 77 degrees, 20 minutes, 02 seconds East, 211.37 feet; North 88 degrees, 47 minutes, 41 seconds East, 134.25 feet; South 66 degrees, 43 minutes, 41 seconds East, 121.50 feet; South 77 degrees, 50 minutes, 12 01 degrees, 30 minutes, 30 seconds East 107.34 feet; South 32 degrees, 40 minutes, 43 seconds West, 130.84 feet; South 36 degrees, 00 minutes, 54 seconds East, 192.23 feet; North 04 degrees, 08 minutes, 15 seconds West, 117.50 feet; North 17 degrees, 47 minutes, 43 seconds East, 78.59 feet; North 34 degrees, 15 minutes, 20 seconds East 122.99 feet; North 68 degrees, 12 minutes, 43 seconds East, 83.69 feet; South 66 degrees, 05 minutes, 35 seconds East, 149.94 feet and South 28 degrees, 51 minutes, 09 seconds East, 2270.92 feet to the

\* Above legal description and the land surveyed, shown, and described hereon are the same lands as described in Schedule A of the Title Commitment.

POINT AND PLACE OF BEGINNING, containing 143.47 acres, more or less.

Being all that certain parcel of land lying and being in the Hoopers Creek Township, Henderson County, North Carolina, being the same property as described in Deed Book 3281, Page 243

BEGINNING at an unmarked point. Iving on the northern line of the Corn property as described in Deed Book 1349, Page 333, and also lying on the southern line of the Big J. Small J. Partnership property as described in Deed Book 985, Page 70; said point also having "NAD 83 (2011)" coordinates of N: 623.505.62 feet and E: 947,269.65 feet and lying a grid bearing and distance of South 37°21'02" West 14036.68 feet from NCGS Monument "HEN 8" (with coordinates of N: 634,663.91 feet and E: 955,785.57 feet); thence from said POINT OF BEGINNING with the Big J. Small J. Partnership line North 63°29'36" East 147.87 feet to a point; thence North 66°19'27" East 128.91 feet to a point; thence North 31°52'32" East 90.20 feet to a point; thence North 43°44'18" East 65.91 feet to a point; thence North 60°57'14" East 85.30 feet to a point; thence North 11°02'25" East 86.48 feet to a point thence North 01°03'13" East 223.60 feet to a point: thence North 27°09'27" East 90.75 feet to a point; thence North 70°38'43" East 81.23 feet to a point; thence North 88°50'49" East 103.6 eet to a point: thence North 83°30'48" Fast 91.72 feet to a point: thence South 86°55'58" Fast 92.92 feet to a point; thence North 80°16'15" East 147.11 feet to a point; thence North 89°59'31" Fast 124 28 feet to a point: thence South 62°28'17" Fast 53 73 feet to a point: thence South 09°13'19" West 245.37 feet to a point; thence North 74°56'00" East 55.78 feet to a point; thence South 87°24'26" East 91.24 feet to a point: thence North 17°31'43" East 164.99 feet to a point; thence North 64°27'06" East 190.55 feet to a point; thence North 81°33'16" East 268.05 77.47 feet to a point; thence North 50°28'33" East 365.18 feet to a point; thence North

t to a point: thence North 70°03'30" East 273.23 feet to a point: thence North 48°19'20" Eas 77°19'33" East 211.36 feet to a point; thence North 88°47'12" East 134.24 feet to a point; thence South 66°44'10" East 121.49 feet to a point; thence South 77°50'41" East 147.41 feet to a point; thence South 22°28'02" East 151.62 feet to a point; thence South 01°30'59" East 107.34 feet to a point: thence South 32°40'14" West 130.83 feet to a point: thence South 36°01'23" Fast 22 feet to a point; thence North 04°08'44" West 117.49 feet to a point; thence North 17°47'14" East 78.59 feet to a point: thence North 34°14'51" East 122.98 feet to a point: thence North 68°12'14" East 83.69 feet to a point; thence South 66°06'04" East 125.27 feet to an NCDOT Aluminum R/W Disk found in the western margin of Interstate 26; thence with the western margin of Interstate 26 on a bearing of South 66°06'59" East 24.72 feet to an NCDOT Aluminum R/W Disk found; thence South 28°52'22" East (passing an NCDOT Concrete R/W Monument found at 372.65 feet, and passing another NCDOT Concrete R/W Monument found t 1872.42 feet) a total distance of 2271.16 feet to a crimped top pipe found at the northeastern corner of the Rice property as described in Deed Book 820. Page 234; thence leaving the rn margin of Interstate 26 and with the northern Rice line thence South 88°50'29" West 438.75 feet to a rebar with "EHA" cap set; thence South 09°55'44" East 406.48 feet to a rebar found; thence North 88°49'04" East 200.02 feet to a mag nail set; thence North 78°43'14" East 14.09 feet to a mag nail set; thence South 75°18'02" East 73.10 feet to a mag nail set; thence South 07°46'58" West 60.75 feet to a rebar with cap found at the northwestern corner of the Holcombe property as described in Deed Book 893, Page 763; thence leaving the Rice line with the Holcombe line South 07°46′58" West (passing a rebar found at 517.87 feet) a total distance of 548.01 feet to a point in the center of Butler Bridge Road; thence leaving the Holcombe line with the center of Butler Bridge Road on a curve to the right having a radius of 558.14 feet, an arc length of 60.18 feet, a chord bearing of North 76°09'54" West, and a chord distance of 60.15 eet to a point at the southeastern corner of the Thompson property as described in Deed Book Page 817; thence leaving the center of Butler Bridge Road with the Thompson line North 07°49'14" East (passing a rebar found at 29.54 feet) a total distance of 531.86 feet to a crimped op pipe found; thence with said Thompson line and another Thompson property as described ir Deed Book 585, Page 236 on a bearing of South 88°39'24" West 360.31 feet to a rebar found; hence South 84°18'10" West (passing an open top pipe found at 106.27 feet) a total distance of 233.48 feet to an open top pipe found at the northeastern corner of the Butler Bridge Business Park, LCC (BBBP) property as described in Deed Book 1439, Page 485; thence leaving the son line with the BBBP line South 84°06'55" West 224.33 feet to an open top pipe found at the northeastern corner of the Williams property as described in Deed Book 426, Page 575. hence leaving the BBBP line with the Williams line South 84°06'55" West 265.43 feet to ar open top pipe found: thence South 05°39'10" West (passing an open top pipe found at 185.10 eet) a total distance of 219.65 feet to a point in the center of Butler Bridge Road; thence leaving he Williams line with the center of Butler Bridge Road on a curve to the right having a radius of 2634.24 feet, an arc length of 60.20 feet, a chord bearing of North 88°42'26" West, and a chord distance of 60.20 feet to a point at the southeastern corner of the Gilliam property as described

in Deed Book 1079, Page 177; thence leaving the center of Butler Bridge Road with the Gilliam line North 05°41'05" East (passing a rebar with "EHA" cap set at 35.92 feet) a total distance of 372.44 feet to a rebar with cap found; thence North 89°23'53" West 156.95 feet to a rebar with "EHA" cap set in the eastern line of the Kathy Johnston property as described in Deed Book 601, Page 3; thence leaving the Gilliam line with the Kathy Johnston line North 04°05'40" East 169.04 feet to a rebar with "EHA" cap set; thence North 89°23'53" West 200.05 feet to a rebar found: thence South 04°07'09" West 33.87 feet to a rebar found at the northeastern corner o the Laughter property as described in Deed Book 1027, Page 53; thence leaving the Kathy Johnston line with the Laughter line North 89°27'46" West 147.80 feet to a rebar with cap found thence South 04°30'25" West (passing a rebar found at 308.52 feet) a total distance of 337.6 feet to a point in the center of Butler Bridge Road; thence leaving the Laughter line with the

1) North 65°39'08" West 100.04 feet to a point; 2) on a curve to the left having a radius of 225.00 feet, an arc length of 173.11 feet, a chord pearing of North 87°41'35" West, and a chord distance of 168.87 feet to a point; 3) South 70°15'59" West 182.48 feet to a point at the southeastern corner of the Corn property; Γhence leaving the center of Butler Bridge Road with the Corn line and more or less along a dirt

farm road the following fifteen calls: ) North 17°19'32" West 103.49 feet to a point; North 21°48'31" West 148.22 feet to a point North 21°35'01" West 38.25 feet to a point 5) North 10°03'46" West 59.81 feet to a point

13) North 22°17'00" West 79.65 feet to a point:

center of Butler Bridge Road the following three calls:

6) North 29°04'34" West 89 76 feet to a poir 7) North 18°59'57" West 58.16 feet to a poin 8) North 10°25'41" West 71.62 feet to a poin North 12°59'57" West 212.95 feet to a point 10) North 14°08'21" West 269.05 feet to a point 11) North 09°12'54" West 193 98 feet to a point (2) North 11°57'29" West 66.50 feet to a point

15) North 17°19'18" West 116.07 feet to a point hence leaving said dirt farm road South 89°59'43" West 1968.06 feet to the POINT AND PLACE OF BEGINNING, containing 143.51 acres, more or less.

EX. NO.	DESCRIPTION	REFERENCE	COMMENT
1	Any defect, lien, encumbrance, adverse claim, or other matter	None	No such matters discovered.
2	Taxes or assessments for the year 2019, and subsequent years	None	Not a surveying matter.
3	All deferred taxes.	None	Not a surveying matter.
4	Title to any areas within street, highway, or railroad rights of way	None	Boundaries of Tract II and Tract III extend to the centerline of Butler Bridge Road. No deeds of conveyance for right of way of Butle Bridge Road to the NCDOT were found.
5	The creation or loss of land by natural or artificial changes along water forming part of the boundary of the land; and/or title to land lying below the higher of the mean high water mark and/or the normal bounds of any body of water; and/or riparian rights incident to any branches, creeks, streams, lakes, or other waters	None	Watercourses were located in 2018 to define current boundaries, which may differ from previous surveys of said watercourses. Assignment of riparian rights not a surveying matter.
6	Any discrepancy, conflict, access, shortage in area or boundary lines, encroachment, encumbrance, violation, overlap, setback, easement or claims of easement, riparian right, and title to land within roads, ways, railroads, watercourses, burial grounds marshes, dredged or filled areas or land below the mean highwater mark or within the bounds of any adjoining body of water, or other adverse circumstance affecting the Title	None	See comments above for Exceptions 4 and 8 Any other known matter is shown on plat.
7(a)	TRACT I ONLY: Deed for Highway Right of Way in favor of the Department of Transportation	DB 3257, P. 711	Fee Simple tract and Temporary Construction Easement shown on survey.
7(b)	TRACT I ONLY: Sewer Easement in favor of Crane (sic) Creek Water and Sewer District of Henderson County	DB 1288, P. 16	Easement and note shown on survey.
8(a)	TRACT III ONLY: Sewer Easement in favor of Crane (sic) Creek Water and Sewer District of Henderson County	DB 1288, P. 20	Easement and note shown on survey.
9(a)	Right of Way in favor of Duke Power Company	DB 541, P. 28	Blanket easement. No metes and bounds.
9(b)	Right of Way in favor of Duke Power Company	DB 664, P. 28	Blanket easement. No metes and bounds.
9(c)	Easement for ingress and regress and utility easement granted in favor or Bradley Arnold Johnston	DB 744, P. 383	Easement shown on survey.
9(d)	Right of Way in favor of Duke Power Company	DB 757, P. 771	Blanket easement calls for 15' on each side installed structures. No metes and bounds.
9(e)	Right of Way Agreement in favor of Duke Energy Carolinas, LLC	DB 1309, P. 68	Blanket easement calls for 15' on each side installed structures. No metes and bounds.
9(f)	Right of Way granted in favor of Bradley A. Johnston and wife, Susan P. Johnston	DB 1349, P. 331	Easement shown on survey.
9(g)	Memorandum of Real Estate Contract in favor of Tap Root Farms, LLC	DB 3290, P. 360	Not a surveying matter.
9(h)	Memorandum of Real Estate Contract in favor of Tap Root Farms, LLC	DB 3290, P. 363	Not a surveying matter.
9(i)	Record Plat entitled "Being a Family Division and a Recombination for Tap Root Dairy, LLC"	Plat Slide 6307	All significant matter shown on referenced place shown on this survey.
9(j)	Subject to the rights of upper and lower riparian owners to the continuous free flow of any and all water courses	None	See comments above for Exception 5.
9(k)	Subject to the right of way of Butler Bridge Road.	None	Dedicated R/W width for Butler Bridge Road not found. R/W is assumed to be maintenance (ditch-to-ditch) only.
9(I)	Subject to the right of way of Tap Root Dairy Road.	None	Dedicated R/W width for Tap Root Dairy Road not found. Road appears to be private.
9(m)	Subject to the right of way of Tap Root Lane.	None	Dedicated R/W width for Tap Root Lane not found. Road appears to be private.
9(n)	Subject to the right of way of Interstate 26.	None	R/W limit for Interstate 26 shown on survey.
9(o)	No Closing Services Insurance	None	Not a surveying matter.

CHICAGO TITLE INSURANCE COMPANY (ISSUING OFFICE: DHI TITLE OF NORTH CAROLINA)

COMMITMENT NUMBER: 167-193100480C COMMITMENT DATE: APRIL 15, 2020 AT 08:00 AM

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	558.14'	60.18'	N76°09'54"W	60.15'
C2	2634.24'	60.20'	N88°42'26"W	60.20'
C3	225.00'	173.11'	N87°41'35"W	168.87'
C4	201.46'	60.90'	S46°21'51"W	60.67'
C5	415.00'	237.26'	S54°04'54"W	234.04'
C6	959.98'	132.74'	S74°25'16"W	132.64'
C7	200.00'	124.16'	N83°50'01"W	122.17'
C8	371.75'	80.85'	N59°49'09"W	80.69'
C9	3326.46'	306.94'	N56°13'56"W	306.83'
C10	512.93'	224.96'	N71°26'24"W	223.16'

LINE	BEARING	DISTANCE
L1	N84°45'42"W	25.13'
L2	S53°47'23"W	8.15'
L3	N81°53'24"W	99.42'
L4	S64°00'42"W	18.97'
L5	S04°34'14"E	20.73'
L6	S62°26'09"W	64.32'
L7	N59°45'00"W	55.05'
L8	S81°00'27"W	53.59'
L9	N31°49'21"W	30.42'
L10	N57°46'44"W	24.52'
L11	S83°27'34"W	28.75'
L12	S83°27'34"W	20.93'
L13	S34°01'16"W	43.79'
L14	S48°33'50"W	63.37'
L15	S39°37'18"W	81.58'
L16	N53°13'37"E	113.83'
L17	N84°06'35"E	87.69'
L18	S86°24'13"E	98.92'
L19	S83°05'04"E	124.14'
L20	N87°55'17"E	98.69'
L21	S85°29'46"E	94.11'
L22	N76°25'44"E	79.90'
L23	N55°36'24"E	92.18'
L24	N37°18'36"E	75.39'
L25	N13°41'51"E	175.41'
L26	N36°04'29"E	60.06'
L27	N73°53'00"E	43.77'
L28	S60°55'06"E	188.97'
L29	S67°17'44"E	94.02'
L30	N77°40'18"E	68.93'
L31	N62°39'30"E	172.96'
L32	N70°56'29"E	129.26'
L33	N42°46'17"E	127.58'
L34	N30°43'25"E	81.88'
L35	N24°05'04"E	72.54'
L36	N50°21'14"E	89.88'
L37	N43°09'41"E	56.23'
L38	N72°08'13"E	113.53'
L39	N79°39'43"E	122.85'

		1
LINE	BEARING	DISTANCE
L40	N31°49'30"E	72.13'
L41	N09°44'07"E	124.98'
L42	N22°07'23"E	55.24'
L43	N45°18'40"E	50.13'
L44	N79°40'04"E	78.99'
L45	N77°39'28"E	87.41'
L46	N47°14'55"E	95.70'
L47	N32°38'01"E	104.83'
L48	N28°10'07"E	118.16'
L49	N47°05'06"E	143.56'
L50	N25°38'15"E	57.26'
L51	N08°37'47"E	144.42'
L52	N20°33'06"E	85.52'
L53	N48°50'24"E	76.74'
L54	N72°18'12"E	123.76'
L55	S73°24'42"E	61.95'
L56	S60°47'11"E	119.47'
L57	S82°31'18"E	53.76'
L58	N62°59'31"E	62.40'
L59	N48°39'25"E	181.55'
L60	N63°57'02"E	166.73'
L61	N55°58'05"E	149.02'
L62	N77°04'24"E	70.72'
L63	S69°08'53"E	79.73'
L64	S49°34'39"E	170.06'
L65	S30°04'42"E	72.75'
L66	S17°32'05"E	131.46'
L67	S32°50'47"E	67.07'
L68	S50°38'51"E	74.15'
L69	S60°53'00"E	147.29'
L70	S66°59'57"E	186.94'
L71	N87°37'26"E	56.14'
L72	N55°38'32"E	90.72'
L73	N60°51'16"E	111.80'
L74	S12°03'14"E	52.16'
L75	S28°51'07"E	90.19'
L76	S66°06'59"E	24.72'
L77	N78°43'14"E	114.09'
L78	S75°18'02"E	73.10'

LINE	BEARING	DISTANCE
L79	S04°07'09"W	33.87'
L80	N65°39'08"W	100.04'
L81	S70°15'59"W	182.48'
L82	S70°15'59"W	153.27'
L83	S37°42'13"W	75.21'
L84	N84°00'16"W	47.49'
L85	N84°00'16"W	146.36'
L86	N24°10'01"W	326.83'
L87	N29°33'05"W	215.24'
L88	N36°19'40"W	199.60'
L89	N42°04'31"W	170.71'
L90	N53°02'38"W	86.92'
L91	N36°45'34"W	87.57'
L92	N20°26'08"W	99.44'
L93	N09°21'14"W	292.70'
L94	N01°17'39"W	78.42'
L95	N68°30'35"E	138.12'
L96	N64°22'51"E	117.62'
L97	N89°59'43"E	1968.06'
L98	S17°19'18"E	116.07'
L99	S26°45'30"E	136.10'
L100	S22°17'00"E	79.65'
L101	S11°57'29"E	66.50'
L102	S09°12'54"E	193.98'
L103	S14°08'21"E	269.05'
L104	S12°59'57"E	212.95'
L105	S10°25'41"E	71.62'
L106	S18°59'57"E	58.16'
L107	S29°04'34"E	89.76'
L108	S10°03'46"E	59.81'
L109	S21°35'01"E	38.25'
L110	S23°50'13"E	122.13'
L111	S21°48'31"E	148.22'
L112	S17°19'32"E	103.49'
L113	N63°29'36"E	147.87'
L114	N66°19'27"E	128.91'
L115	N31°52'32"E	90.20'
L116	N43°44'18"E	65.91'
L117	N60°57'14"E	85.30'

LINE | BEARING

DISTANCE

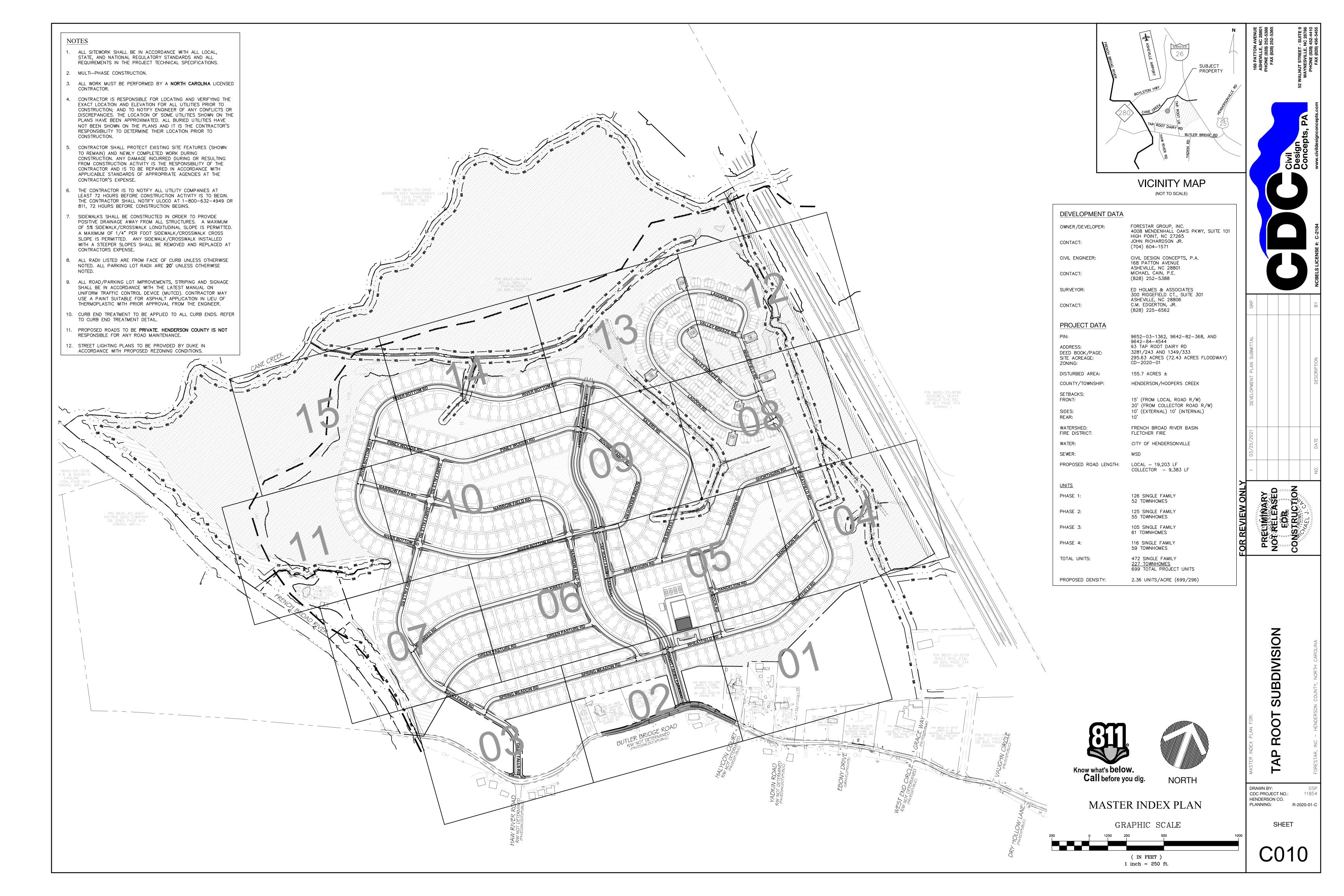
LIIO	N11 02 23 L	00.40
L119	N01°03'13"E	223.60'
L120	N27°09'27"E	90.75'
L121	N70°38'43"E	81.23'
L122	N88°50'49"E	103.60'
L123	N83°30'48"E	91.72'
L124	S86°55'58"E	192.92'
L125	N80°16'15"E	147.11'
L126	N89°59'31"E	124.28'
L127	S62°28'17"E	53.73'
L128	S09°13'19"W	245.37'
L129	N74°56'00"E	55.78'
L130	S87°24'26"E	91.24'
L131	N17°31'43"E	164.99'
L132	N64°27'06"E	190.55'
L133	N81°33'16"E	268.05'
L134	N70°03'30"E	273.23'
L135	N48°19'20"E	177.47'
L136	N50°28'33"E	365.18'
L137	N77°19'33"E	211.36'
L138	N88°47'12"E	134.24'
L139	S66°44'10"E	121.49'
L140	S77°50'41"E	147.41'
L141	S22°28'02"E	151.62'
L142	S01°30'59"E	107.34'
L143	S32°40'14"W	130.83'
L144	S36°01'23"E	192.22'
L145	N04°08'44"W	117.49'
L146	N17°47'14"E	78.59'
L147	N34°14'51"E	122.98'
L148	N68°12'14"E	83.69'
L149	S66°06'04"E	125.27'
L150	S87°45'00"W	22.36'
L151	N28°48'54"W	200.00'
L152	N16°11'08"E	28.28'
L153	N28°48'54"W	159.80'
L154	N09°55'44"W	62.00'
L155	S28°48'54"E	92.49'

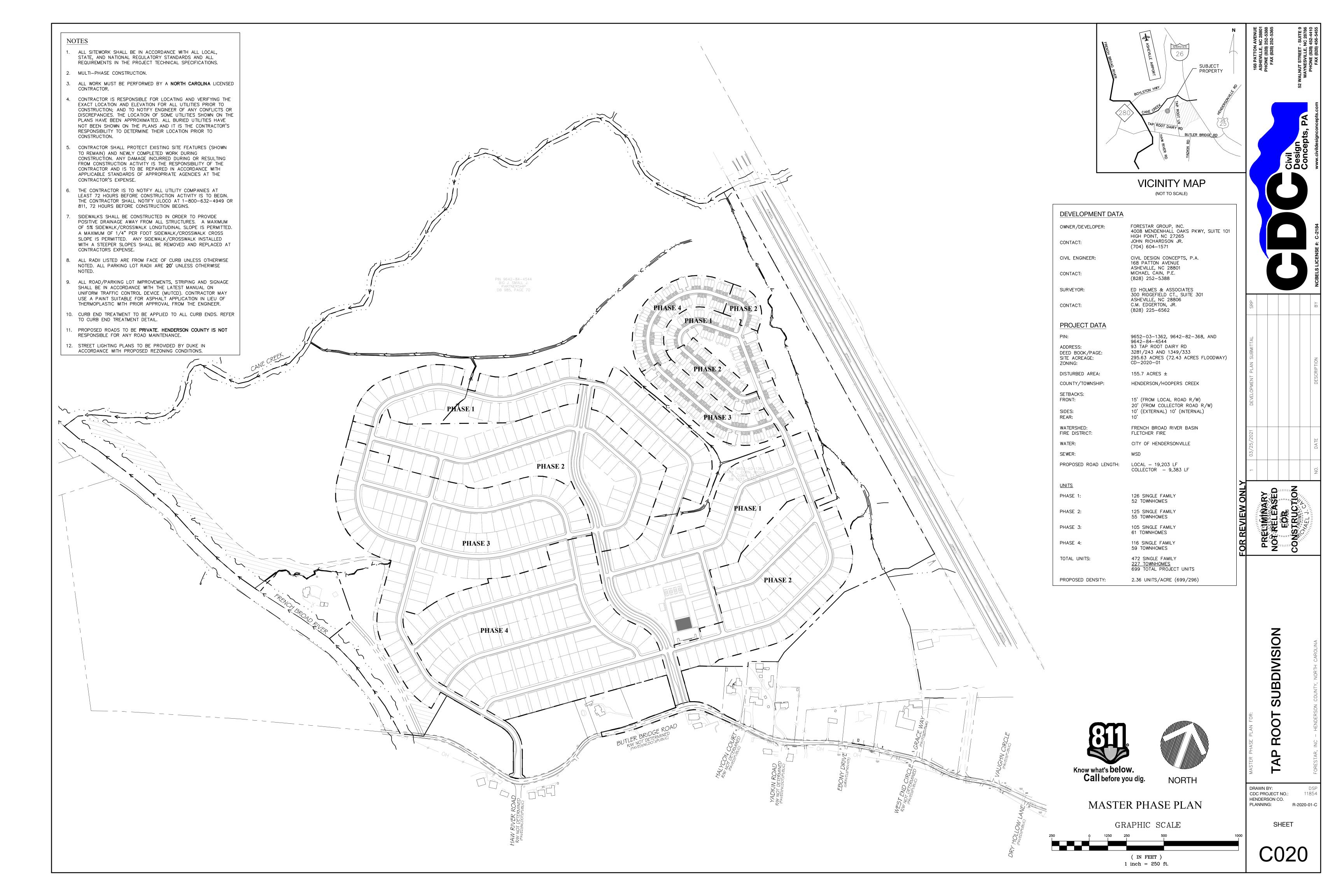
BEARING DISTANCE

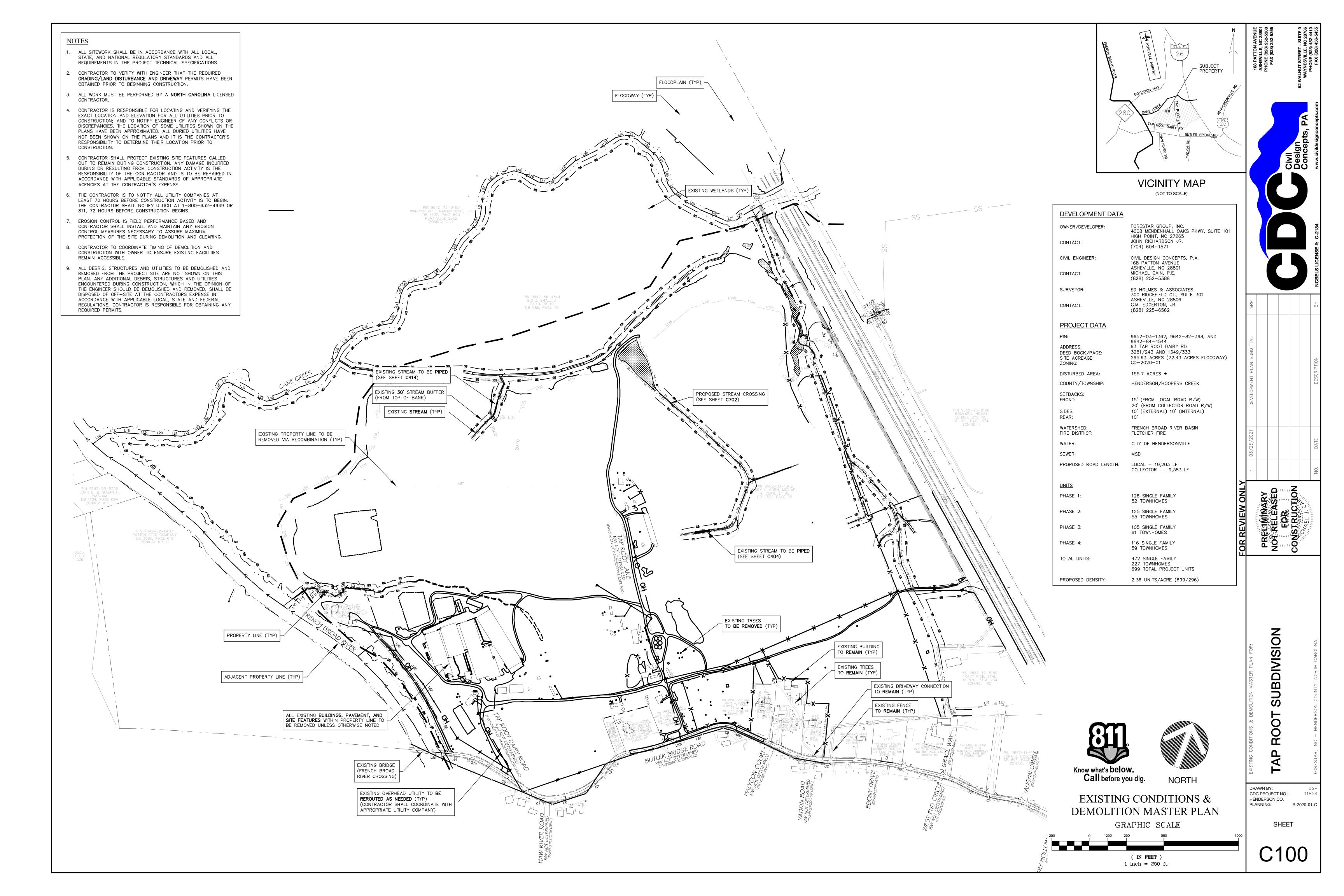
L118 N11°02'25"E 86.48'

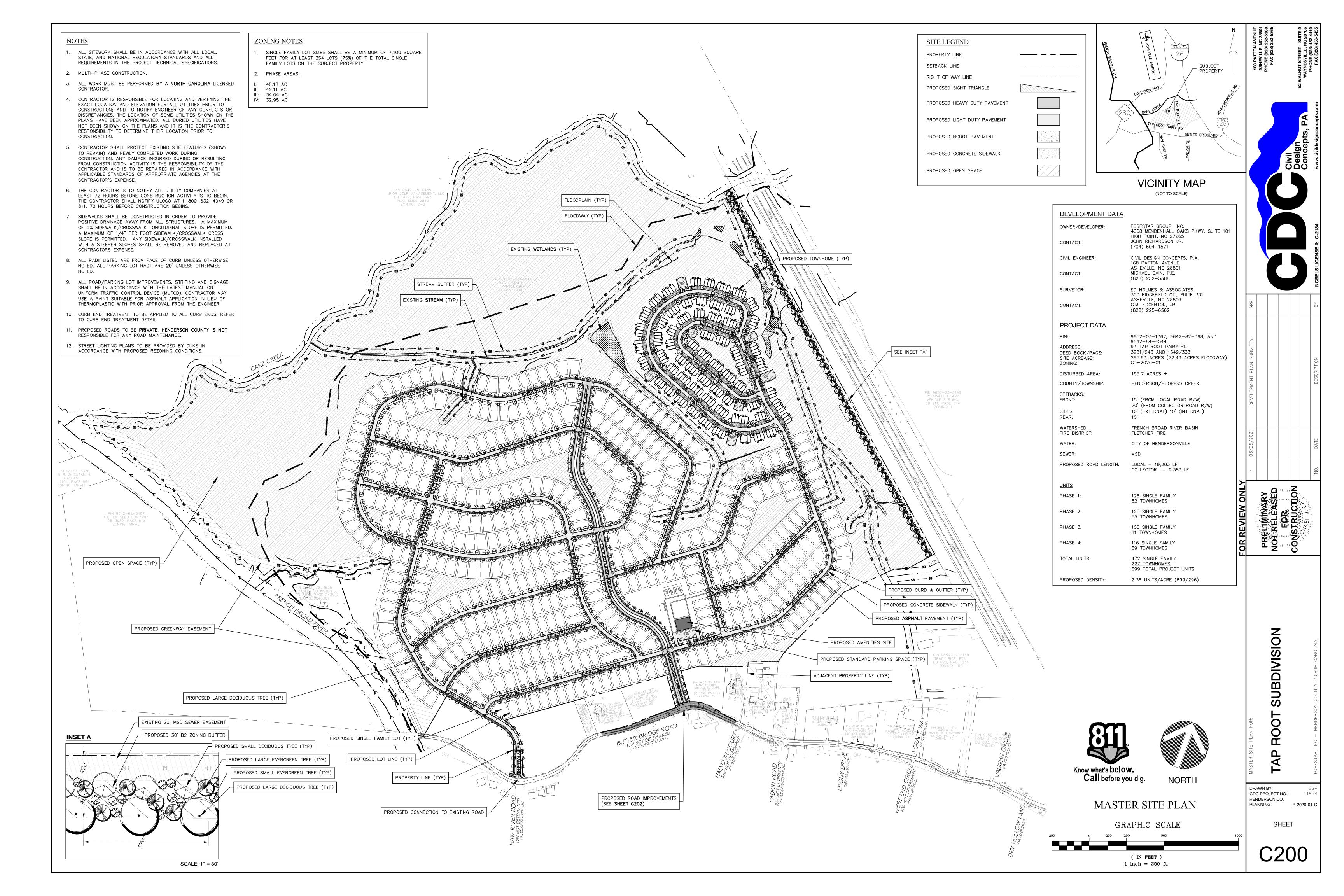
Vicinity Map

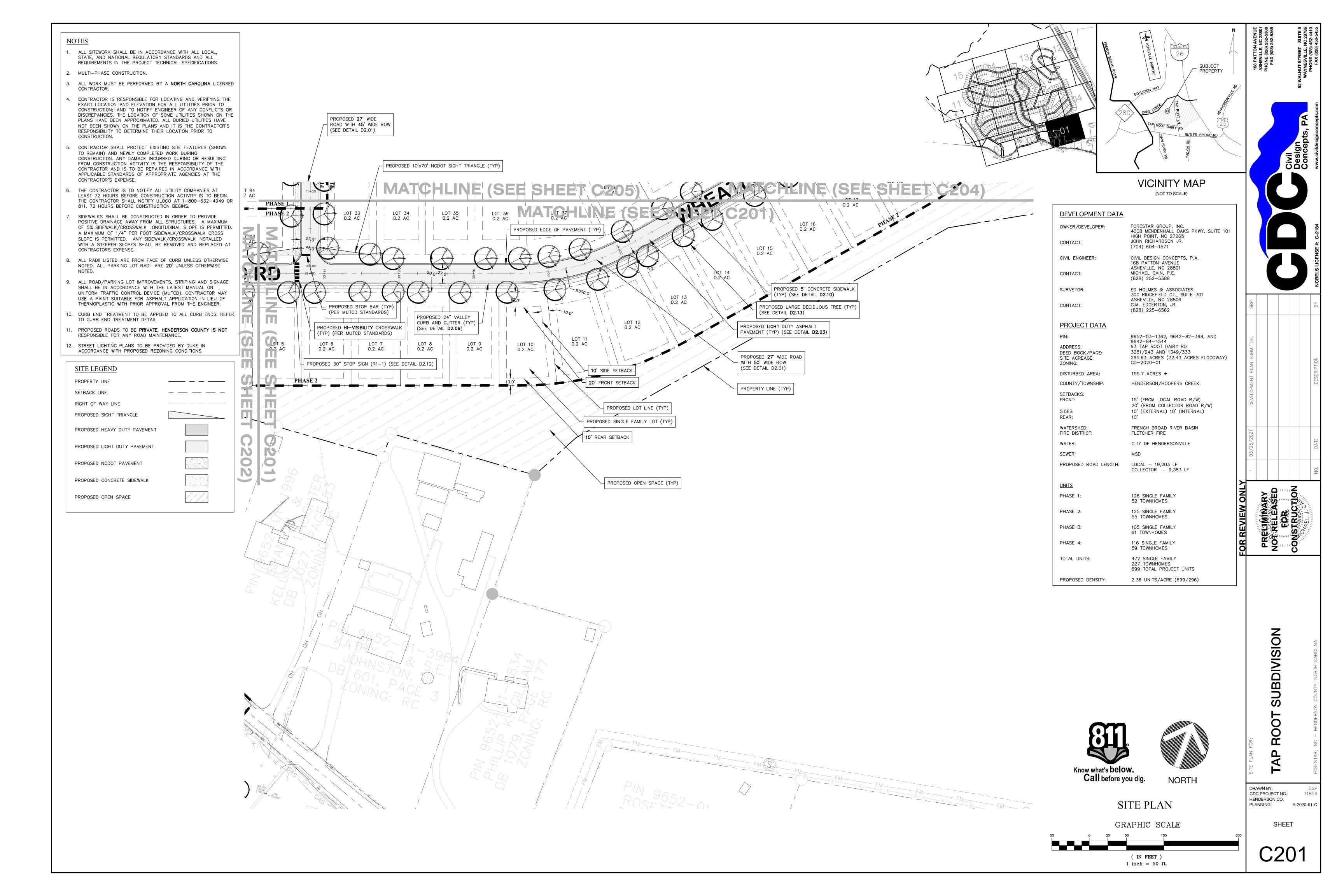


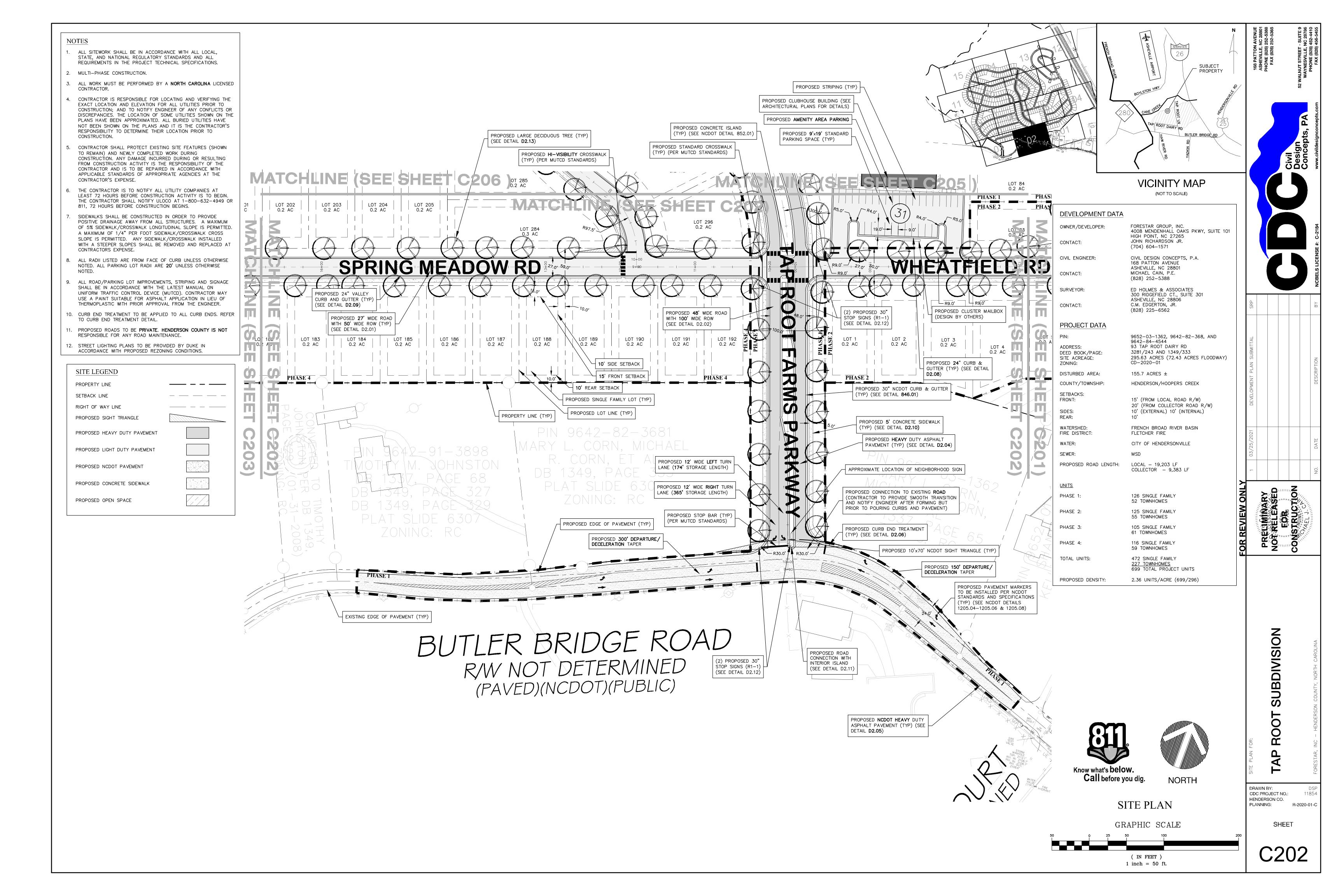


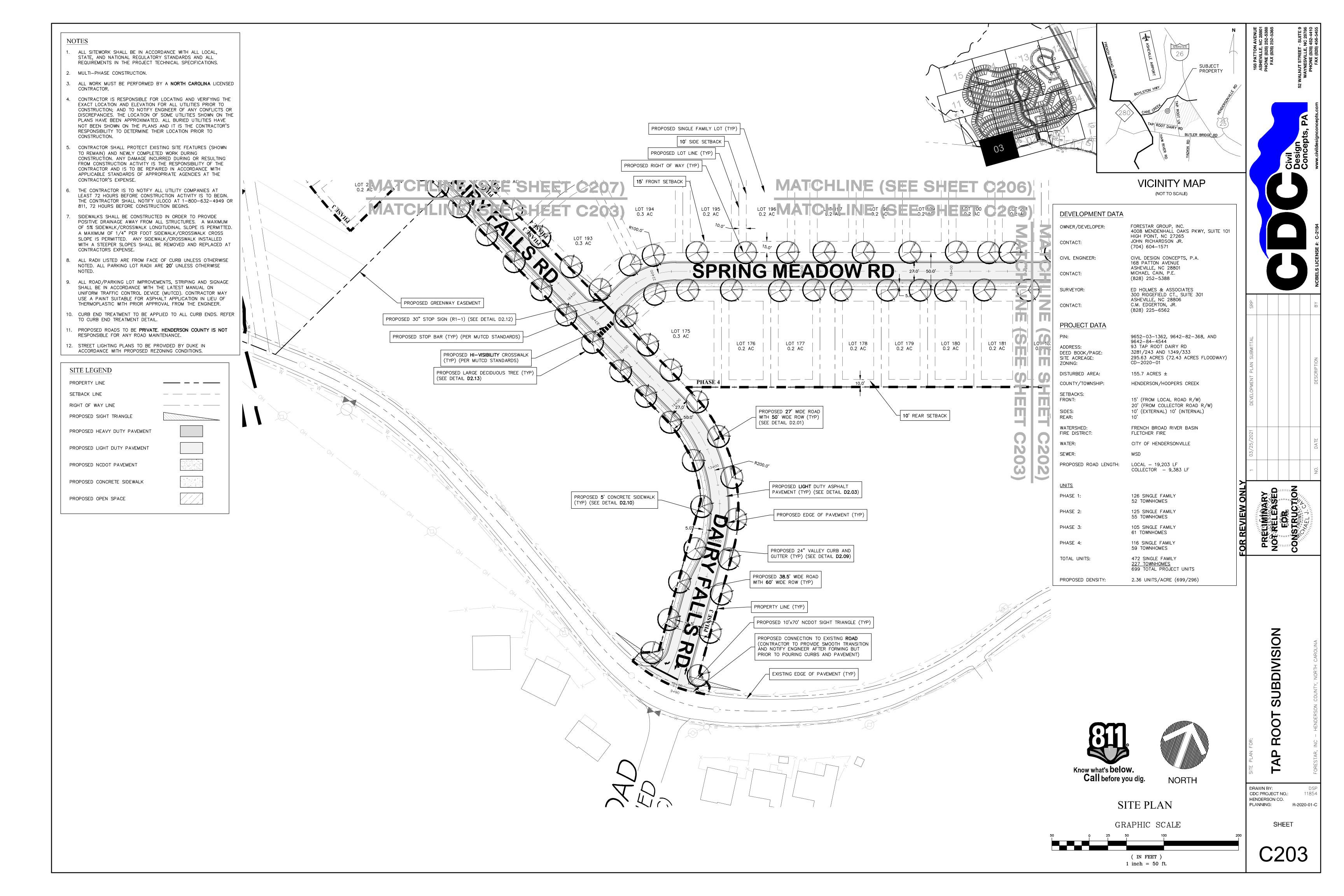


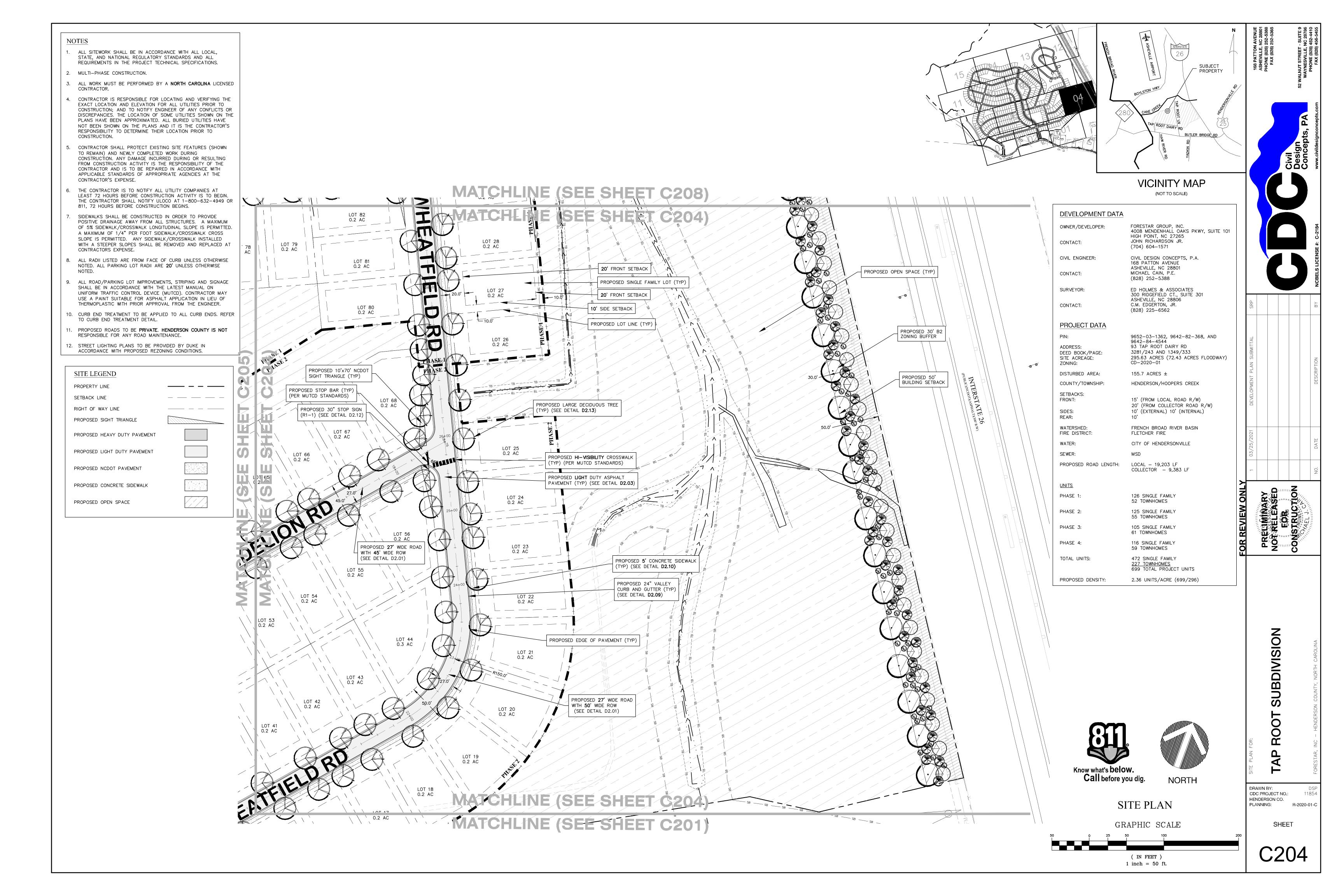


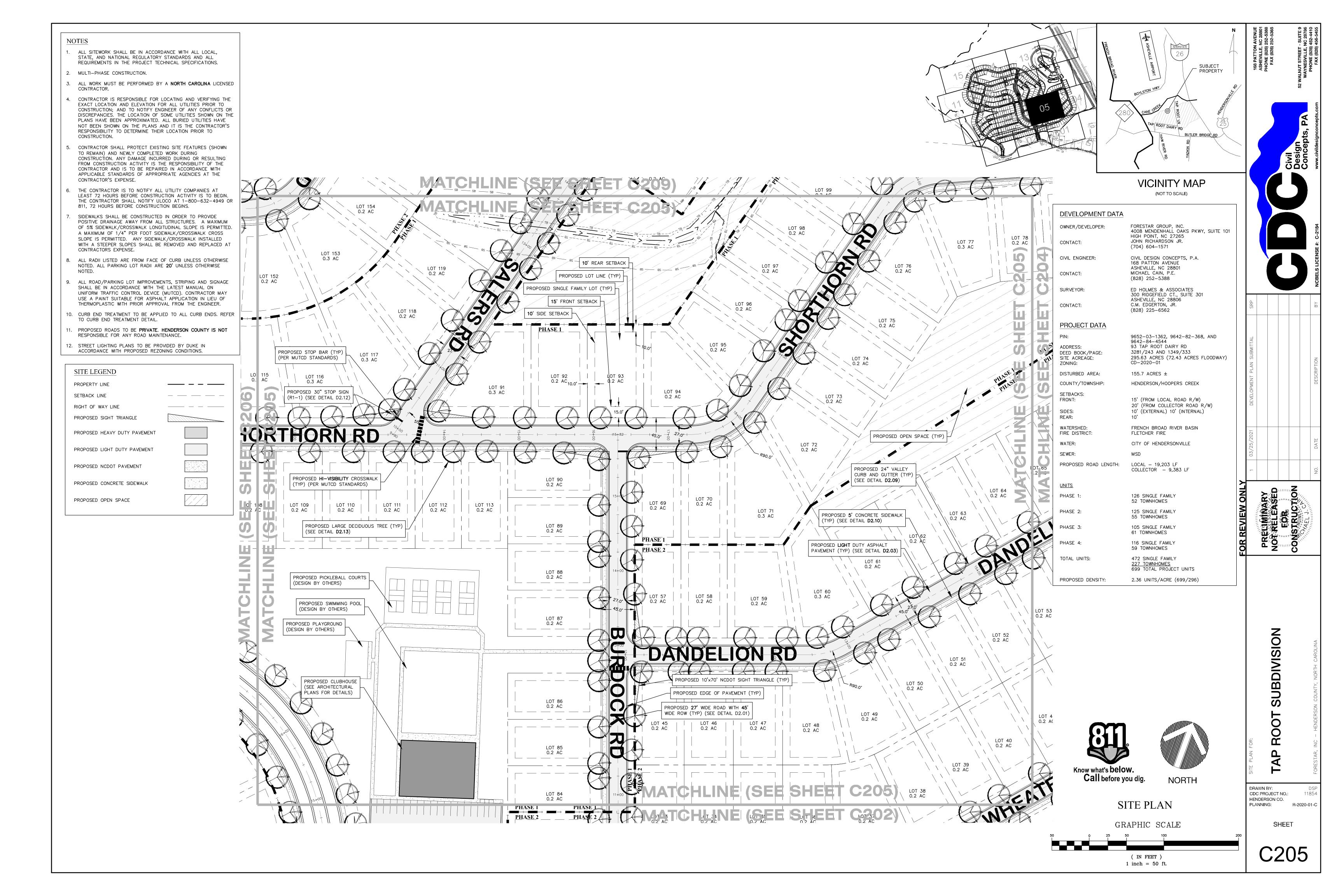


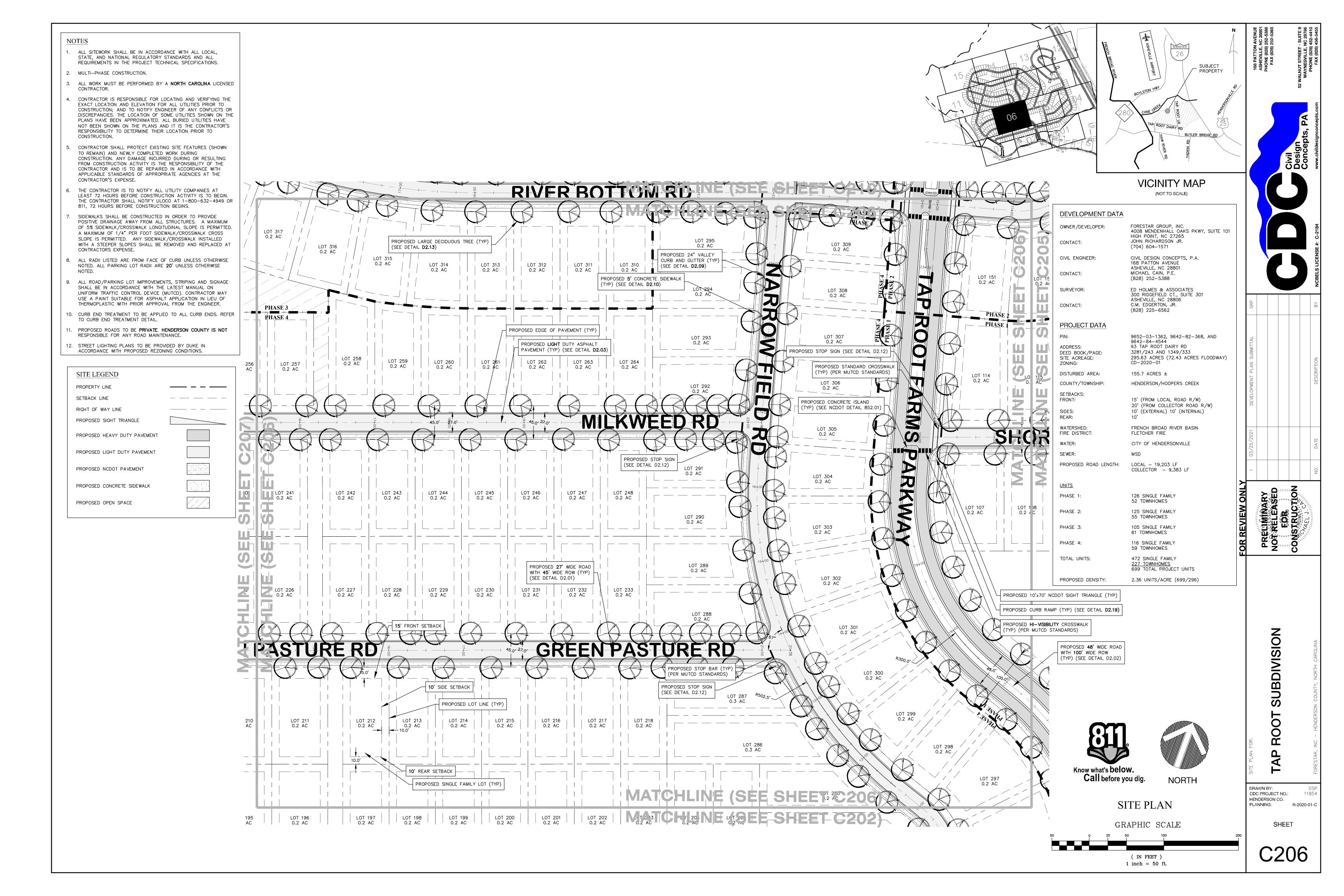






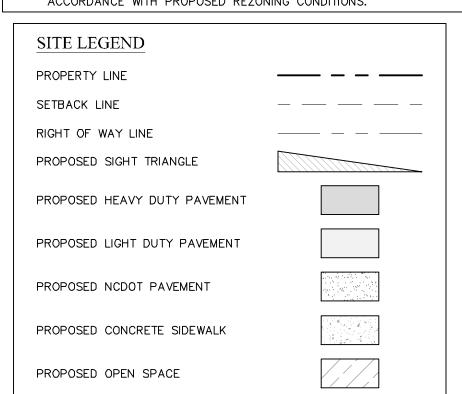


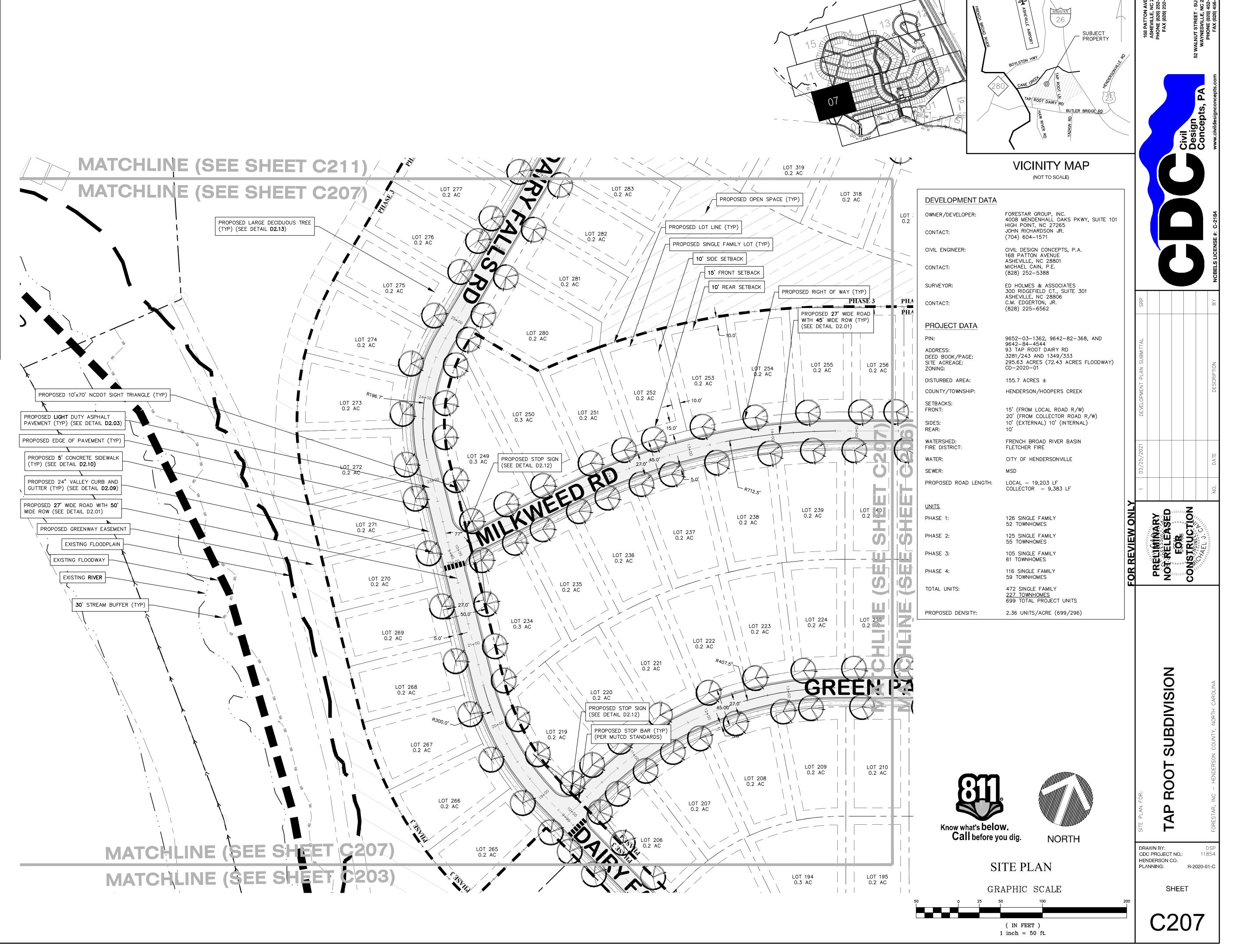




# NOTES

- 1. ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
- 2. MULTI-PHASE CONSTRUCTION.
- 3. ALL WORK MUST BE PERFORMED BY A **NORTH CAROLINA** LICENSED CONTRACTOR.
- 4. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING THE EXACT LOCATION AND ELEVATION FOR ALL UTILITIES PRIOR TO CONSTRUCTION; AND TO NOTIFY ENGINEER OF ANY CONFLICTS OR DISCREPANCIES. THE LOCATION OF SOME UTILITIES SHOWN ON THE PLANS HAVE BEEN APPROXIMATED. ALL BURIED UTILITIES HAVE NOT BEEN SHOWN ON THE PLANS AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR LOCATION PRIOR TO CONSTRUCTION.
- 5. CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES (SHOWN TO REMAIN) AND NEWLY COMPLETED WORK DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING OR RESULTING FROM CONSTRUCTION ACTIVITY IS THE RESPONSIBILITY OF THE CONTRACTOR AND IS TO BE REPAIRED IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE.
- 6. THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY ULOCO AT 1-800-632-4949 OR 811, 72 HOURS BEFORE CONSTRUCTION BEGINS.
- 7. SIDEWALKS SHALL BE CONSTRUCTED IN ORDER TO PROVIDE POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES. A MAXIMUM OF 5% SIDEWALK/CROSSWALK LONGITUDINAL SLOPE IS PERMITTED. A MAXIMUM OF 1/4" PER FOOT SIDEWALK/CROSSWALK CROSS SLOPE IS PERMITTED. ANY SIDEWALK/CROSSWALK INSTALLED WITH A STEEPER SLOPES SHALL BE REMOVED AND REPLACED AT CONTRACTORS EXPENSE.
- 8. ALL RADII LISTED ARE FROM FACE OF CURB UNLESS OTHERWISE NOTED. ALL PARKING LOT RADII ARE **20'** UNLESS OTHERWISE NOTED.
- 9. ALL ROAD/PARKING LOT IMPROVEMENTS, STRIPING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST MANUAL ON UNIFORM TRAFFIC CONTROL DEVICE (MUTCD). CONTRACTOR MAY USE A PAINT SUITABLE FOR ASPHALT APPLICATION IN LIEU OF THERMOPLASTIC WITH PRIOR APPROVAL FROM THE ENGINEER.
- 10. CURB END TREATMENT TO BE APPLIED TO ALL CURB ENDS. REFER TO CURB END TREATMENT DETAIL.
- 11. PROPOSED ROADS TO BE **PRIVATE**. **HENDERSON COUNTY IS NOT** RESPONSIBLE FOR ANY ROAD MAINTENANCE.
- 12. STREET LIGHTING PLANS TO BE PROVIDED BY DUKE IN ACCORDANCE WITH PROPOSED REZONING CONDITIONS.





#### **NOTES** 1. ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS. SUBJECT PROPERTY 2. MULTI-PHASE CONSTRUCTION. 3. ALL WORK MUST BE PERFORMED BY A NORTH CAROLINA LICENSED CONTRACTOR. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING THE EXACT LOCATION AND ELEVATION FOR ALL UTILITIES PRIOR TO CONSTRUCTION; AND TO NOTIFY ENGINEER OF ANY CONFLICTS OR DISCREPANCIES. THE LOCATION OF SOME UTILITIES SHOWN ON THE PLANS HAVE BEEN APPROXIMATED. ALL BURIED UTILITIES HAVE NOT BEEN SHOWN ON THE PLANS AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR LOCATION PRIOR TO BUTLER BRIDGE RD CONSTRUCTION. CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES (SHOWN TO REMAIN) AND NEWLY COMPLETED WORK DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING OR RESULTING FROM CONSTRUCTION ACTIVITY IS THE RESPONSIBILITY OF THE CONTRACTOR AND IS TO BE REPAIRED IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE. **VICINITY MAP** 6. THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT (NOT TO SCALE) LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY ULOCO AT 1-800-632-4949 OR 811, 72 HOURS BEFORE CONSTRUCTION BEGINS. PROPOSED 30' B2 ZONING BUFFER DEVELOPMENT DATA SIDEWALKS SHALL BE CONSTRUCTED IN ORDER TO PROVIDE POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES. A MAXIMUM FORESTAR GROUP, INC. 4008 MENDENHALL OAKS PKWY, SUITE 101 PROPOSED 24" CURB & GUTTER OF 5% SIDEWALK/CROSSWALK LONGITUDINAL SLOPE IS PERMITTED. OWNER/DEVELOPER: PROPOSED 50' (TYP) (SEE DETAIL D2.08) A MAXIMUM OF 1/4" PER FOOT SIDEWALK/CROSSWALK CROSS BUILDING SETBACK HIGH POINT, NC 27265 SLOPE IS PERMITTED. ANY SIDEWALK/CROSSWALK INSTALLED JOHN RICHARDSON JR. CONTACT: WITH A STEEPER SLOPES SHALL BE REMOVED AND REPLACED AT (704) 604-1571 CONTRACTORS EXPENSE. CIVIL DESIGN CONCEPTS, P.A. CIVIL ENGINEER: 8. ALL RADII LISTED ARE FROM FACE OF CURB UNLESS OTHERWISE 168 PATTON AVENUE NOTED. ALL PARKING LOT RADII ARE 20' UNLESS OTHERWISE ASHEVILLE, NC 28801 PROPOSED STRIPING (TYP) MICHAEL CAIN, P.E. CONTACT: (828) 252-5388 9. ALL ROAD/PARKING LOT IMPROVEMENTS, STRIPING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST MANUAL ON SURVEYOR: ED HOLMES & ASSOCIATES UNIFORM TRAFFIC CONTROL DEVICE (MUTCD). CONTRACTOR MAY PROPOSED 9'x19' STANDARD 300 RIDGEFIELD CT., SUITE 301 USE A PAINT SUITABLE FOR ASPHALT APPLICATION IN LIEU OF PARKING SPACE (TYP) ASHEVILLE, NC 28806 THERMOPLASTIC WITH PRIOR APPROVAL FROM THE ENGINEER. CONTACT: C.M. EDGERTON, JR. (828) 225-6562 10. CURB END TREATMENT TO BE APPLIED TO ALL CURB ENDS. REFER TO CURB END TREATMENT DETAIL. PROJECT DATA PROPOSED ROADS TO BE **PRIVATE**. **HENDERSON COUNTY IS NOT** RESPONSIBLE FOR ANY ROAD MAINTENANCE. 9652-03-1362, 9642-82-368, AND 9642-84-4544 PROPOSED CLUSTER MAILBOX 12. STREET LIGHTING PLANS TO BE PROVIDED BY DUKE IN 93 TAP ROOT DAIRY RD ADDRESS: ACCORDANCE WITH PROPOSED REZONING CONDITIONS. (DESIGN BY OTHERS) 3281/243 AND 1349/333 DEED BOOK/PAGE: SITE ACREAGE: 295.63 ACRES (72.43 ACRES FLOODWAY) CD-2020-01 ZONING: PROPOSED HI-VISIBILITY CROSSWALK SITE LEGEND (TYP) (PER MUTCD STANDARDS) DISTURBED AREA: 155.7 ACRES $\pm$ PROPERTY LINE COUNTY/TOWNSHIP: HENDERSON/HOOPERS CREEK PROPOSED LARGE DECIDUOUS TREE (TYP) SETBACK LINE SETBACKS: (SEE DETAIL **D2.13**) 15' (FROM LOCAL ROAD R/W) FRONT: RIGHT OF WAY LINE 20' (FROM COLLECTOR ROAD R/W) 10' (EXTERNAL) 10' (INTERNAL) SIDES: PROPOSED TOWNHOMES (TYP) PROPOSED SIGHT TRIANGLE REAR: PROPOSED STOP SIGN WATERSHED: FRENCH BROAD RIVER BASIN PROPOSED HEAVY DUTY PAVEMENT (SEE DETAIL D2.12) FIRE DISTRICT: FLETCHER FIRE PROPOSED OPEN SPACE (TYP) WATER: CITY OF HENDERSONVILLE PROPOSED LIGHT DUTY PAVEMENT - 30' STREAM BUFFER (TYP) SEWER: 严 EXISTING **STREAM** (TYP) PROPOSED ROAD LENGTH: LOCAL - 19,203 LF PROPOSED NCDOT PAVEMENT COLLECTOR - 9,383 LF PROPOSED CONCRETE SIDEWALK <u>UNITS</u> 126 SINGLE FAMILY PHASE 1: PROPOSED OPEN SPACE 52 TOWNHOMES PHASE 2: 125 SINGLE FAMILY 55 TOWNHOMES PHASE 3: 105 SINGLE FAMILY 61 TOWNHOMES PROPOSED 5' CONCRETE SIDEWALK (TYP) (SEE DETAIL **D2.10**) PHASE 4: 116 SINGLE FAMILY 59 TOWNHOMES 472 SINGLE FAMILY TOTAL UNITS: 20' FRONT SETBACK 227 TOWNHOMES 699 TOTAL PROJECT UNITS PROPOSED STOP SIGN (SEE DETAIL D2.12) PROPOSED LOT LINE (TYP) PROPOSED DENSITY: 2.36 UNITS/ACRE (699/296) PROPOSED 10'x70' NCDOT SIGHT TRIANGLE (TYP PROPOSED SINGLE FAMILY LOT (TYP) PROPOSED **LIGHT** DUTY ASPHALT PAVEMENT (TYP) (SEE DETAIL **D2.03**) 10' SIDE SETBACK / DI. I 10' REAR SETBACK PROPOSED **27**' WIDE ROAD WITH **50**' WIDE ROW (SEE DETAIL D2.01) PROPOSED EDGE OF PAVEMENT (TYP) PROPOSED 24" VALLEY CURB AND GUTTER (TYP) (SEE DETAIL **D2.09**) PROPOSED STOP SIGN (SEE DETAIL D2.12) PROPOSED 27' WIDE ROAD WITH 45' WIDE ROW (TYP) (SEE DETAIL D2.01) Know what's below. Call before you dig. NORTH SITE PLAN GRAPHIC SCALE ( IN FEET ) 1 inch = 50 ft.

OR REVIEW ON

CONSTRUCTION

DRAWN BY:

CDC PROJECT NO.:

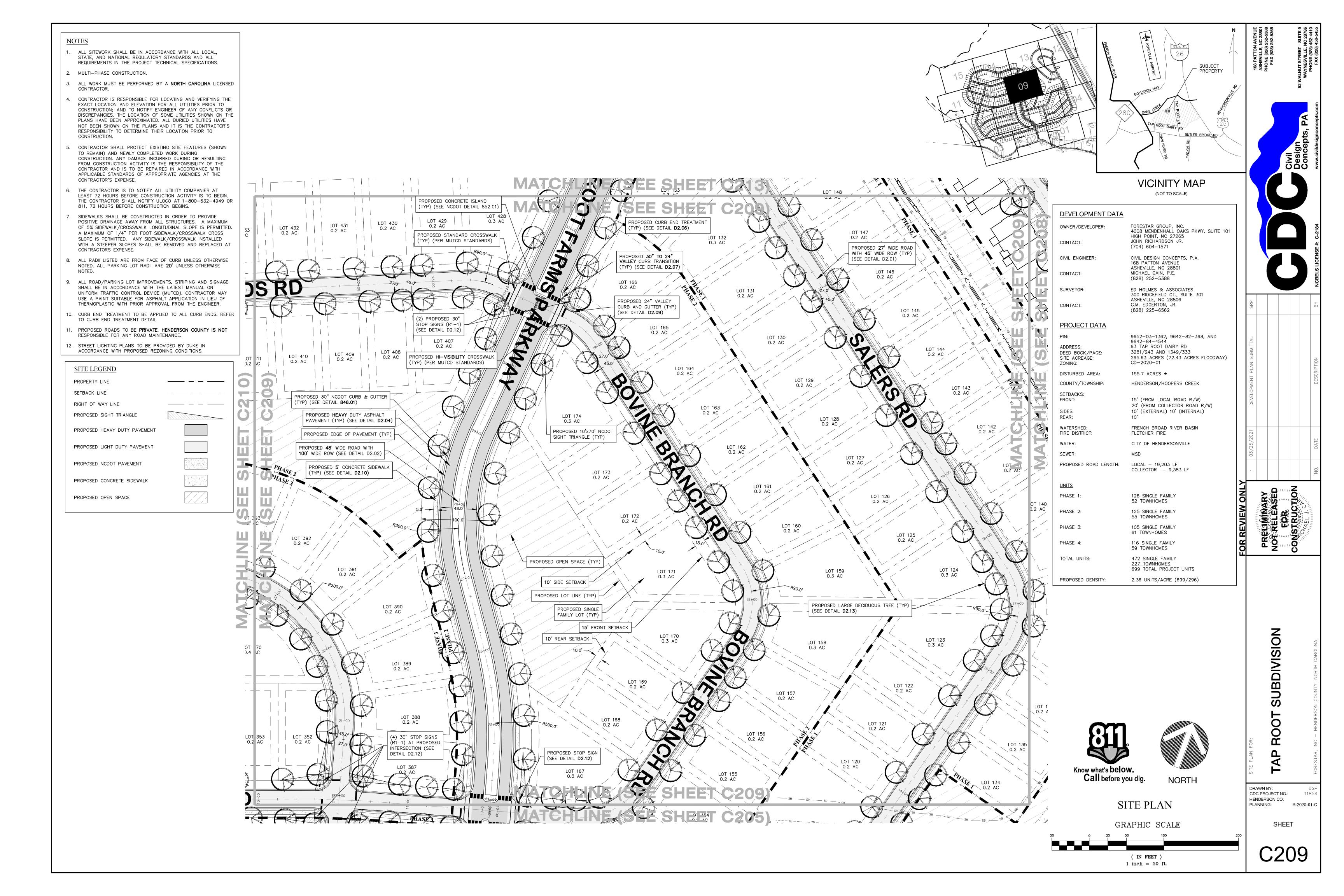
SHEET

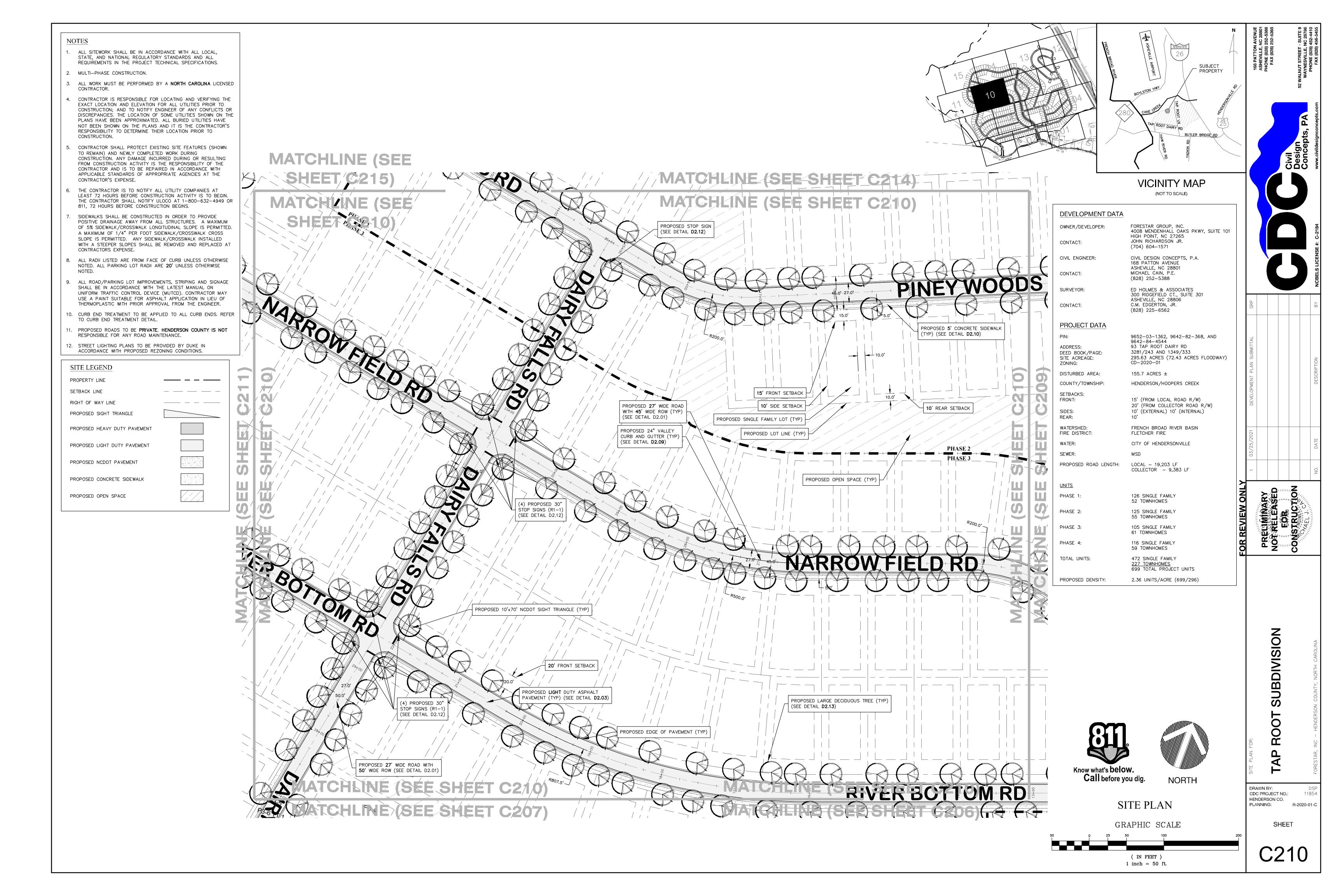
HENDERSON CO.

PLANNING:

11854

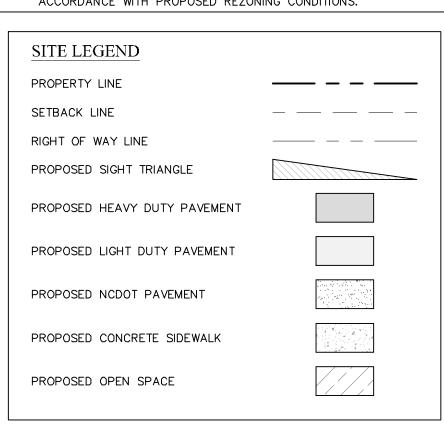
R-2020-01-C

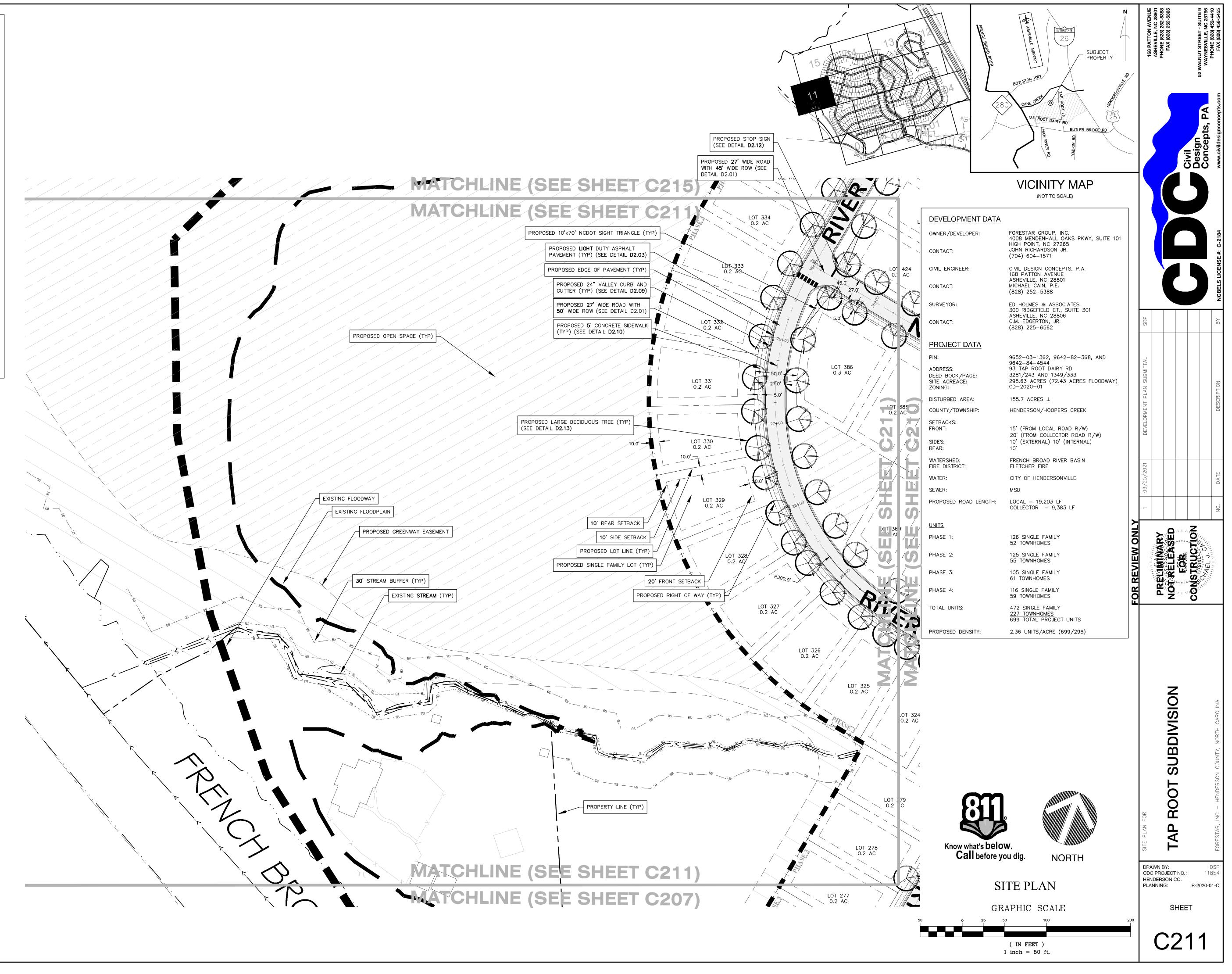




# NOTES

- 1. ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
- 2. MULTI-PHASE CONSTRUCTION.
- 3. ALL WORK MUST BE PERFORMED BY A **NORTH CAROLINA** LICENSED CONTRACTOR.
- 4. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING THE EXACT LOCATION AND ELEVATION FOR ALL UTILITIES PRIOR TO CONSTRUCTION; AND TO NOTIFY ENGINEER OF ANY CONFLICTS OR DISCREPANCIES. THE LOCATION OF SOME UTILITIES SHOWN ON THE PLANS HAVE BEEN APPROXIMATED. ALL BURIED UTILITIES HAVE NOT BEEN SHOWN ON THE PLANS AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR LOCATION PRIOR TO CONSTRUCTION.
- 5. CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES (SHOWN TO REMAIN) AND NEWLY COMPLETED WORK DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING OR RESULTING FROM CONSTRUCTION ACTIVITY IS THE RESPONSIBILITY OF THE CONTRACTOR AND IS TO BE REPAIRED IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE.
- 6. THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY ULOCO AT 1-800-632-4949 OR 811, 72 HOURS BEFORE CONSTRUCTION BEGINS.
- 7. SIDEWALKS SHALL BE CONSTRUCTED IN ORDER TO PROVIDE POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES. A MAXIMUM OF 5% SIDEWALK/CROSSWALK LONGITUDINAL SLOPE IS PERMITTED. A MAXIMUM OF 1/4" PER FOOT SIDEWALK/CROSSWALK CROSS SLOPE IS PERMITTED. ANY SIDEWALK/CROSSWALK INSTALLED WITH A STEEPER SLOPES SHALL BE REMOVED AND REPLACED AT CONTRACTORS EXPENSE.
- 8. ALL RADII LISTED ARE FROM FACE OF CURB UNLESS OTHERWISE NOTED. ALL PARKING LOT RADII ARE **20'** UNLESS OTHERWISE NOTED.
- 9. ALL ROAD/PARKING LOT IMPROVEMENTS, STRIPING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST MANUAL ON UNIFORM TRAFFIC CONTROL DEVICE (MUTCD). CONTRACTOR MAY USE A PAINT SUITABLE FOR ASPHALT APPLICATION IN LIEU OF THERMOPLASTIC WITH PRIOR APPROVAL FROM THE ENGINEER.
- 10. CURB END TREATMENT TO BE APPLIED TO ALL CURB ENDS. REFER TO CURB END TREATMENT DETAIL.
- 11. PROPOSED ROADS TO BE **PRIVATE**. **HENDERSON COUNTY IS NOT** RESPONSIBLE FOR ANY ROAD MAINTENANCE.
- 12. STREET LIGHTING PLANS TO BE PROVIDED BY DUKE IN ACCORDANCE WITH PROPOSED REZONING CONDITIONS.





#### **NOTES** ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS. SUBJECT PROPERTY 2. MULTI-PHASE CONSTRUCTION. 3. ALL WORK MUST BE PERFORMED BY A NORTH CAROLINA LICENSED CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING THE EXACT LOCATION AND ELEVATION FOR ALL UTILITIES PRIOR TO CONSTRUCTION: AND TO NOTIFY ENGINEER OF ANY CONFLICTS OR DISCREPANCIES. THE LOCATION OF SOME UTILITIES SHOWN ON THE PLANS HAVE BEEN APPROXIMATED. ALL BURIED UTILITIES HAVE NOT BEEN SHOWN ON THE PLANS AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR LOCATION PRIOR TO BUTLER BRIDGE RD CONSTRUCTION. CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES (SHOWN TO REMAIN) AND NEWLY COMPLETED WORK DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING OR RESULTING FROM CONSTRUCTION ACTIVITY IS THE RESPONSIBILITY OF THE CONTRACTOR AND IS TO BE REPAIRED IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE. **VICINITY MAP** 6. THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT (NOT TO SCALE) LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY ULOCO AT 1-800-632-4949 OR 811, 72 HOURS BEFORE CONSTRUCTION BEGINS. DEVELOPMENT DATA SIDEWALKS SHALL BE CONSTRUCTED IN ORDER TO PROVIDE PROPOSED OPEN SPACE (TYP) POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES. A MAXIMUM FORESTAR GROUP, INC. 4008 MENDENHALL OAKS PKWY, SUITE 101 OWNER/DEVELOPER: OF 5% SIDEWALK/CROSSWALK LONGITUDINAL SLOPE IS PERMITTED. A MAXIMUM OF 1/4" PER FOOT SIDEWALK/CROSSWALK CROSS HIGH POINT, NC 27265 SLOPE IS PERMITTED. ANY SIDEWALK/CROSSWALK INSTALLED JOHN RICHARDSON JR. CONTACT: WITH A STEEPER SLOPES SHALL BE REMOVED AND REPLACED AT (704) 604-1571 CONTRACTORS EXPENSE. CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A. 8. ALL RADII LISTED ARE FROM FACE OF CURB UNLESS OTHERWISE 168 PATTON AVENUE NOTED. ALL PARKING LOT RADII ARE 20' UNLESS OTHERWISE ASHEVILLE, NC 28801 MICHAEL CAIN, P.E. CONTACT: (828) 252-5388 9. ALL ROAD/PARKING LOT IMPROVEMENTS, STRIPING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST MANUAL ON ED HOLMES & ASSOCIATES UNIFORM TRAFFIC CONTROL DEVICE (MUTCD). CONTRACTOR MAY 300 RIDGEFIELD CT., SUITE 301 USE A PAINT SUITABLE FOR ASPHALT APPLICATION IN LIEU OF ASHEVILLE, NC 28806 THERMOPLASTIC WITH PRIOR APPROVAL FROM THE ENGINEER. PROPOSED TOWNHOMES (TYP) CONTACT: C.M. EDGERTON, JR. (828) 225-6562 10. CURB END TREATMENT TO BE APPLIED TO ALL CURB ENDS. REFER PROPOSED **LIGHT** DUTY ASPHALT TO CURB END TREATMENT DETAIL. PAVEMENT (TYP) (SEE DETAIL D2.03) PHASE 4 PROJECT DATA PROPOSED ROADS TO BE **PRIVATE**. **HENDERSON COUNTY IS NOT** RESPONSIBLE FOR ANY ROAD MAINTENANCE. PROPOSED 5' CONCRETE SIDEWALK 9652-03-1362, 9642-82-368, AND 9642-84-4544 (TYP) (SEE DETAIL **D2.10**) STREET LIGHTING PLANS TO BE PROVIDED BY DUKE IN 93 TAP ROOT DAIRY RD ADDRESS: ACCORDANCE WITH PROPOSED REZONING CONDITIONS. 3281/243 AND 1349/333 DEED BOOK/PAGE: PROPOSED 24" VALLEY CURB AND SITE ACREAGE: 295.63 ACRES (72.43 ACRES FLOODWAY) GUTTER (TYP) (SEE DETAIL **D2.09**) CD-2020-01 ZONING: SITE LEGEND PROPOSED 27' WIDE ROAD WITH 45' DISTURBED AREA: 155.7 ACRES $\pm$ WIDE ROW (TYP) (SEE DETAIL D2.01) COUNTY/TOWNSHIP: HENDERSON/HOOPERS CREEK PROPERTY LINE PROPOSED EDGE OF PAVEMENT (TYP) SETBACKS: SETBACK LINE 15' (FROM LOCAL ROAD R/W) FRONT: 20' (FROM COLLECTOR ROAD R/W) RIGHT OF WAY LINE 10' (EXTERNAL) 10' (INTERNAL) SIDES: REAR: PROPOSED SIGHT TRIANGLE PROPOSED RIGHT OF WAY (TYP) WATERSHED: FRENCH BROAD RIVER BASIN FIRE DISTRICT: FLETCHER FIRE PROPOSED HEAVY DUTY PAVEMENT EXISTING WETLANDS (TYP) WATER: CITY OF HENDERSONVILLE PROPOSED LARGE DECIDUOUS TREE (TYP) PROPOSED LIGHT DUTY PAVEMENT (SEE DETAIL **D2.13**) SEWER: PROPOSED ROAD LENGTH: LOCAL - 19,203 LF PROPOSED NCDOT PAVEMENT PROPOSED **50'** BUILDING SETBACK COLLECTOR - 9,383 LF PROPOSED CONCRETE SIDEWALK <u>UNITS</u> OR REVIEW ON PHASE 1: 126 SINGLE FAMILY 52 TOWNHOMES PROPOSED OPEN SPACE 125 SINGLE FAMILY PHASE 2: PROPOSED 30' B2 ZONING BUFFER 55 TOWNHOMES 105 SINGLE FAMILY PHASE 3: 61 TOWNHOMES PHASE 4: 116 SINGLE FAMILY 59 TOWNHOMES 472 SINGLE FAMILY TOTAL UNITS: 227 TOWNHOMES 699 TOTAL PROJECT UNITS PROPOSED DENSITY: 2.36 UNITS/ACRE (699/296) PROPOSED STANDARD CROSSWALK (TYP) (PER MUTCD STANDARDS) PROPOSED 9'x19' STANDARD PARKING SPACE (TYP) EXISTING STREAM (TYP) 30' STREAM BUFFER (TYP) (3) PROPOSED 30" STOP SIGNS (R1-1) (SEE DETAIL D2.12) PROPOSED 24" CURB & GUTTER (TYP) (SEE DETAIL D2.08) PROPOSED **27'** WIDE ROAD WITH **50'** WIDE ROW (SEE DETAIL D2.01) Know what's below. Call before you dig. NORTH DRAWN BY: CDC PROJECT NO.: HENDERSON CO. SITE PLAN PLANNING: GRAPHIC SCALE ( IN FEET )

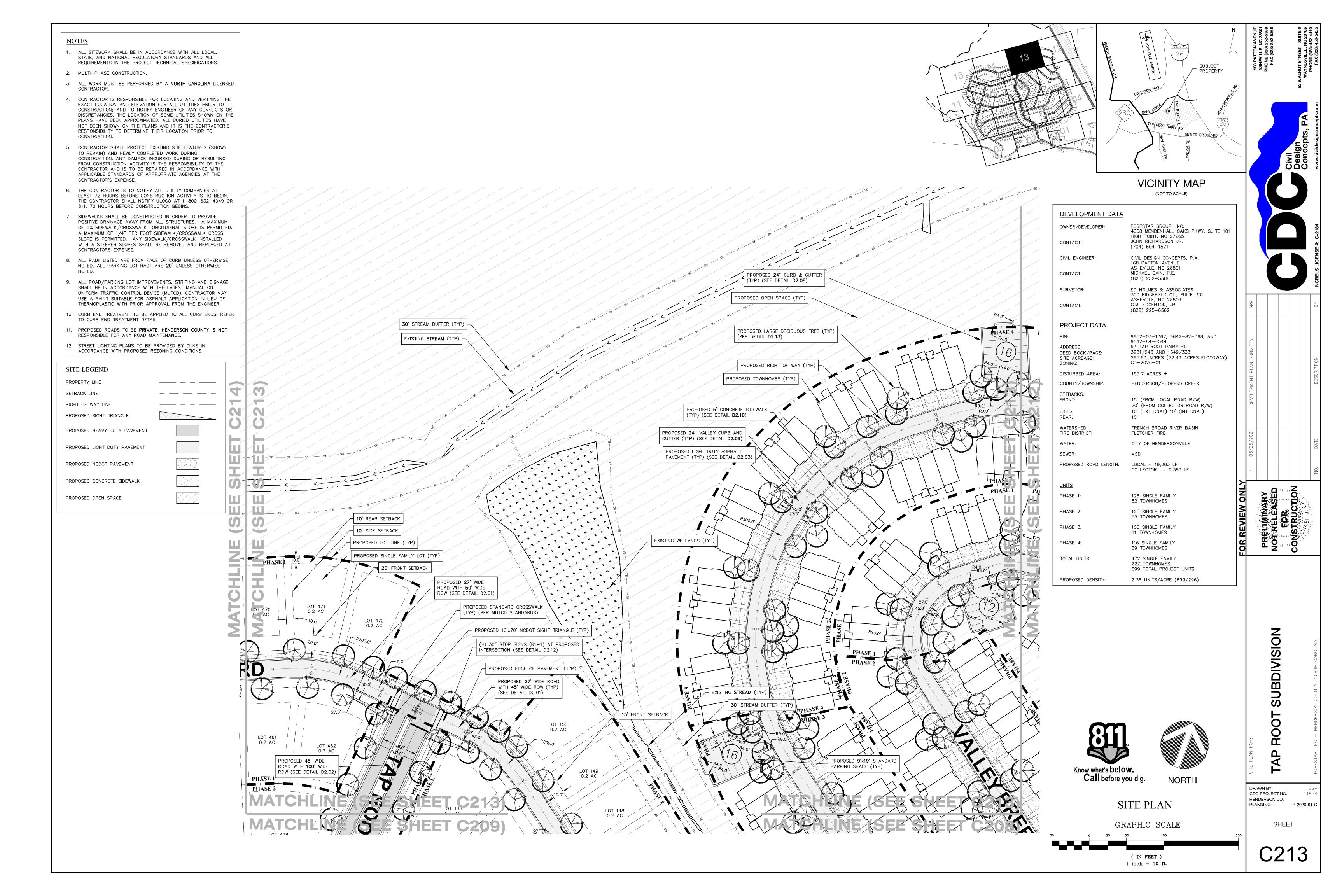
CONSTRUCTION

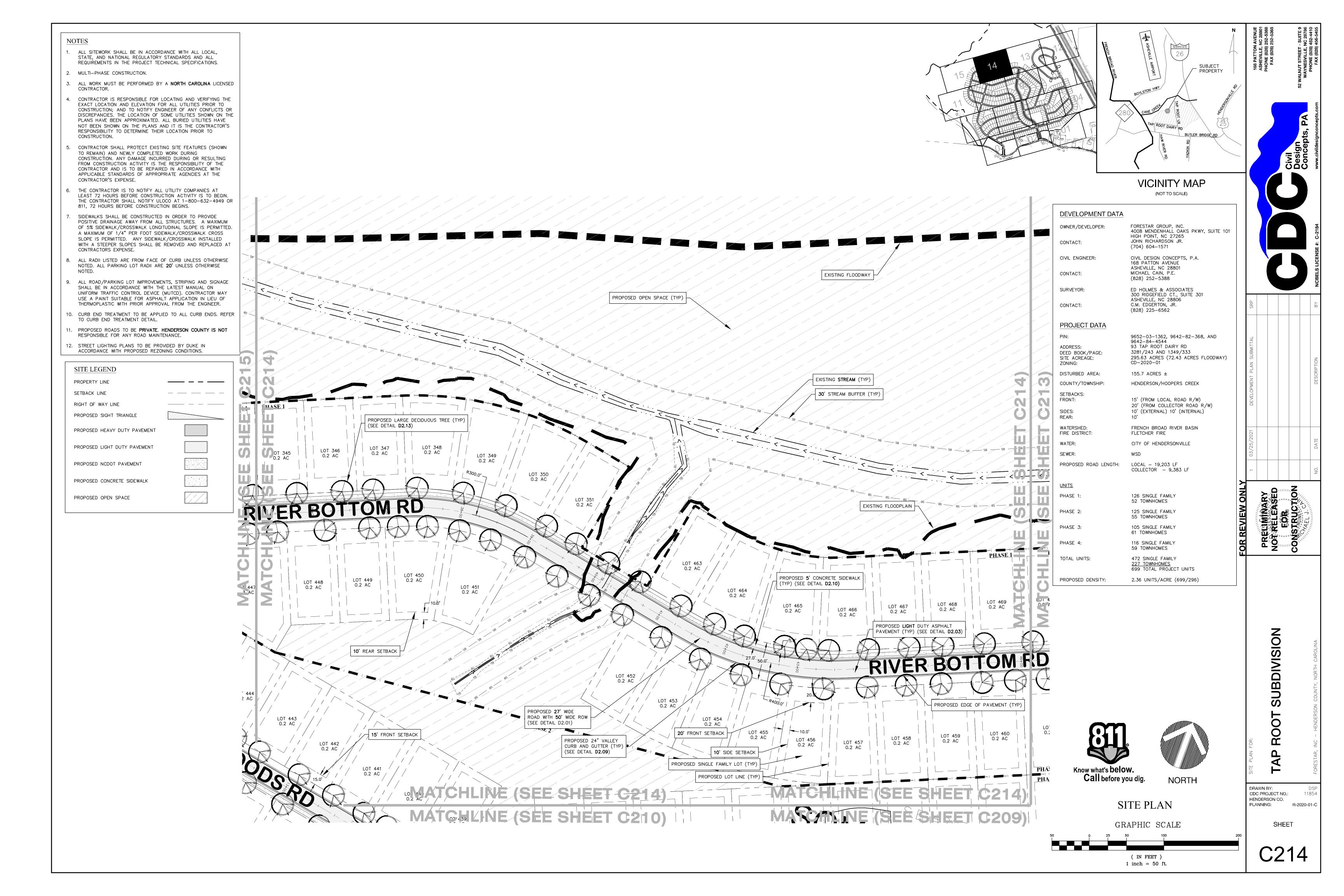
DINISIO

R-2020-01-C

SHEET

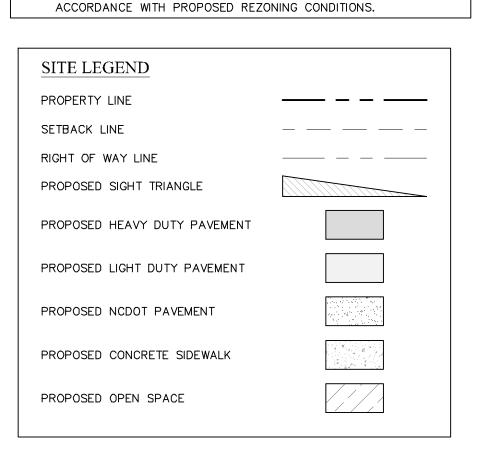
1 inch = 50 ft.

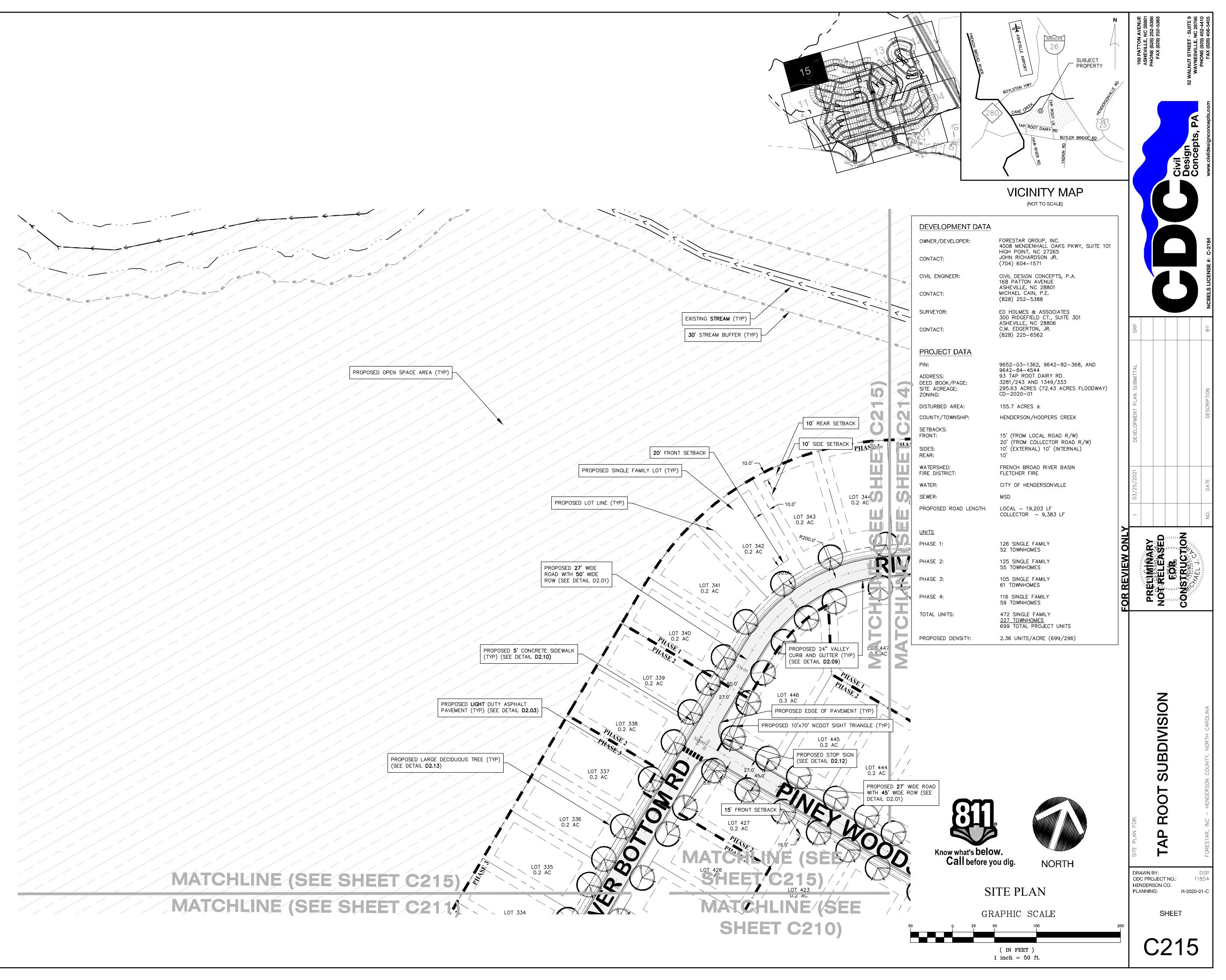


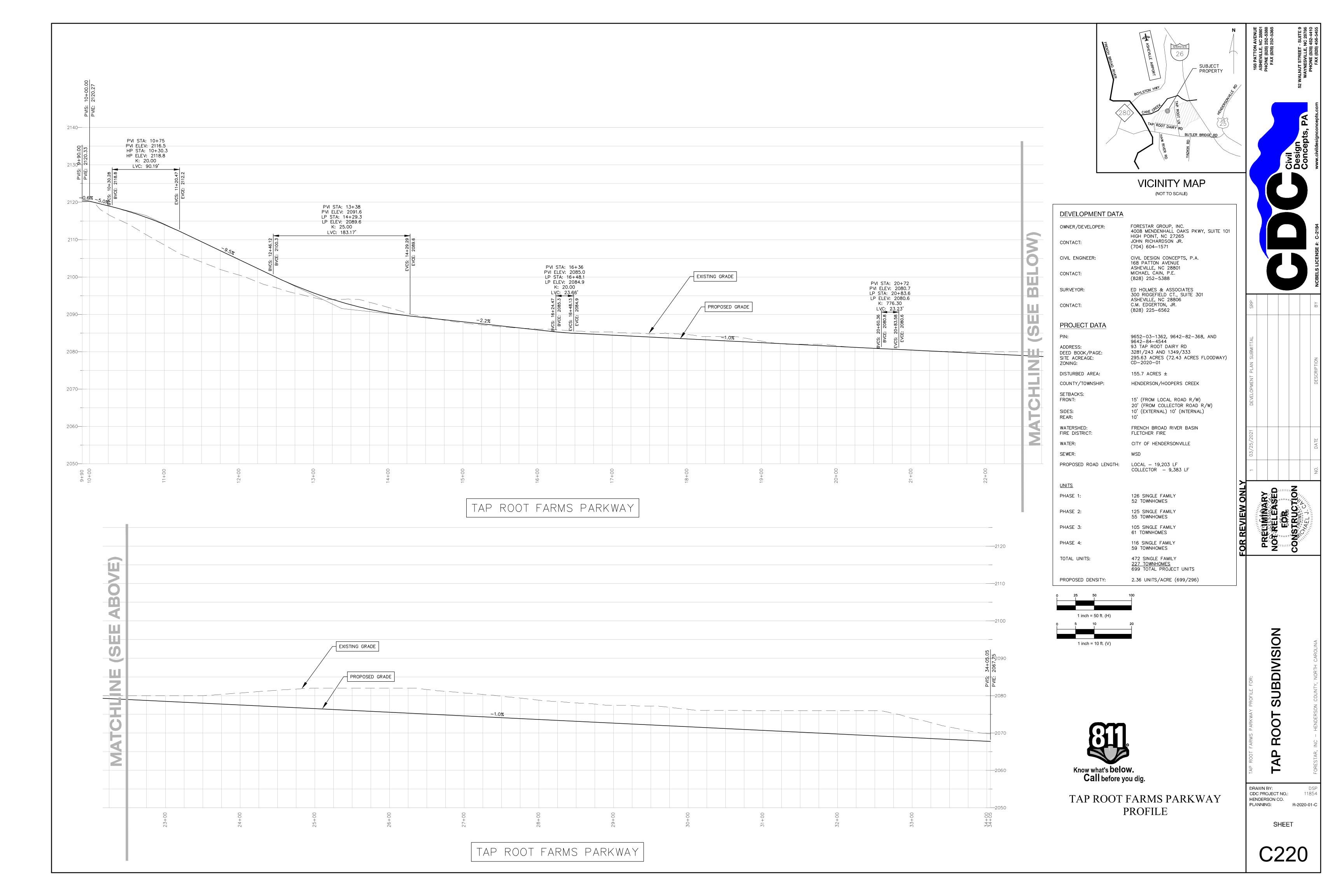


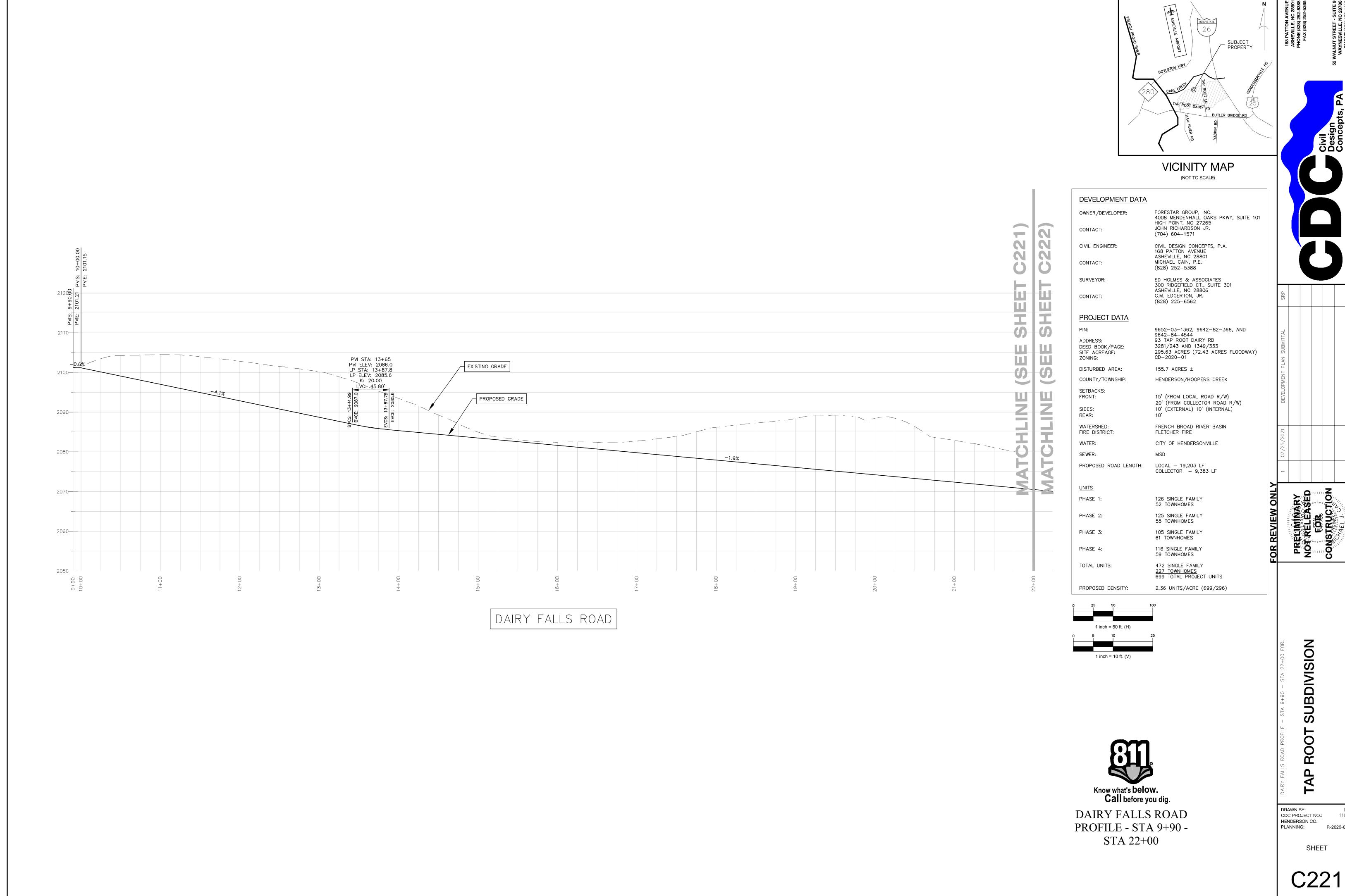
# NOTES

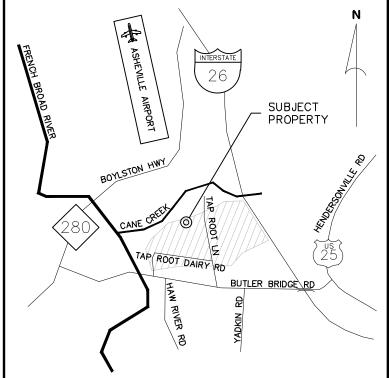
- 1. ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
- 2. MULTI-PHASE CONSTRUCTION.
- 3. ALL WORK MUST BE PERFORMED BY A **NORTH CAROLINA** LICENSED CONTRACTOR.
- 4. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING THE EXACT LOCATION AND ELEVATION FOR ALL UTILITIES PRIOR TO CONSTRUCTION; AND TO NOTIFY ENGINEER OF ANY CONFLICTS OR DISCREPANCIES. THE LOCATION OF SOME UTILITIES SHOWN ON THE PLANS HAVE BEEN APPROXIMATED. ALL BURIED UTILITIES HAVE NOT BEEN SHOWN ON THE PLANS AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR LOCATION PRIOR TO CONSTRUCTION.
- 5. CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES (SHOWN TO REMAIN) AND NEWLY COMPLETED WORK DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING OR RESULTING FROM CONSTRUCTION ACTIVITY IS THE RESPONSIBILITY OF THE CONTRACTOR AND IS TO BE REPAIRED IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE.
- 6. THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY ULOCO AT 1-800-632-4949 OR 811, 72 HOURS BEFORE CONSTRUCTION BEGINS.
- 7. SIDEWALKS SHALL BE CONSTRUCTED IN ORDER TO PROVIDE POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES. A MAXIMUM OF 5% SIDEWALK/CROSSWALK LONGITUDINAL SLOPE IS PERMITTED. A MAXIMUM OF 1/4" PER FOOT SIDEWALK/CROSSWALK CROSS SLOPE IS PERMITTED. ANY SIDEWALK/CROSSWALK INSTALLED WITH A STEEPER SLOPES SHALL BE REMOVED AND REPLACED AT CONTRACTORS EXPENSE.
- 8. ALL RADII LISTED ARE FROM FACE OF CURB UNLESS OTHERWISE NOTED. ALL PARKING LOT RADII ARE **20'** UNLESS OTHERWISE NOTED.
- 9. ALL ROAD/PARKING LOT IMPROVEMENTS, STRIPING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST MANUAL ON UNIFORM TRAFFIC CONTROL DEVICE (MUTCD). CONTRACTOR MAY USE A PAINT SUITABLE FOR ASPHALT APPLICATION IN LIEU OF THERMOPLASTIC WITH PRIOR APPROVAL FROM THE ENGINEER.
- 10. CURB END TREATMENT TO BE APPLIED TO ALL CURB ENDS. REFER TO CURB END TREATMENT DETAIL.
- PROPOSED ROADS TO BE PRIVATE. HENDERSON COUNTY IS NOT RESPONSIBLE FOR ANY ROAD MAINTENANCE.
- 2. STREET LIGHTING PLANS TO BE PROVIDED BY DUKE IN

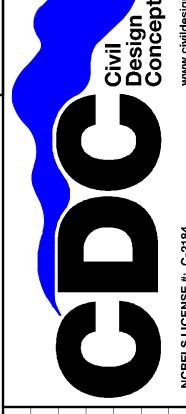






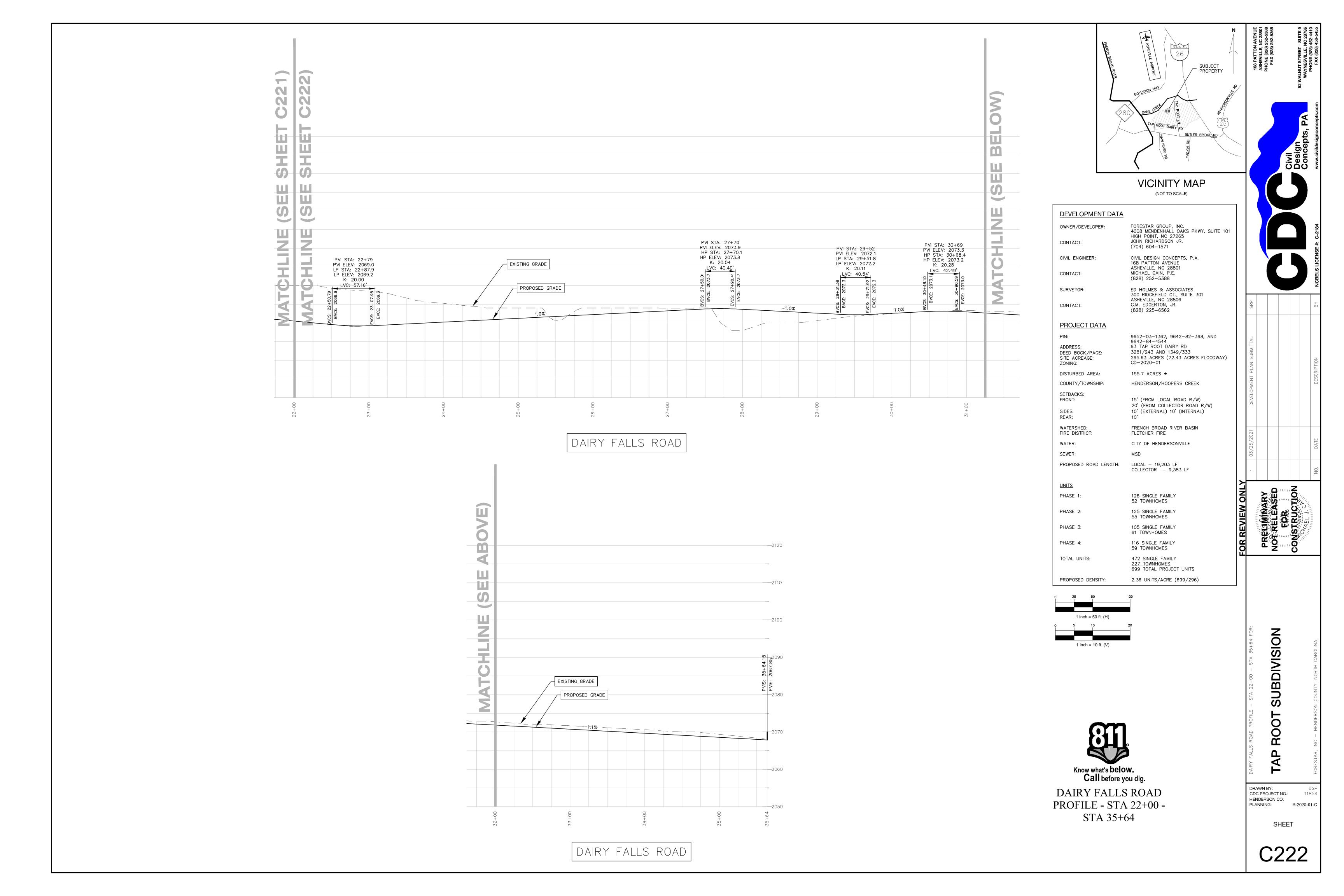


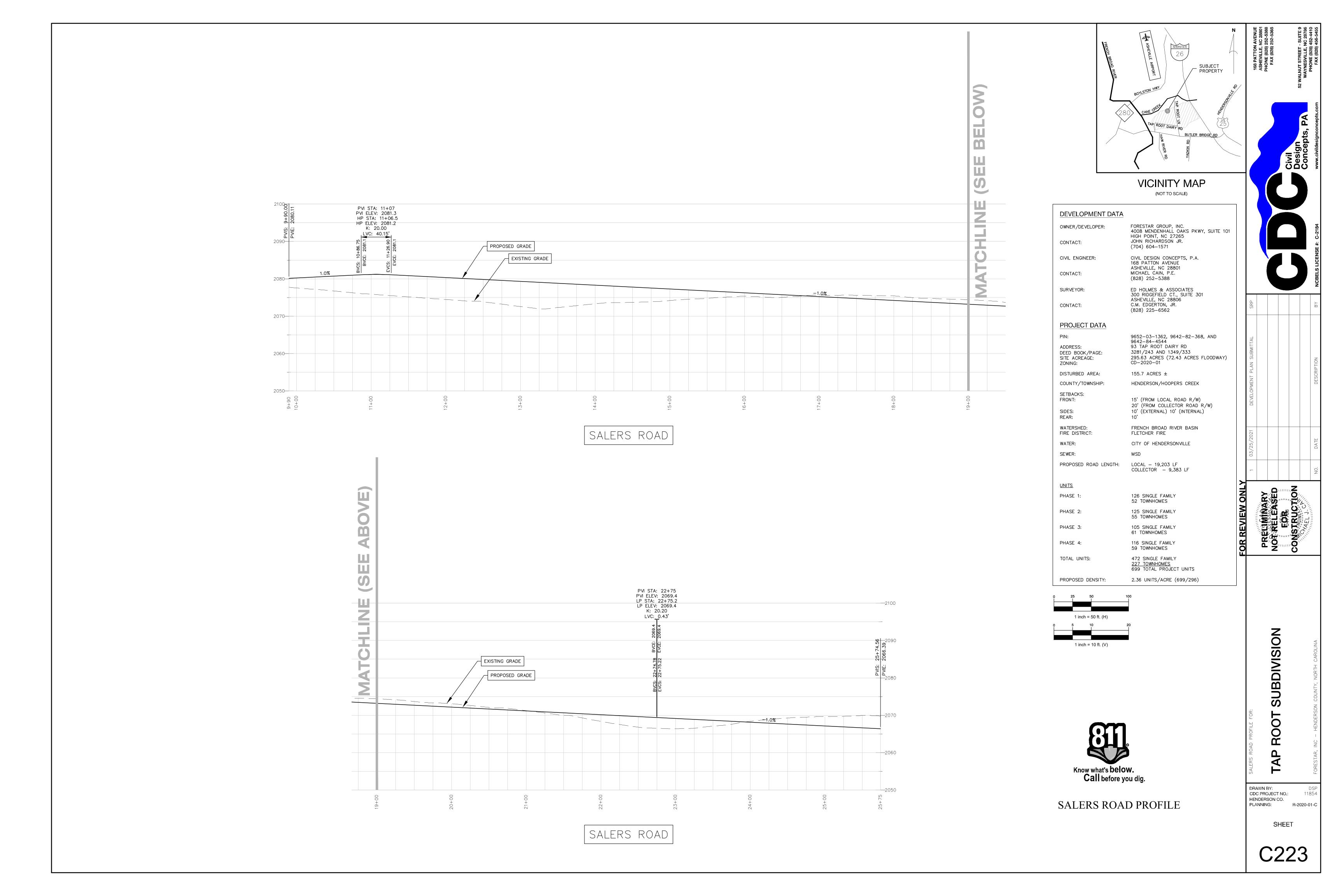


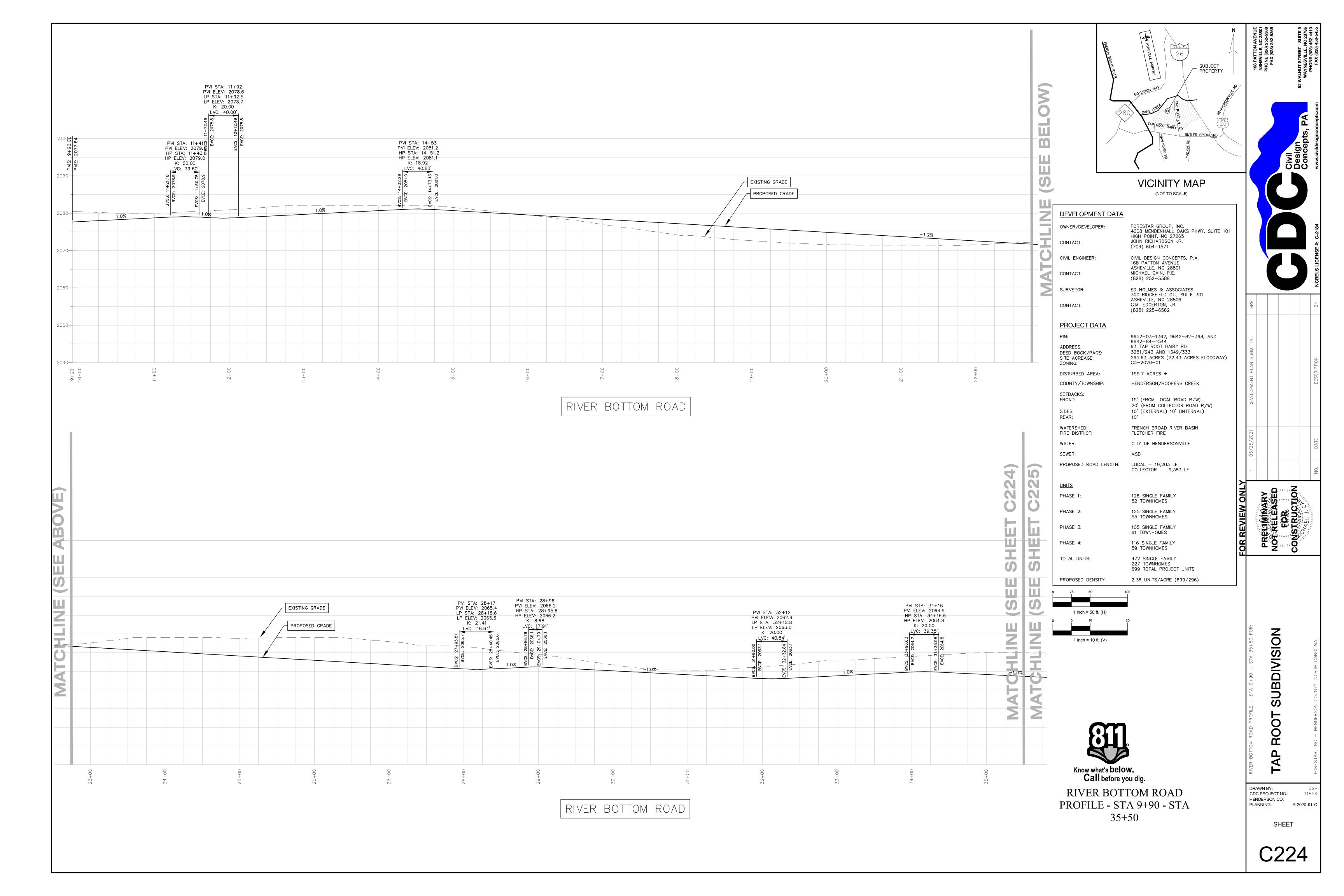


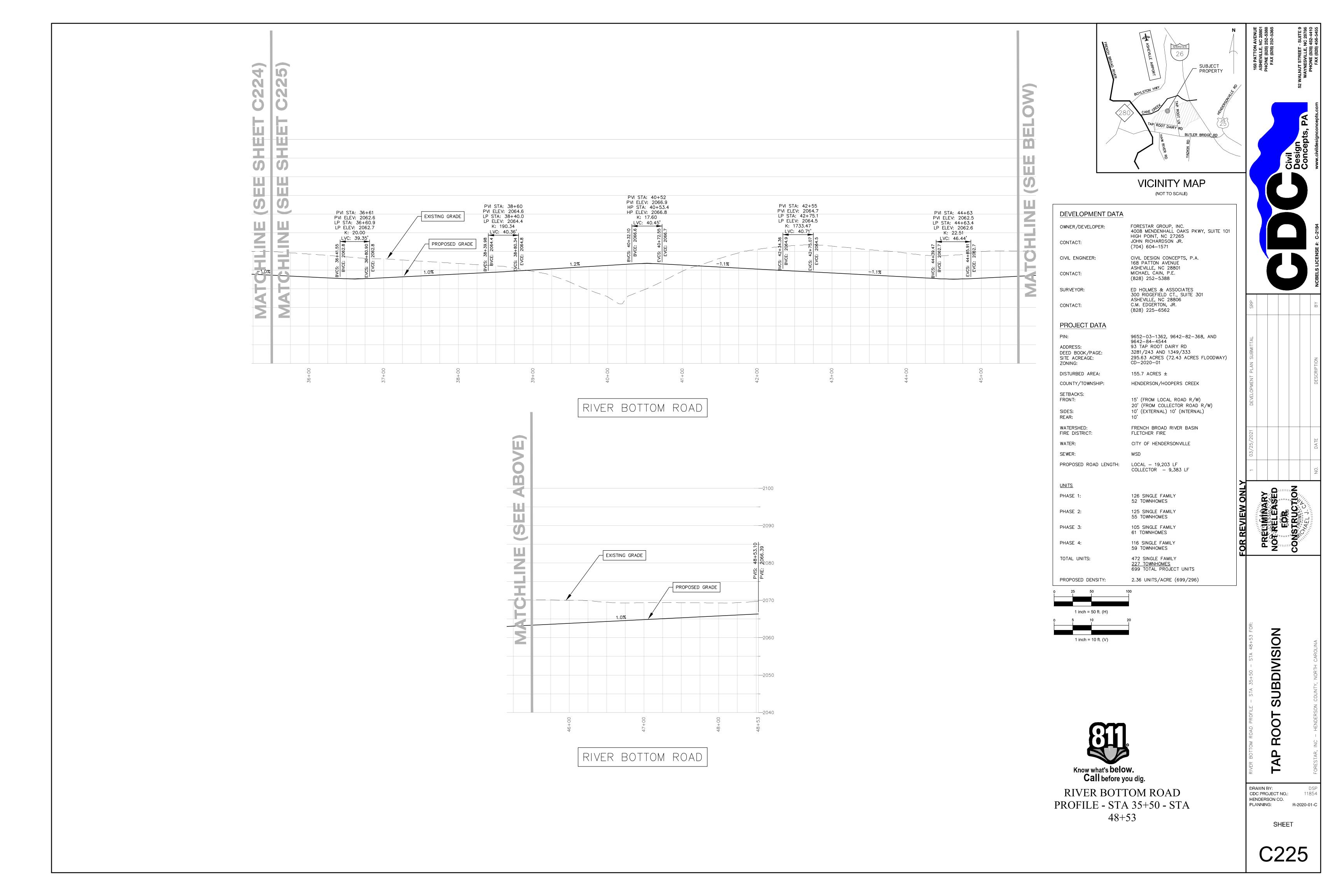
111111111111111111111111111111111111111	-	03/25/2021	DEVELOPMENT PLAN SUBMITTA
PRELIMINARY			
NOT RELEASED			
CONSTRUCTION			
A EL O			
	NO.	DATE	DESCRIPTION

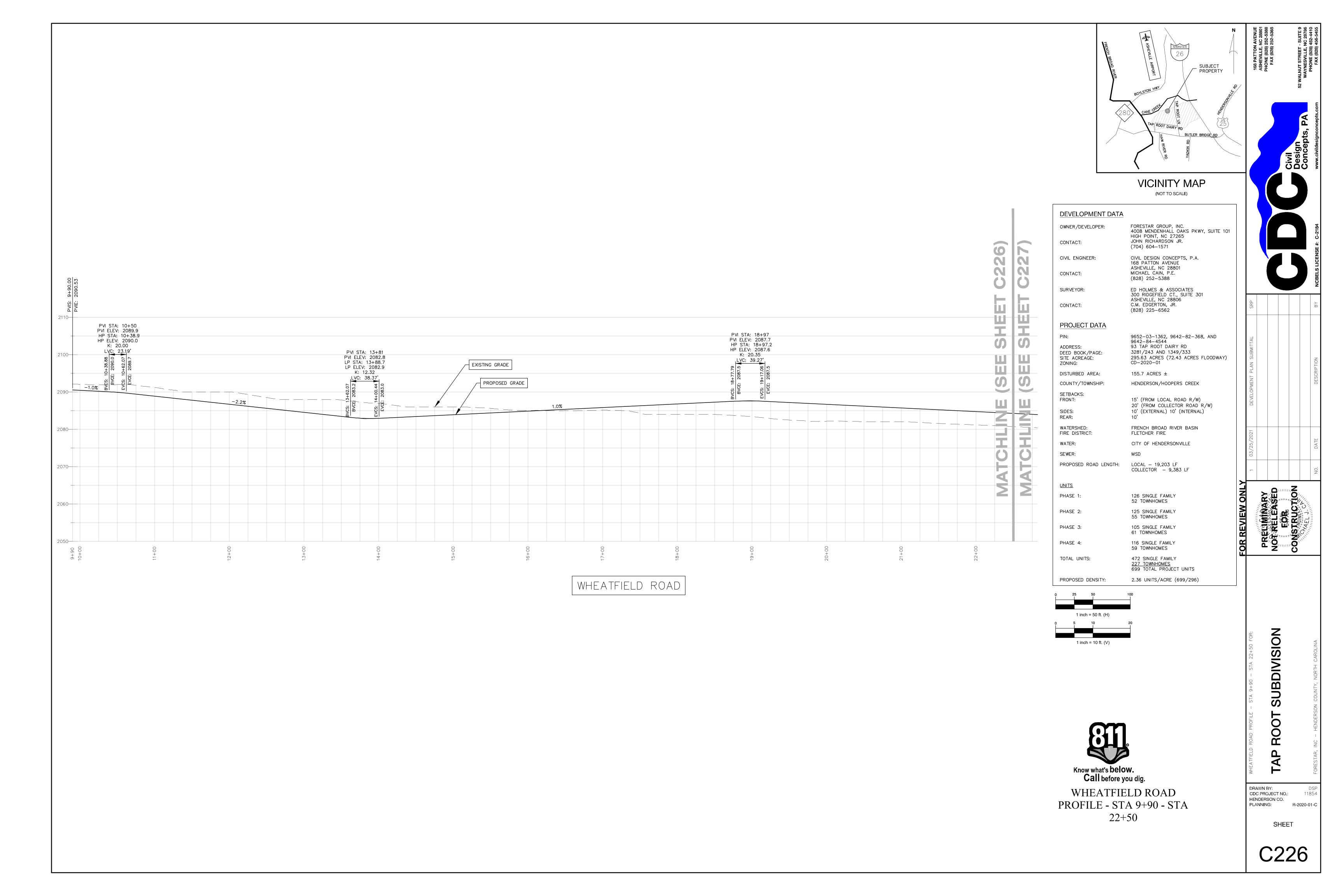
R-2020-01-C

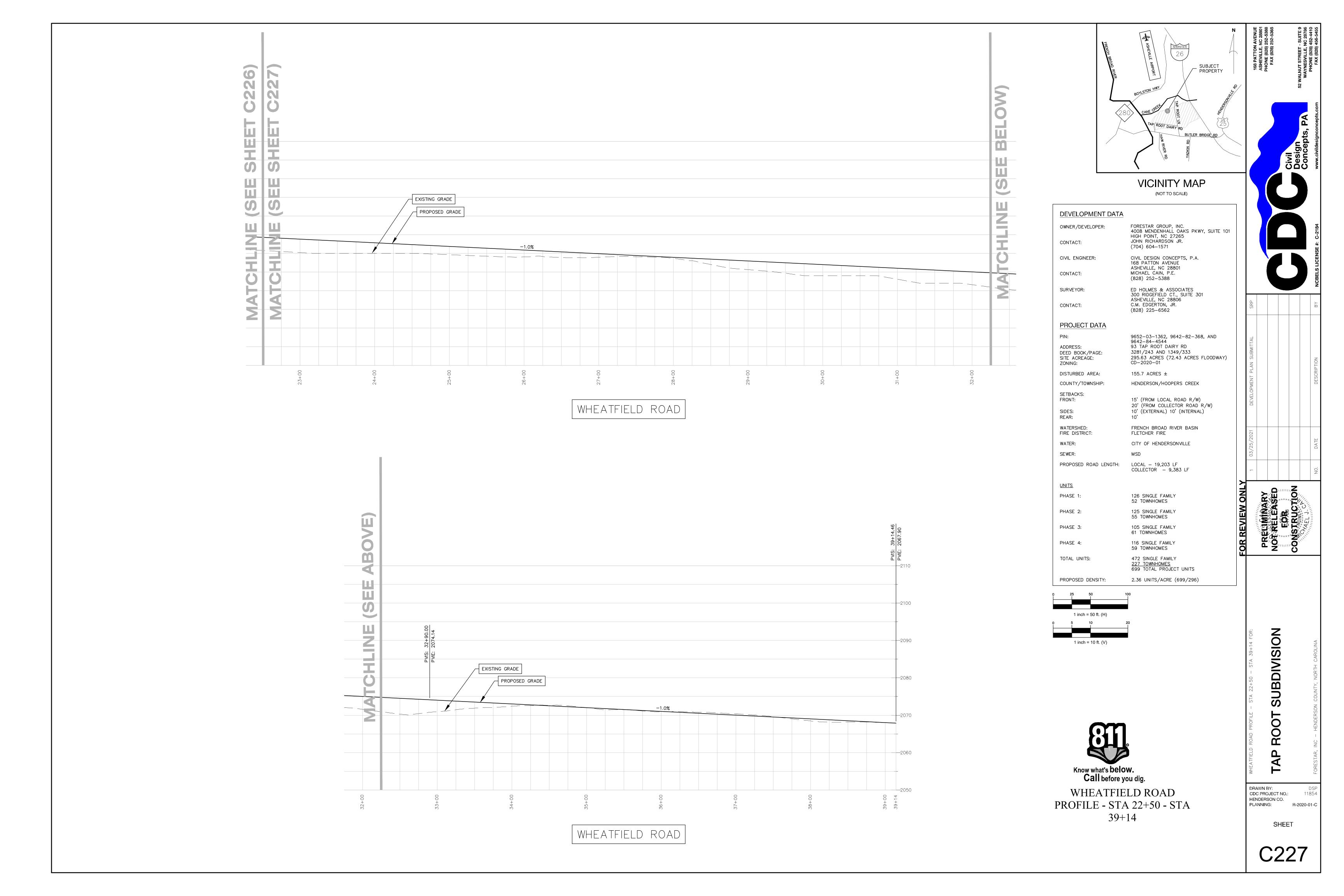


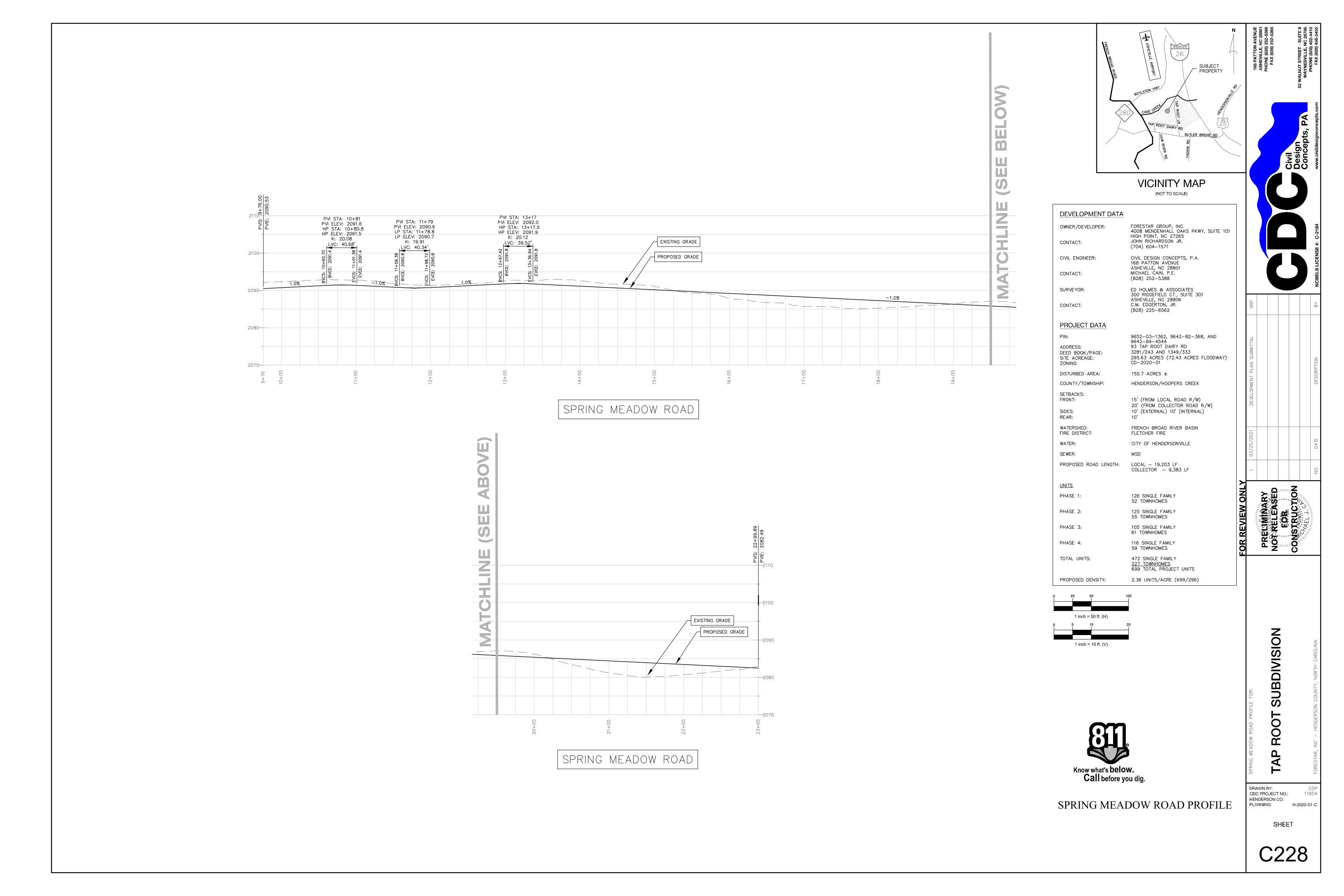


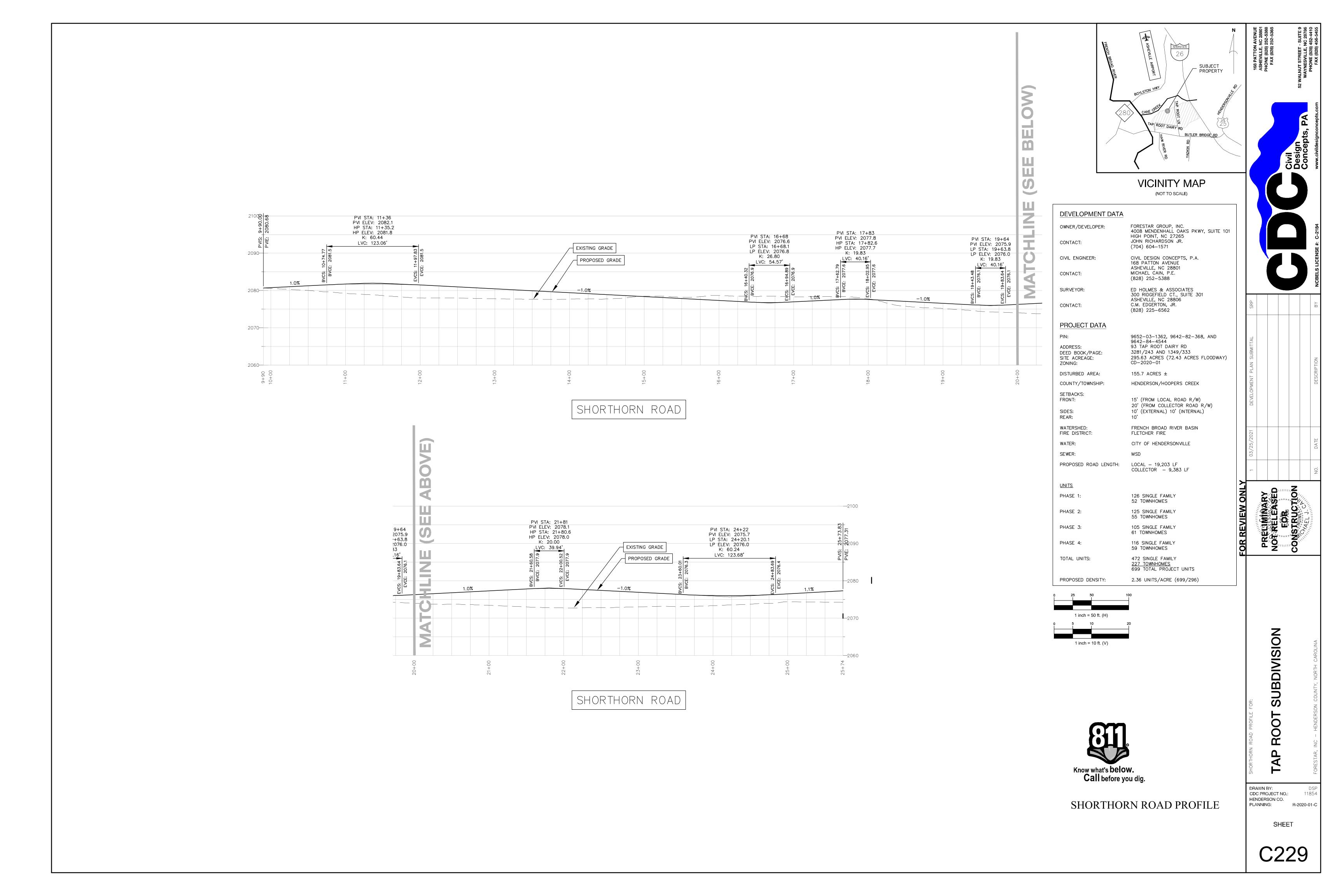


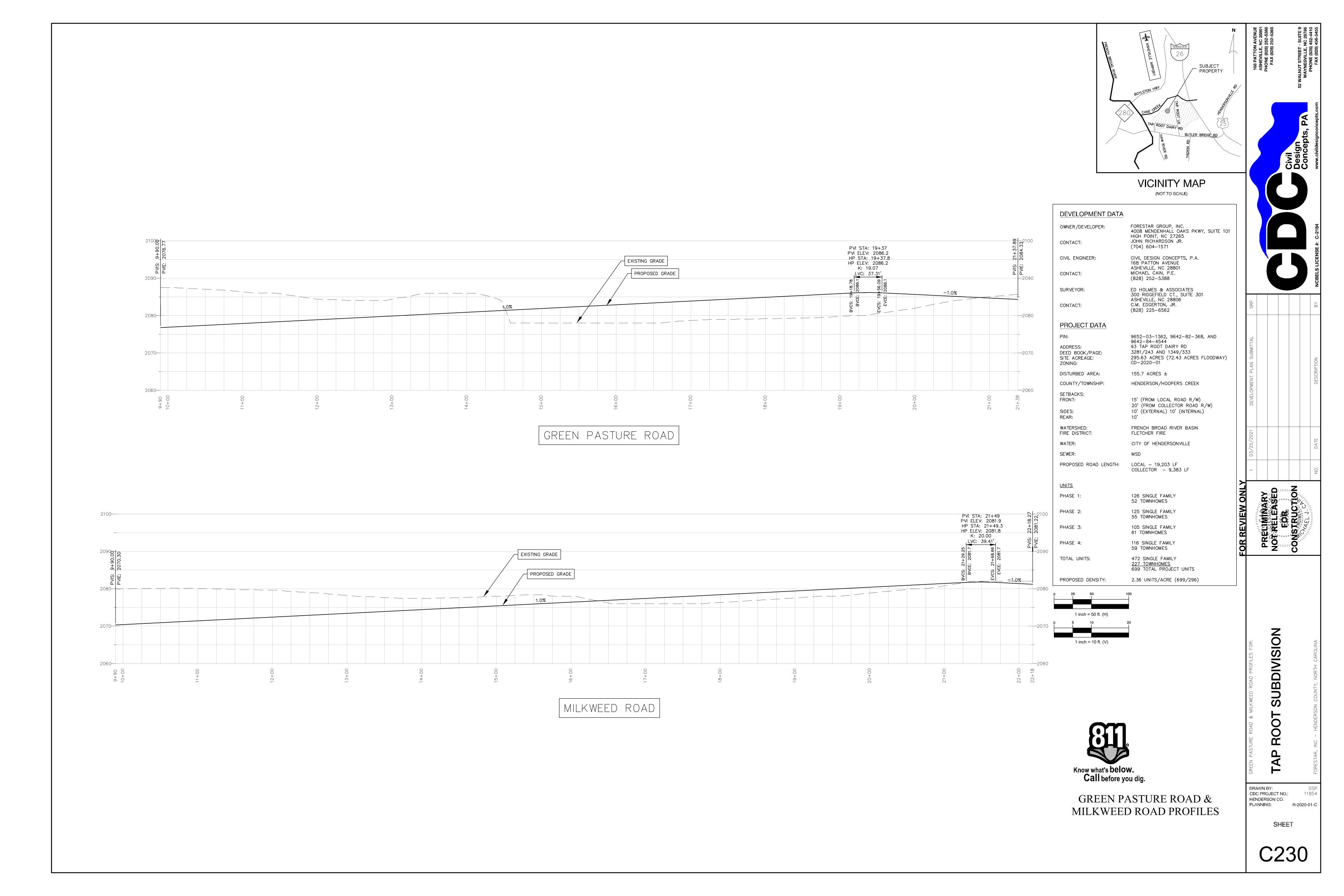


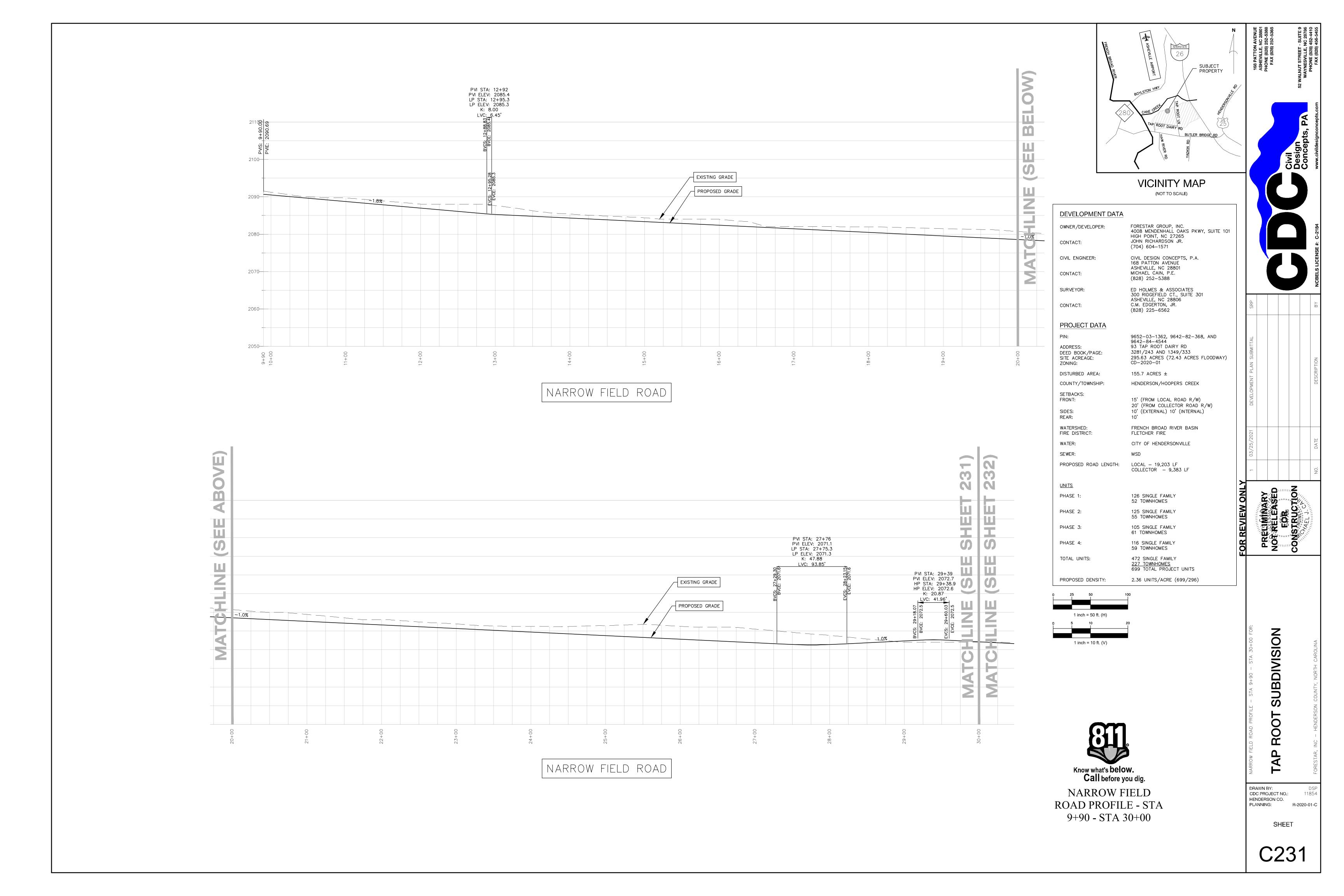


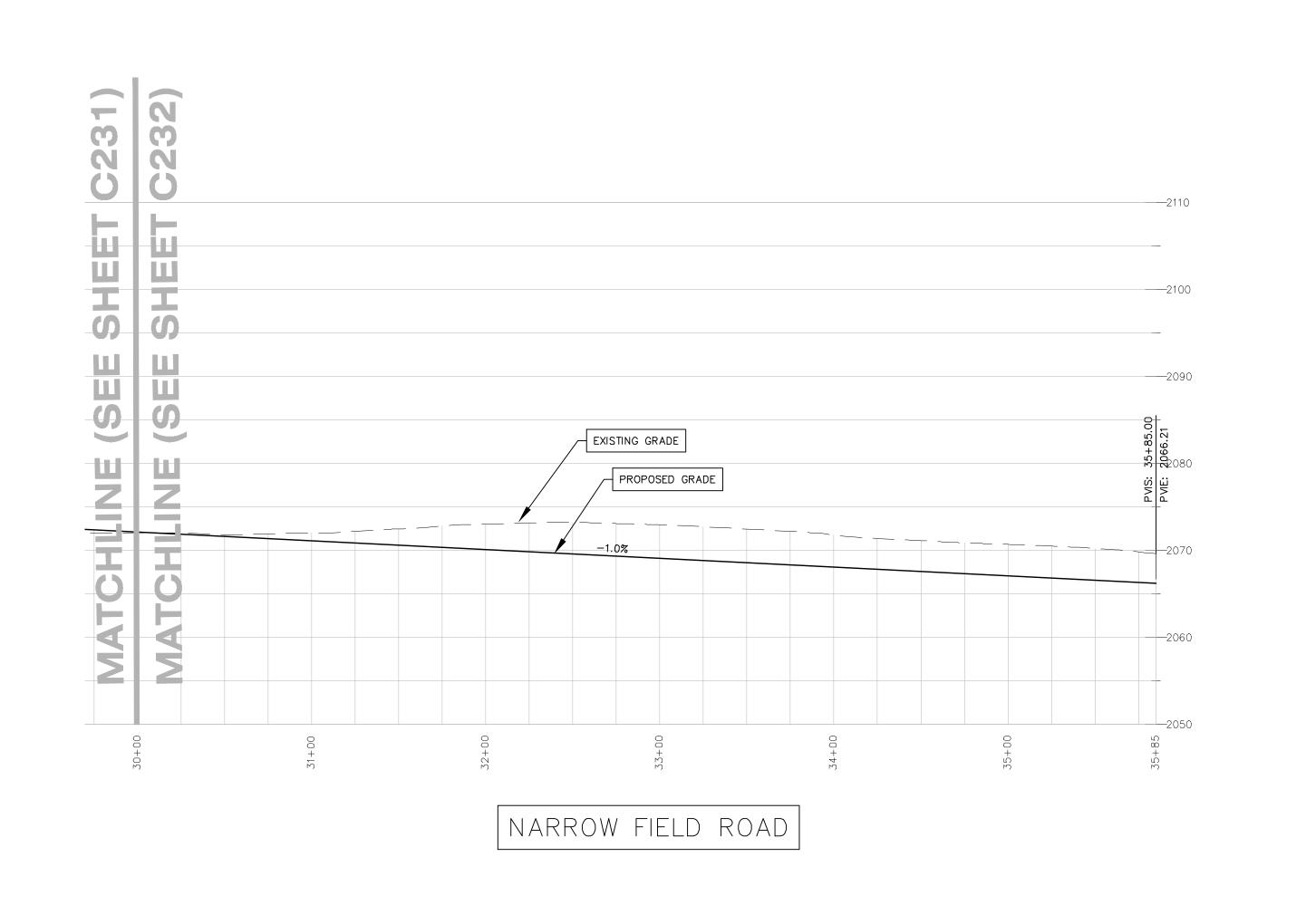


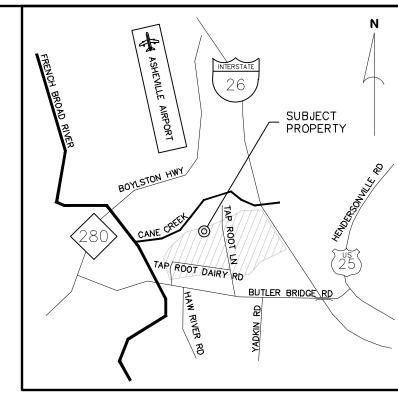






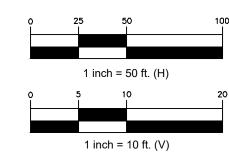




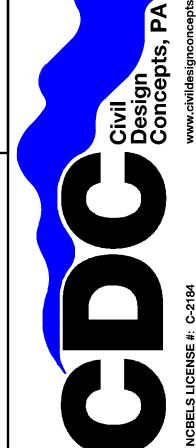


# VICINITY MAP (NOT TO SCALE)

**DEVELOPMENT DATA** FORESTAR GROUP, INC. 4008 MENDENHALL OAKS PKWY, SUITE 101 OWNER/DEVELOPER: HIGH POINT, NC 27265 JOHN RICHARDSON JR. CONTACT: (704) 604-1571 CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE CIVIL ENGINEER: ASHEVILLE, NC 28801 MICHAEL CAIN, P.E. CONTACT: (828) 252-5388 ED HOLMES & ASSOCIATES 300 RIDGEFIELD CT., SUITE 301 ASHEVILLE, NC 28806 SURVEYOR: C.M. EDGERTON, JR. CONTACT: (828) 225-6562 PROJECT DATA 9652-03-1362, 9642-82-368, AND 9642-84-4544 93 TAP ROOT DAIRY RD PIN: ADDRESS: DEED BOOK/PAGE: 3281/243 AND 1349/333 295.63 ACRES (72.43 ACRES FLOODWAY) SITE ACREAGE: CD-2020-01 ZONING: DISTURBED AREA: 155.7 ACRES  $\pm$ COUNTY/TOWNSHIP: HENDERSON/HOOPERS CREEK SETBACKS: FRONT: 15' (FROM LOCAL ROAD R/W) 20' (FROM COLLECTOR ROAD R/W) SIDES: 10' (EXTERNAL) 10' (INTERNAL) REAR: FRENCH BROAD RIVER BASIN WATERSHED: FIRE DISTRICT: FLETCHER FIRE WATER: CITY OF HENDERSONVILLE SEWER: PROPOSED ROAD LENGTH: LOCAL — 19,203 LF COLLECTOR — 9,383 LF <u>UNITS</u> 126 SINGLE FAMILY 52 TOWNHOMES PHASE 1: 125 SINGLE FAMILY 55 TOWNHOMES PHASE 2: 105 SINGLE FAMILY 61 TOWNHOMES PHASE 3: 116 SINGLE FAMILY 59 TOWNHOMES PHASE 4: 472 SINGLE FAMILY
227 TOWNHOMES
699 TOTAL PROJECT UNITS TOTAL UNITS: 2.36 UNITS/ACRE (699/296) PROPOSED DENSITY:







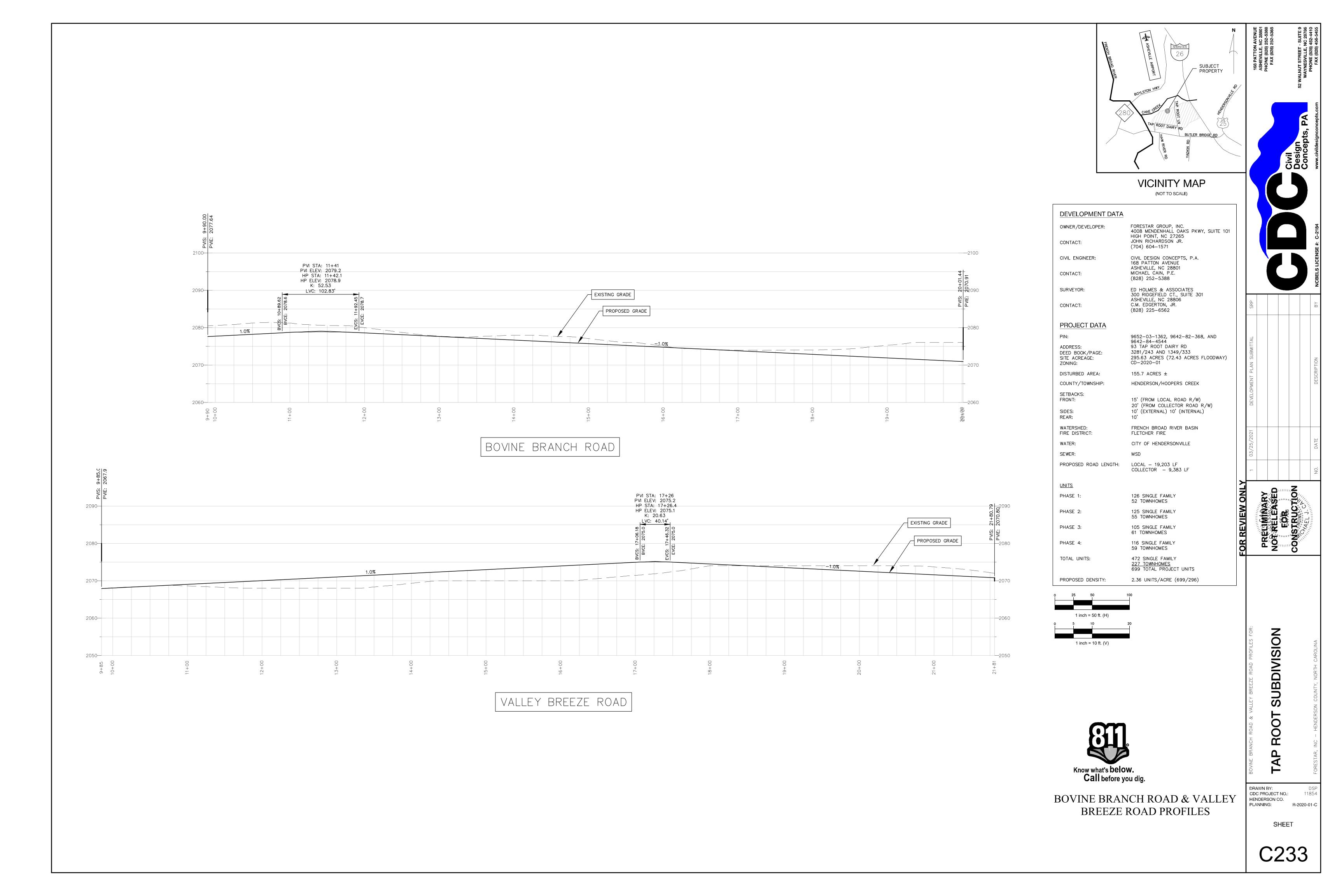
TOR REVIEW OINE			
7011111	<b>←</b>	03/25/2021	DEVELOPMENT PLAN SUBMIT
PRELIMINARY			
NOT WELEKSED			
CONSTRUCTION			
O SENESTICAL OF THE PROPERTY O			
	ON	DATE	DESCRIPTION

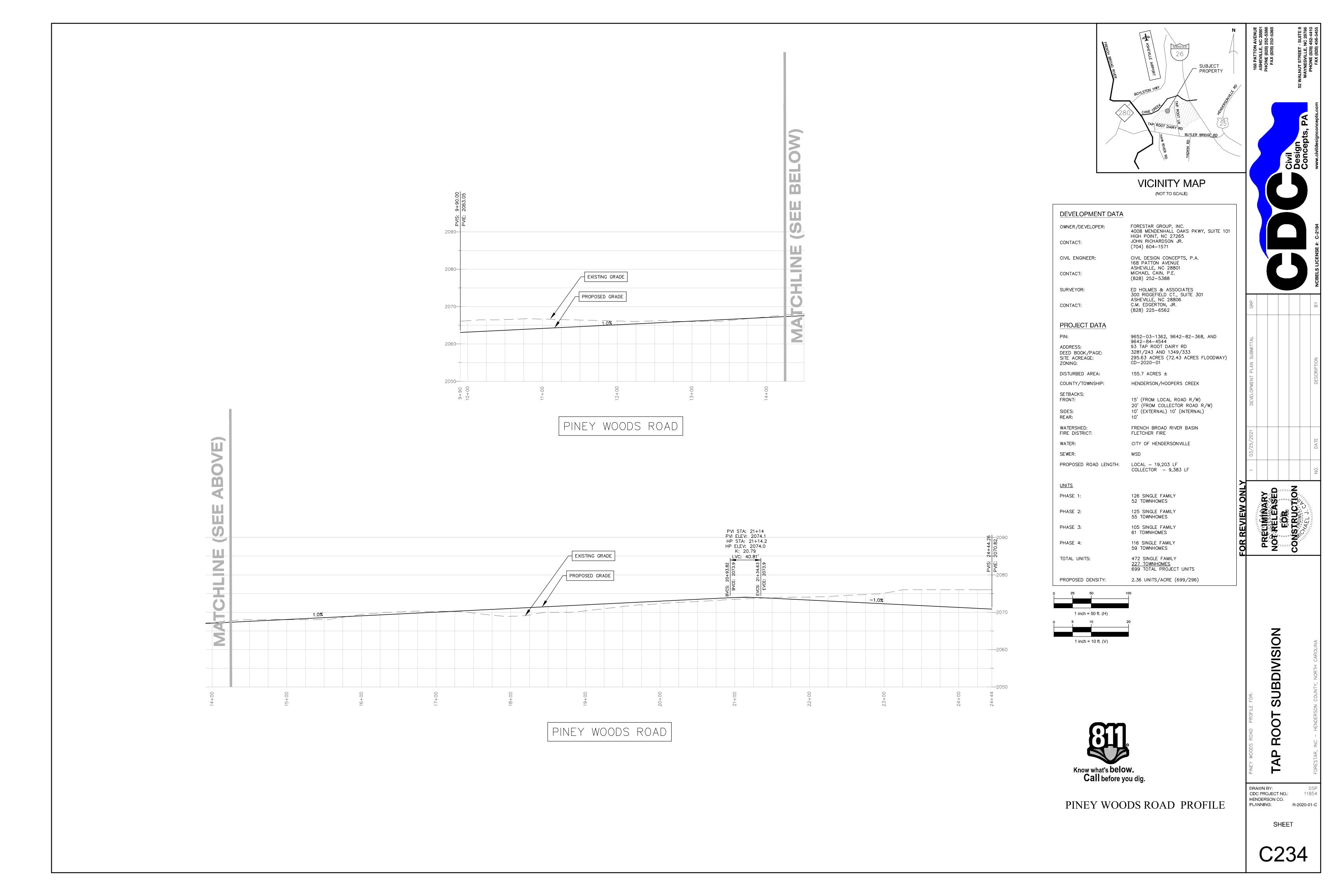
TAP ROOT SUBDIVISION

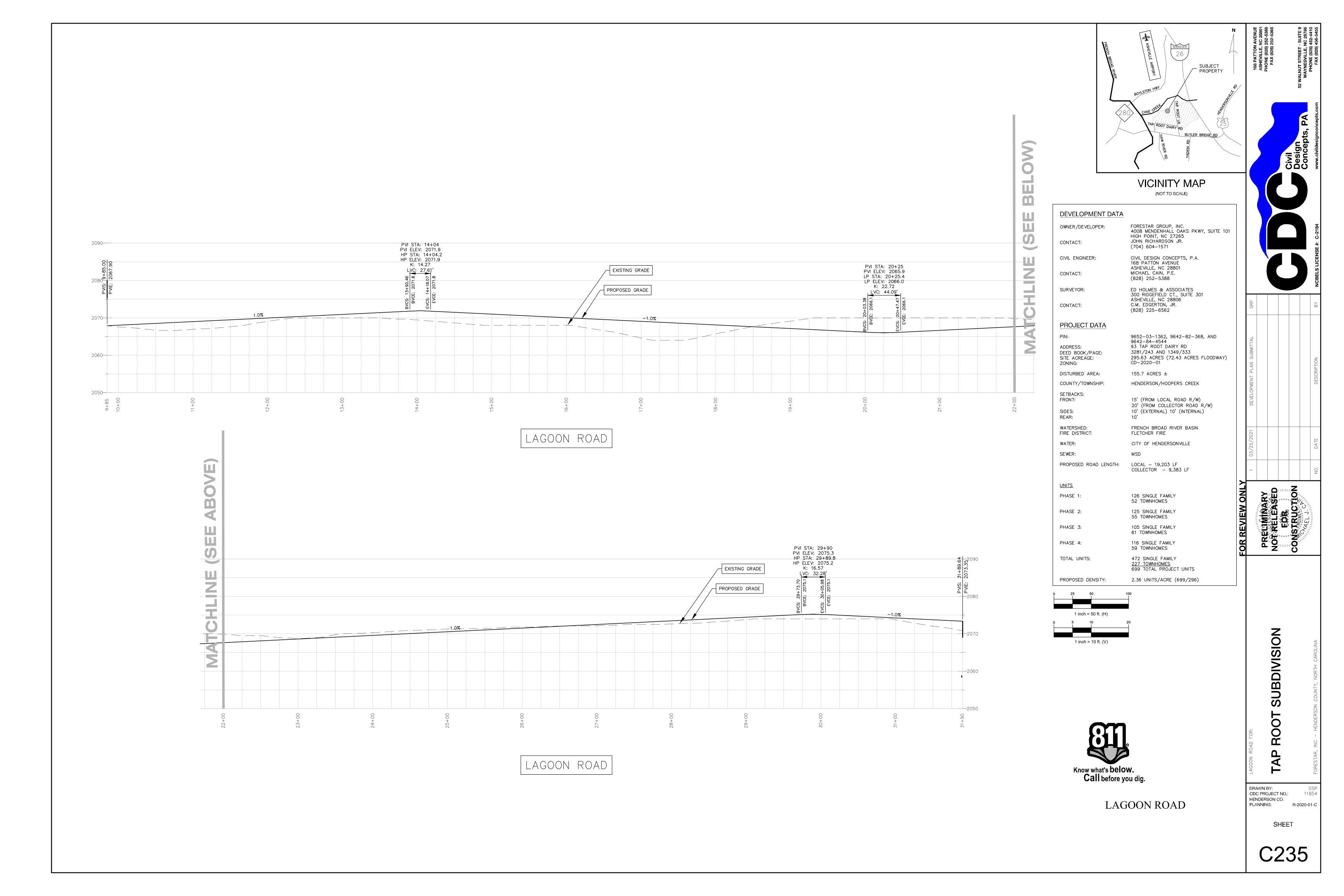
DRAWN BY: DSP
CDC PROJECT NO.: 11854
HENDERSON CO.
PLANNING: R-2020-01-C

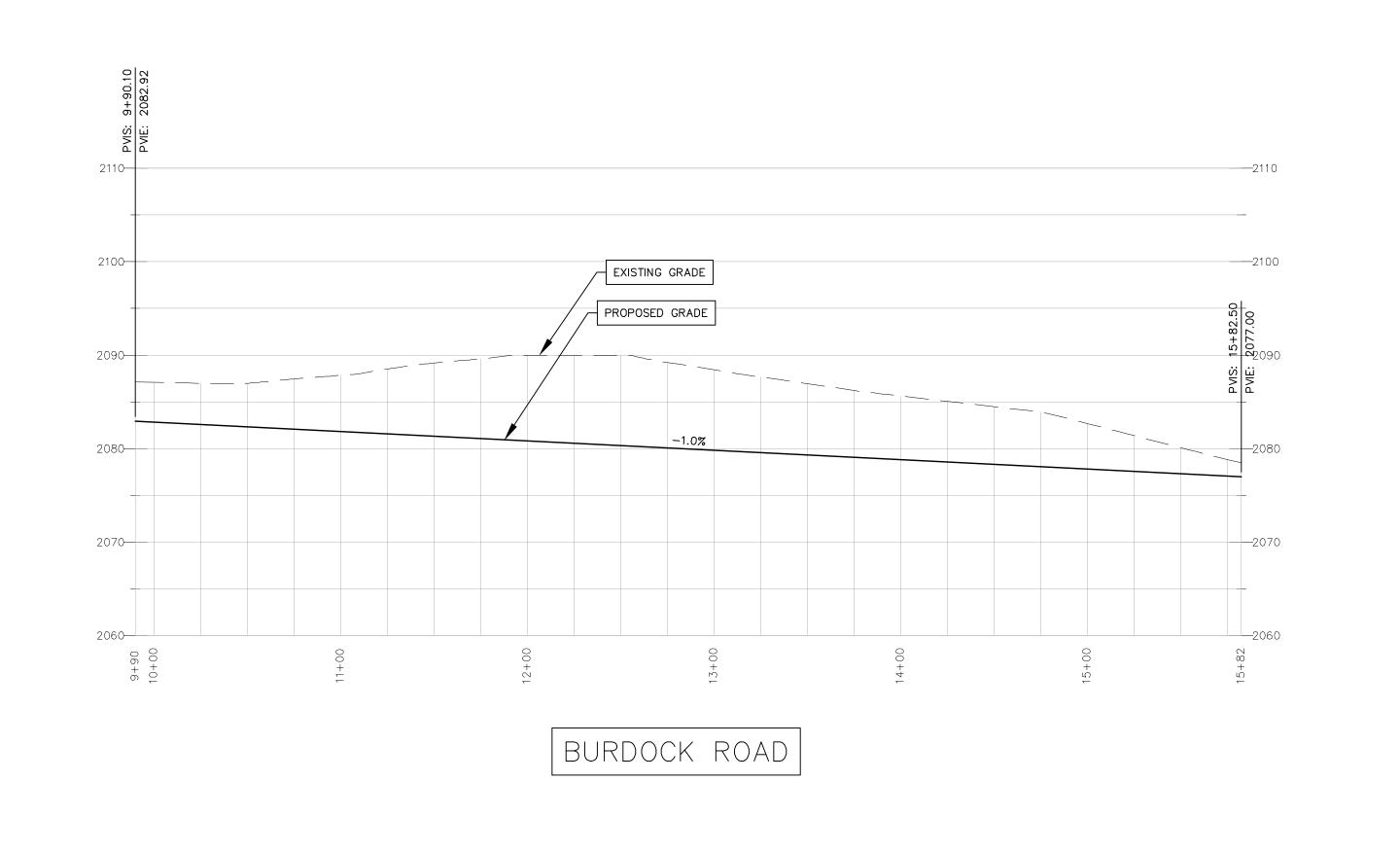
SHEET

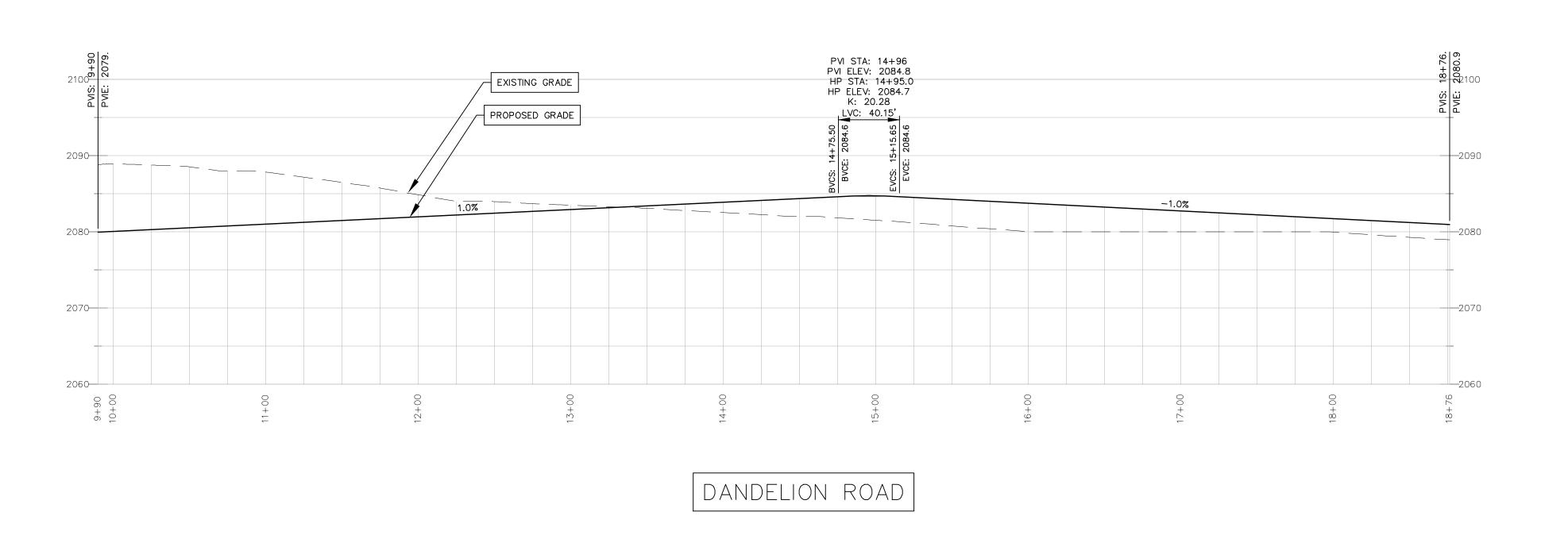
C232

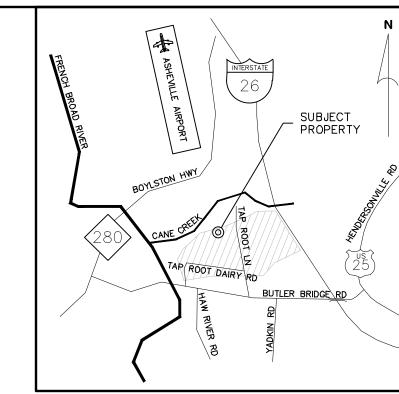












# VICINITY MAP (NOT TO SCALE)

DEVELOPMENT DATA	
OWNER/DEVELOPER:  CONTACT:	FORESTAR GROUP, INC. 4008 MENDENHALL OAKS PKWY, SUITE 1 HIGH POINT, NC 27265 JOHN RICHARDSON JR.
CONTACT.	(704) 604–1571
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE
CONTACT:	ASHEVILLE, NC 28801 MICHAEL CAIN, P.E. (828) 252–5388
SURVEYOR:	ED HOLMES & ASSOCIATES 300 RIDGEFIELD CT., SUITE 301
CONTACT:	ASHEVILLE, NC 28806 C.M. EDGERTON, JR. (828) 225-6562
PROJECT DATA	
PIN:	9652-03-1362, 9642-82-368, AND 9642-84-4544
ADDRESS: DEED BOOK/PAGE: SITE ACREAGE: ZONING:	93 TAP ROOT DAIRY RD 3281/243 AND 1349/333 295.63 ACRES (72.43 ACRES FLOODWAY) CD-2020-01
DISTURBED AREA:	155.7 ACRES ±
COUNTY/TOWNSHIP:	HENDERSON/HOOPERS CREEK
SETBACKS: FRONT:	15' (FROM LOCAL ROAD R/W) 20' (FROM COLLECTOR ROAD R/W)
SIDES: REAR:	10' (EXTERNAL) 10' (INTERNAL) 10'
WATERSHED: FIRE DISTRICT:	FRENCH BROAD RIVER BASIN FLETCHER FIRE
WATER:	CITY OF HENDERSONVILLE
SEWER:	MSD
PROPOSED ROAD LENGTH:	LOCAL — 19,203 LF COLLECTOR — 9,383 LF
<u>UNITS</u>	
PHASE 1:	126 SINGLE FAMILY 52 TOWNHOMES
PHASE 2:	125 SINGLE FAMILY 55 TOWNHOMES
PHASE 3:	105 SINGLE FAMILY 61 TOWNHOMES
PHASE 4:	116 SINGLE FAMILY 59 TOWNHOMES
TOTAL UNITS:	472 SINGLE FAMILY <u>227 TOWNHOMES</u> 699 TOTAL PROJECT UNITS



1 inch = 10 ft. (V)

BURDOCK ROAD & DANDELION ROAD PROFILES

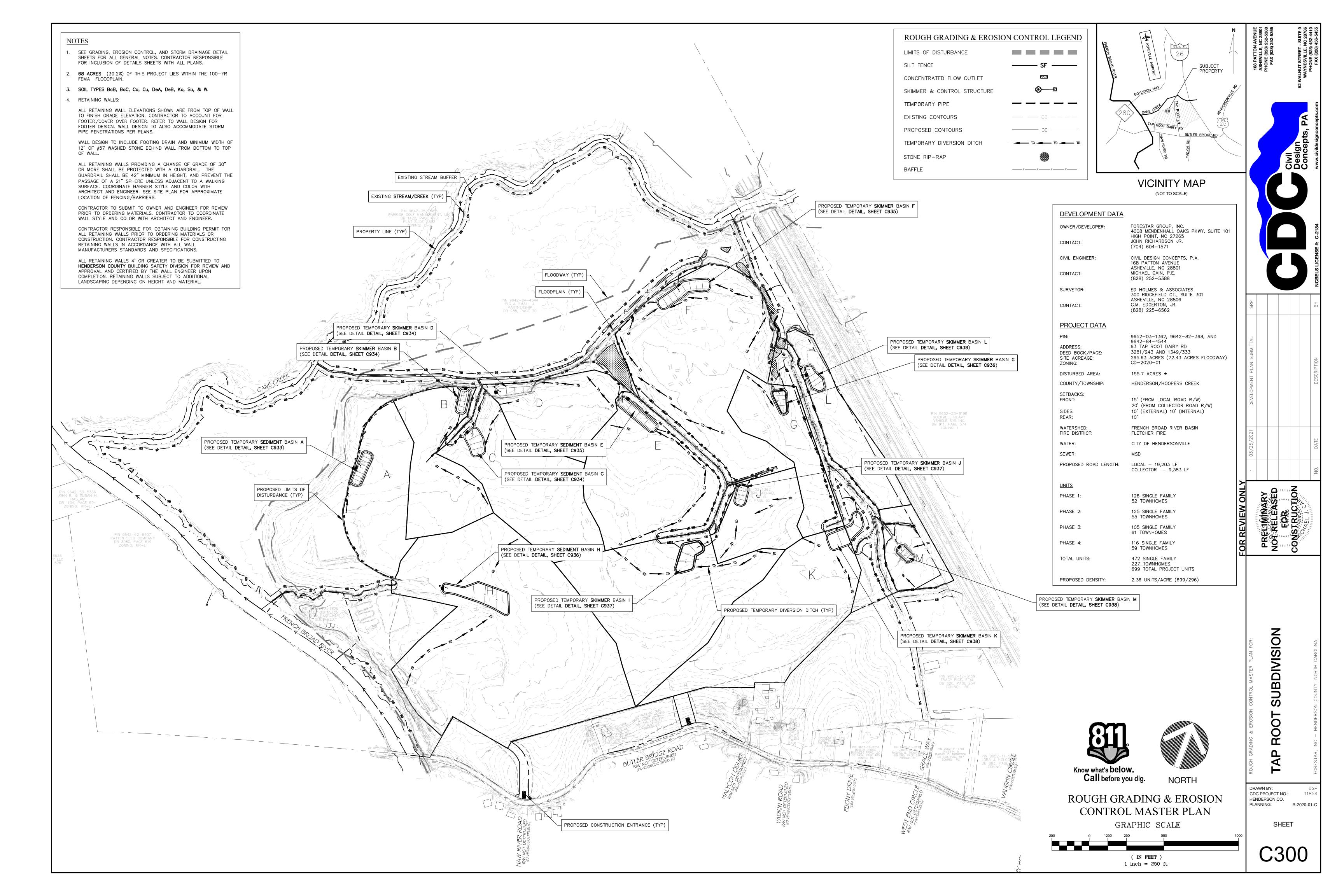
Civil

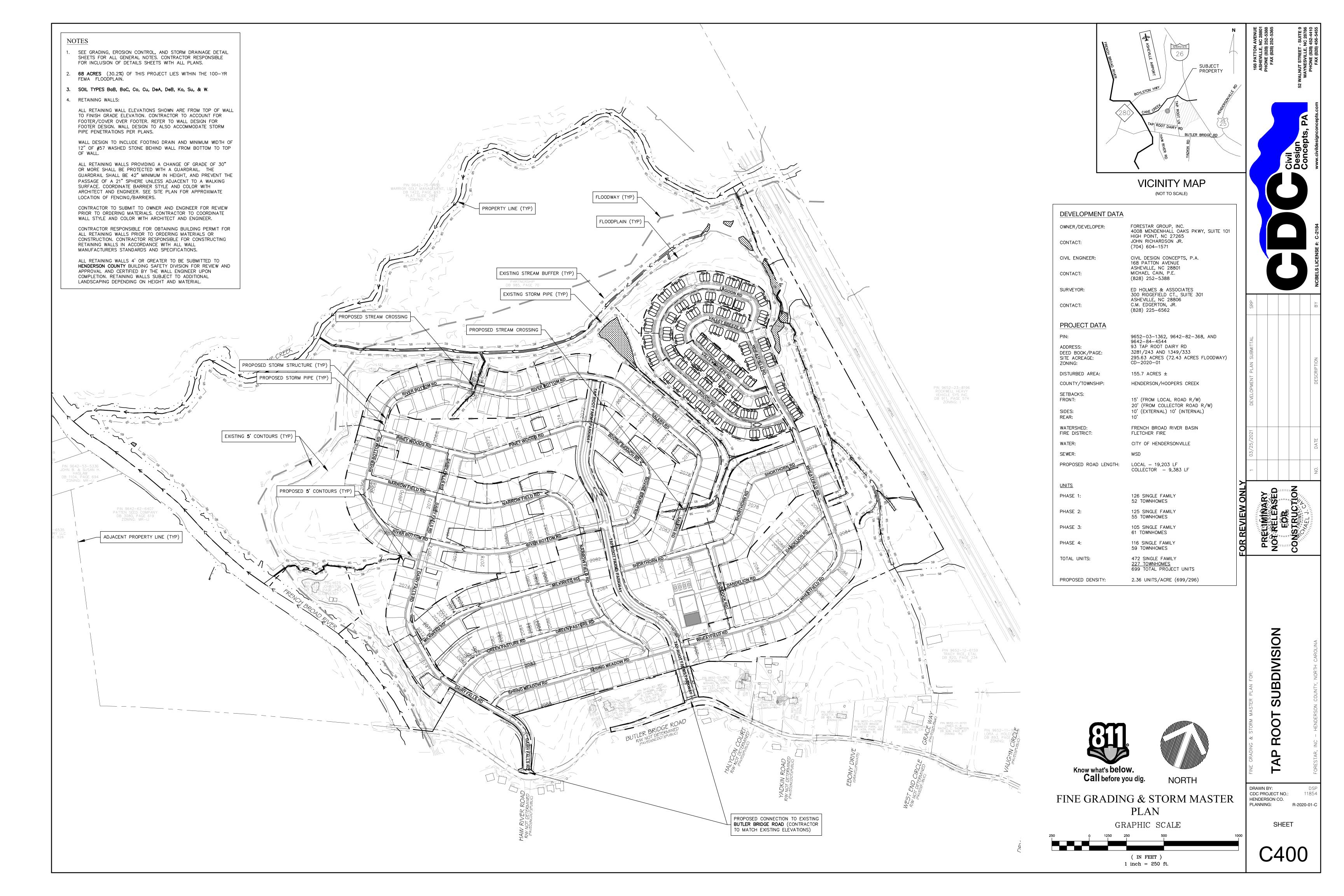
TAP ROOT SUBDIVISION

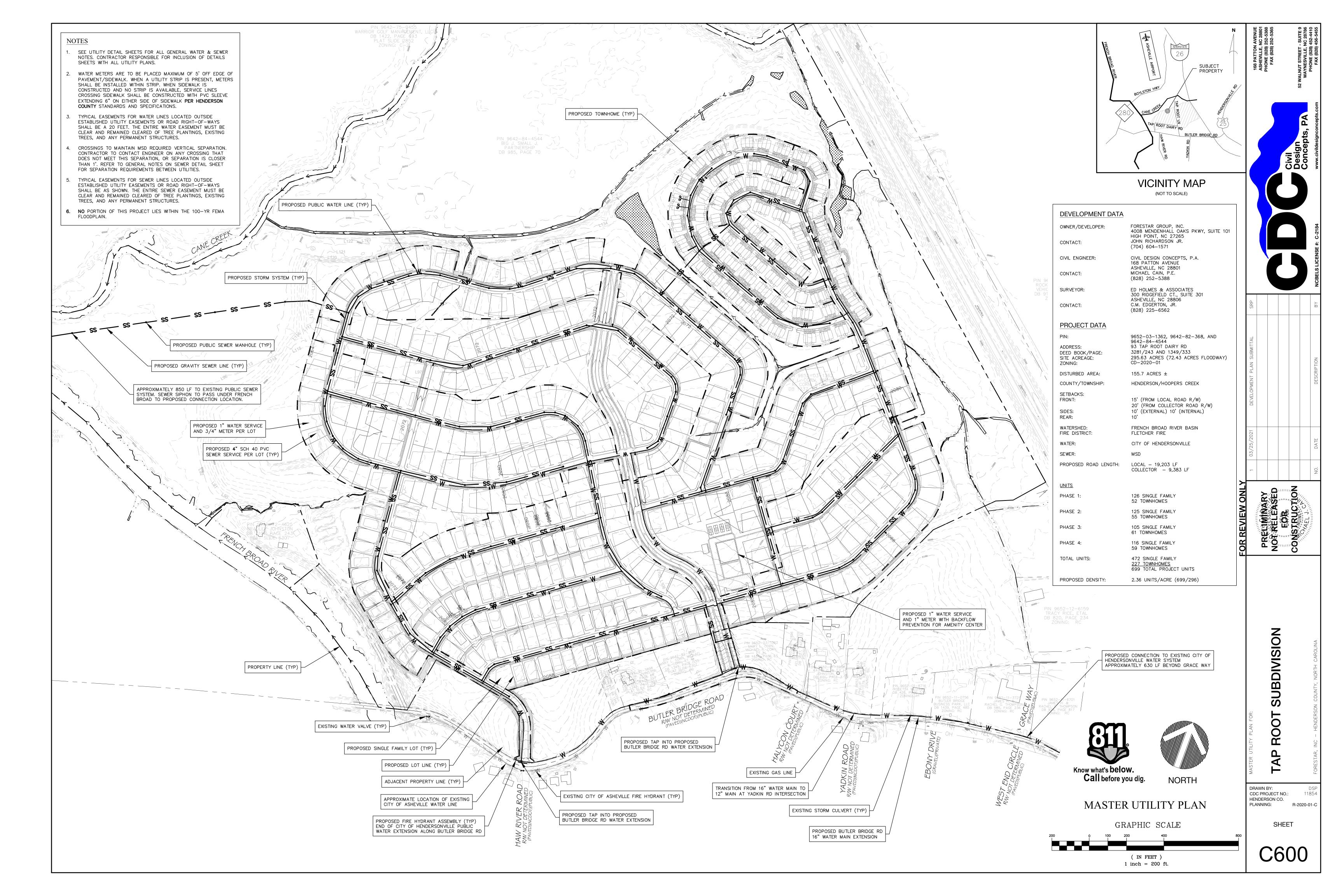
DRAWN BY: DSP
CDC PROJECT NO.: 11854
HENDERSON CO.
PLANNING: R-2020-01-C

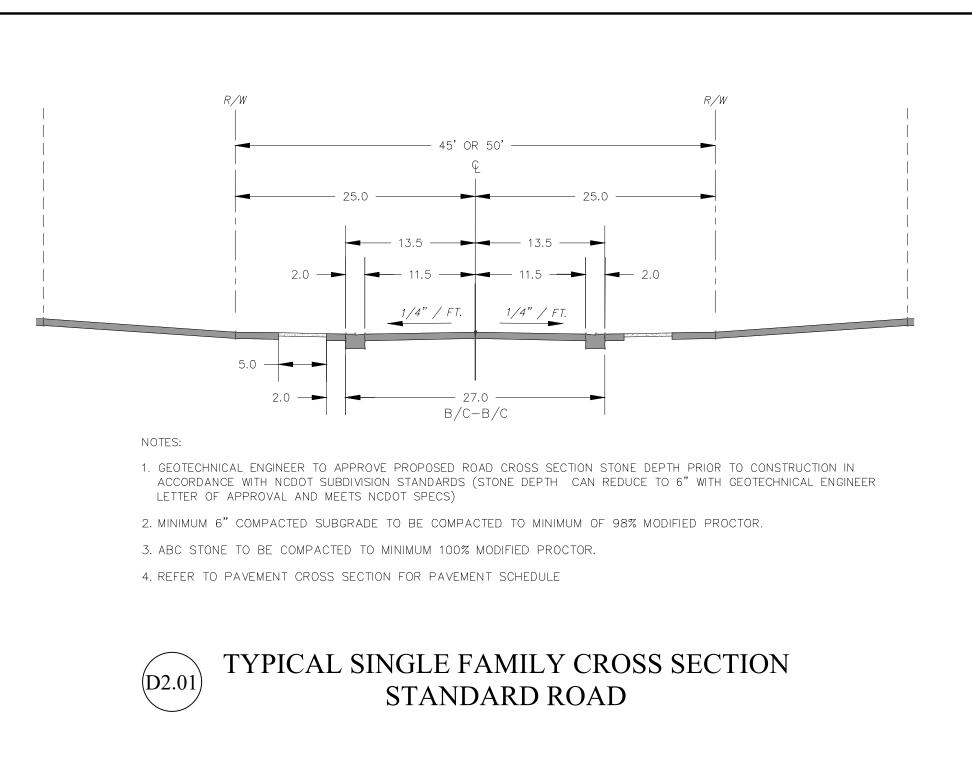
SHEET

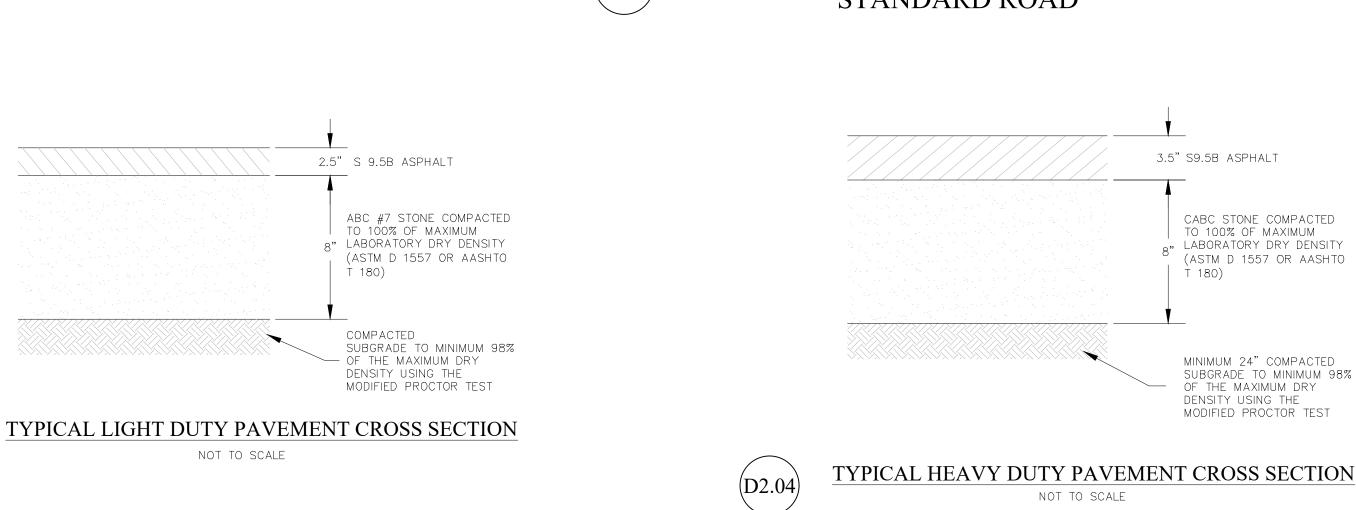
C236









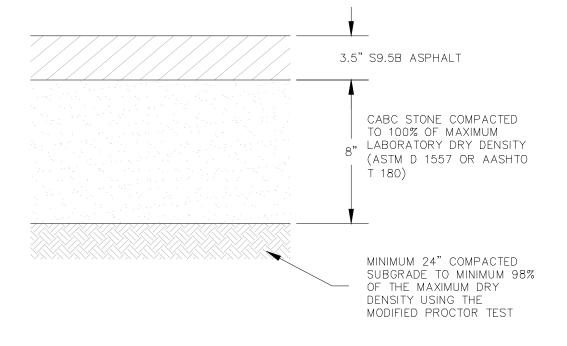


---BACK OF CURB

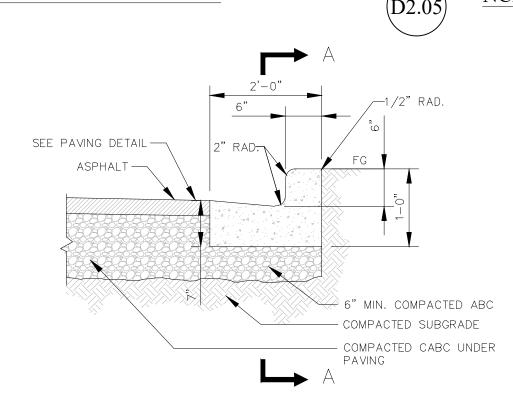
12-3/4"

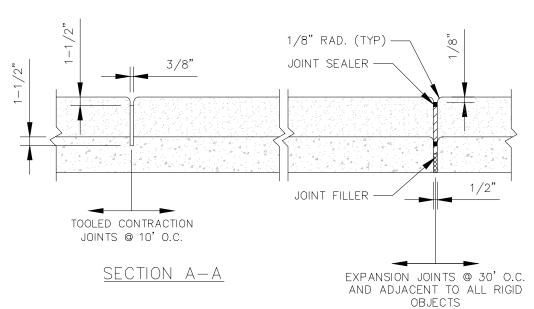
LIP OF GUTTER/EOP

SECTION C-C









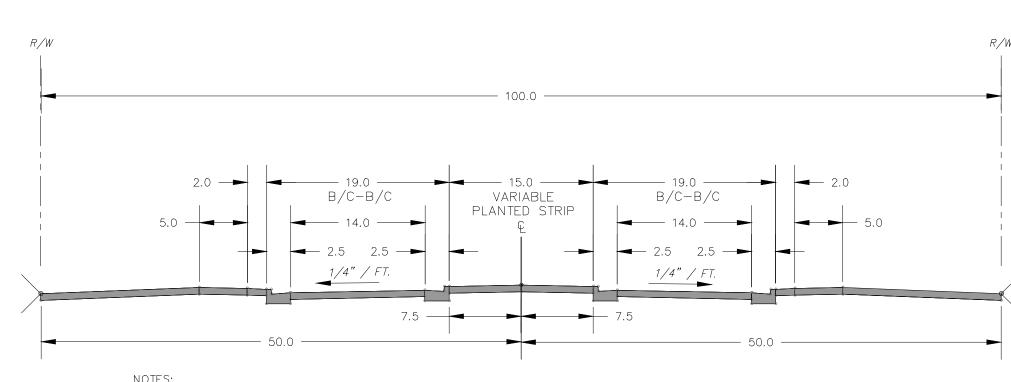
### CONSTRUCTION NOTES:

- 1. CURB SHALL BE CONSTRUCTED WITH 4000 PSI CONCRETE
- 2. SURFACE SHALL BE GIVEN A LIGHT BROOM FINISH WITH THE BRUSH MARKS PARALLEL TO THE CURB.
- 3. SUB-GRADE SHALL BE COMPACTED TO 98% OF MODIFIED PROCTOR TEST 4. CABC SHALL BE COMPACTED TO 100% OF MODIFIED PROCTOR TEST



CONCRETE CURB & GUTTER (24") DETAIL

NOT TO SCALE



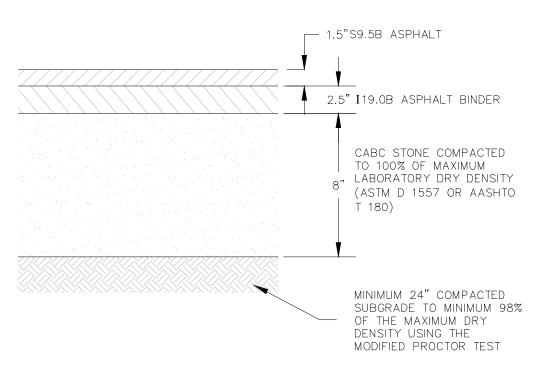
1. GEOTECHNICAL ENGINEER TO APPROVE PROPOSED ROAD CROSS SECTION STONE DEPTH PRIOR TO CONSTRUCTION IN ACCORDANCE WITH NCDOT SUBDIVISION STANDARDS (STONE DEPTH CAN REDUCE TO 6" WITH GEOTECHNICAL ENGINEER LETTER OF APPROVAL AND MEETS NCDOT SPECS)

2. MINIMUM 6" COMPACTED SUBGRADE TO BE COMPACTED TO MINIMUM OF 98% MODIFIED PROCTOR.

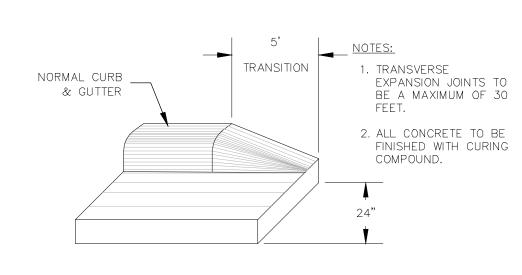
3. ABC STONE TO BE COMPACTED TO MINIMUM 100% MODIFIED PROCTOR.

4. REFER TO PAVEMENT CROSS SECTION FOR PAVEMENT SCHEDULE

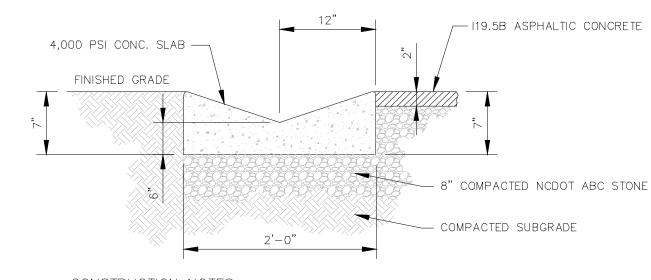
### TAP ROOT FARM PKWY **CROSS SECTION**





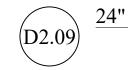






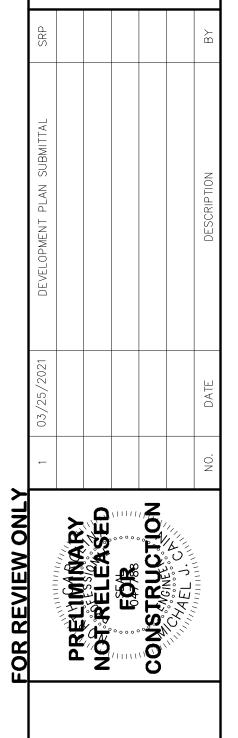
### CONSTRUCTION NOTES:

- 1. CURB SHALL BE CONSTRUCTED WITH 4000 PSI CONCRETE 2. SURFACE SHALL BE GIVEN A LIGHT BROOM FINISH WITH THE BRUSH MARKS PARALLEL
- 3. SUB-GRADE SHALL BE COMPACTED TO 98% OF MODIFIED PROCTOR TEST
- 4. CABC SHALL BE COMPACTED TO 100% OF MODIFIED PROCTOR TEST



24" VALLEY CURB DETAIL - TYPE II NOT TO SCALE

SITE DETAILS



SUBDIVISION

DRAWN BY: CDC PROJECT NO : HENDERSON CO. PLANNING: R-2020-01-C

SHEET



<u>SECTION A-A</u>

2'-4 1/2'

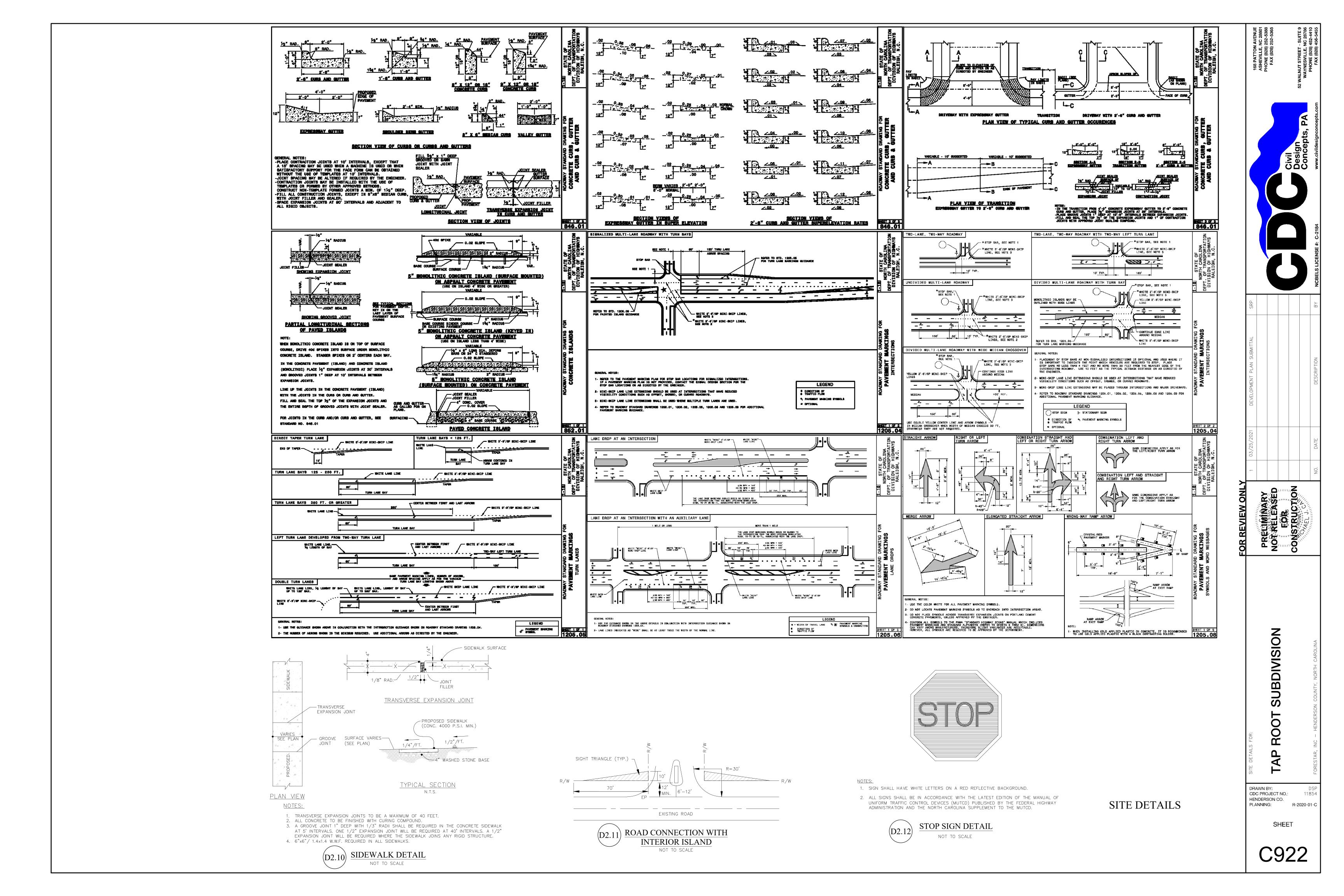
CURB TRANSITION 30" STANDARD CURB AND GUTTER TO 24" VALLEY GUTTER

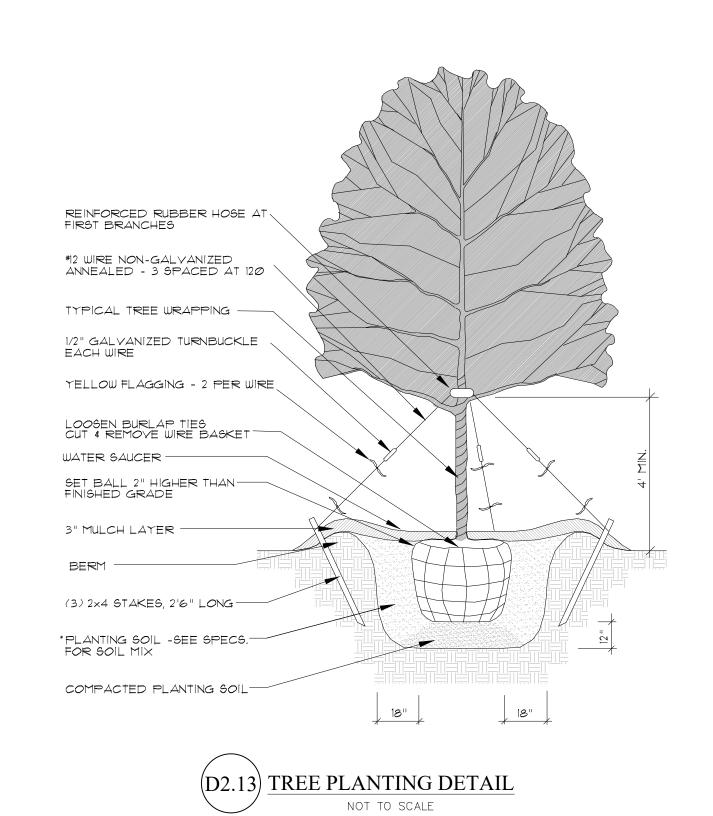
FACE OF CURB—

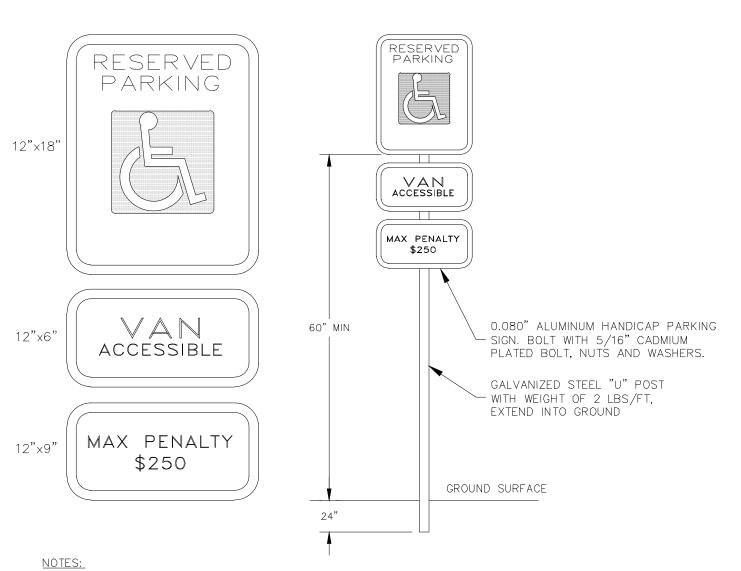
<u>PLAN VIEW</u>

SECTION B-B

NOT TO SCALE

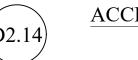




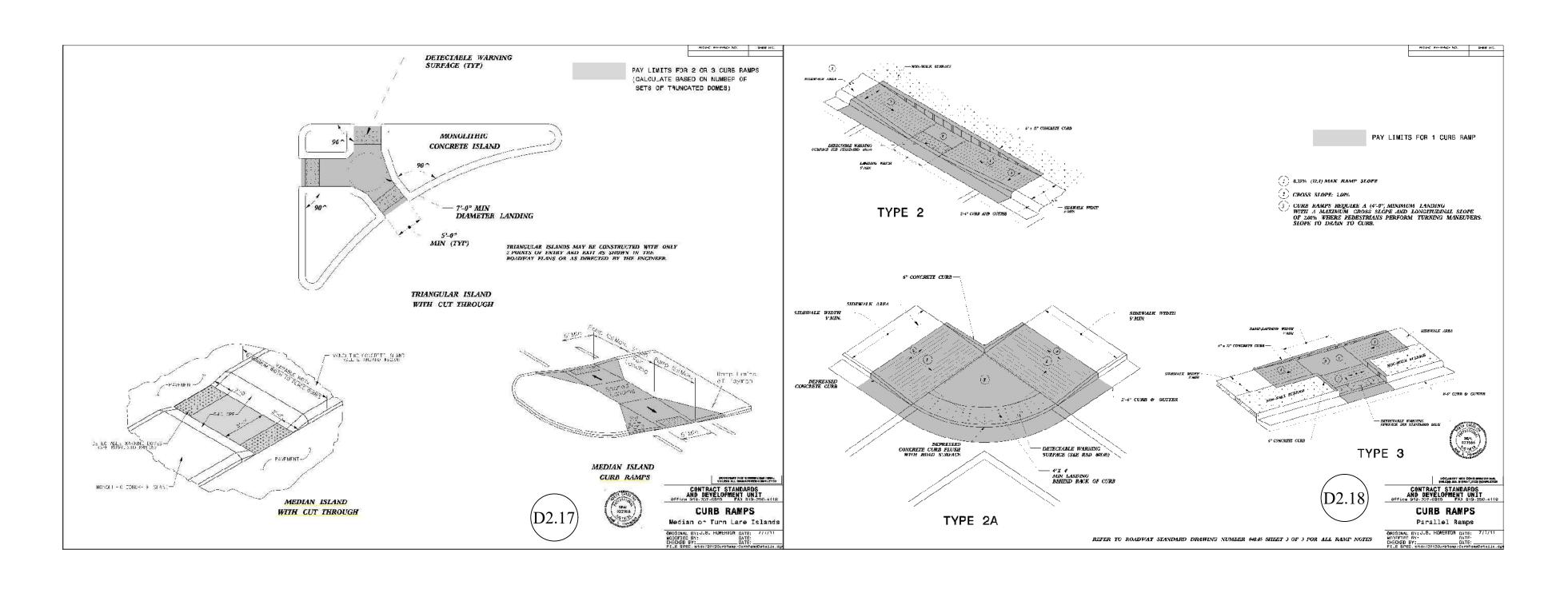


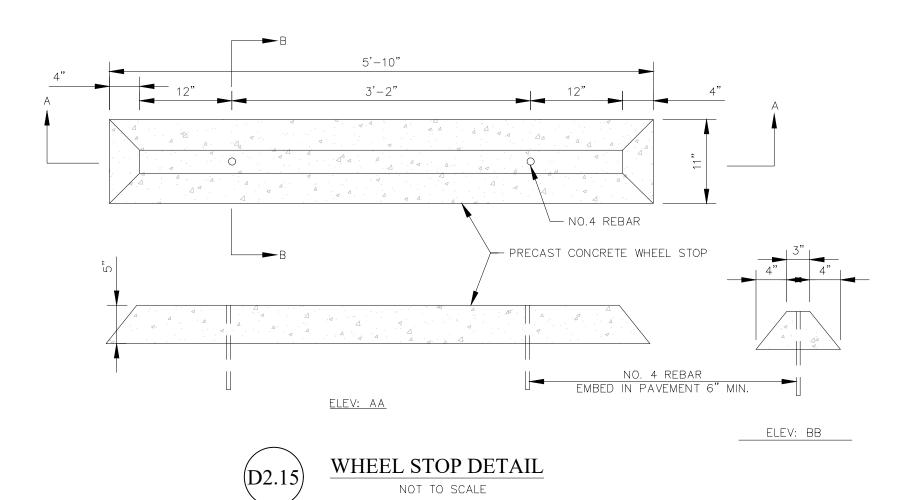
#### <u>s:</u> Eserved parking sign shall incliide a white we

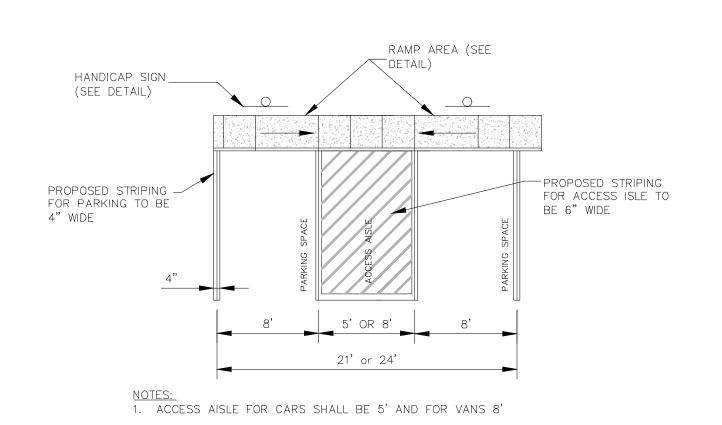
- RESERVED PARKING SIGN SHALL INCLUDE A WHITE WHEELCHAIR SYMBOL ON A BLUE SQUARE.
   SIGNS SHALL HAVE A GREEN LEGEND AND BORDER ON A WHITE BACKGROUND.
- 2. SIGNS IDENTIFYING VAN PARKING SPACES SHALL CONTAIN THE DESIGNATION "VAN ACCESSIBLE".
- 3. ALL SIGNS AND STRIPING SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND THE NORTH CAROLINA SUPPLEMENT TO THE MUTCD.



## ACCESSIBLE PARKING SPACE SIGN NOT TO SCALE





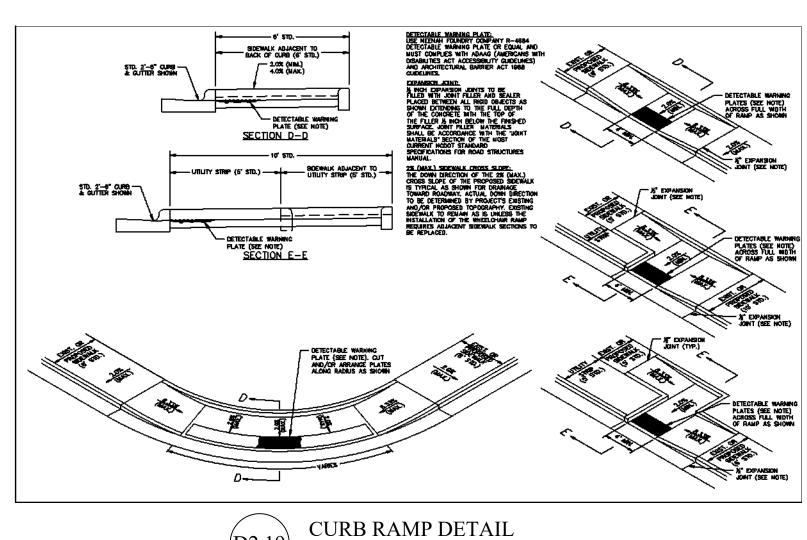


2. ALL PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION AND THE NORTH CAROLINA SUPPLEMENT TO THE MUTCD.

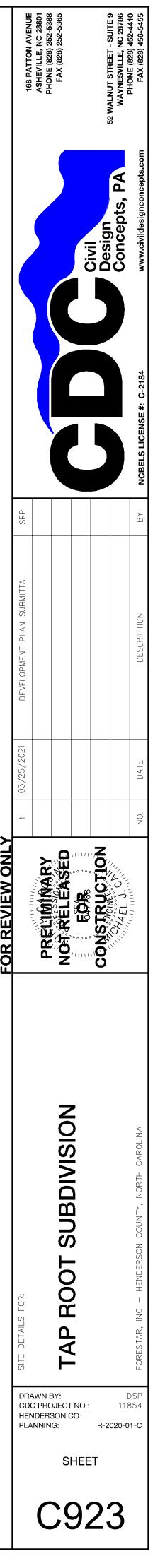


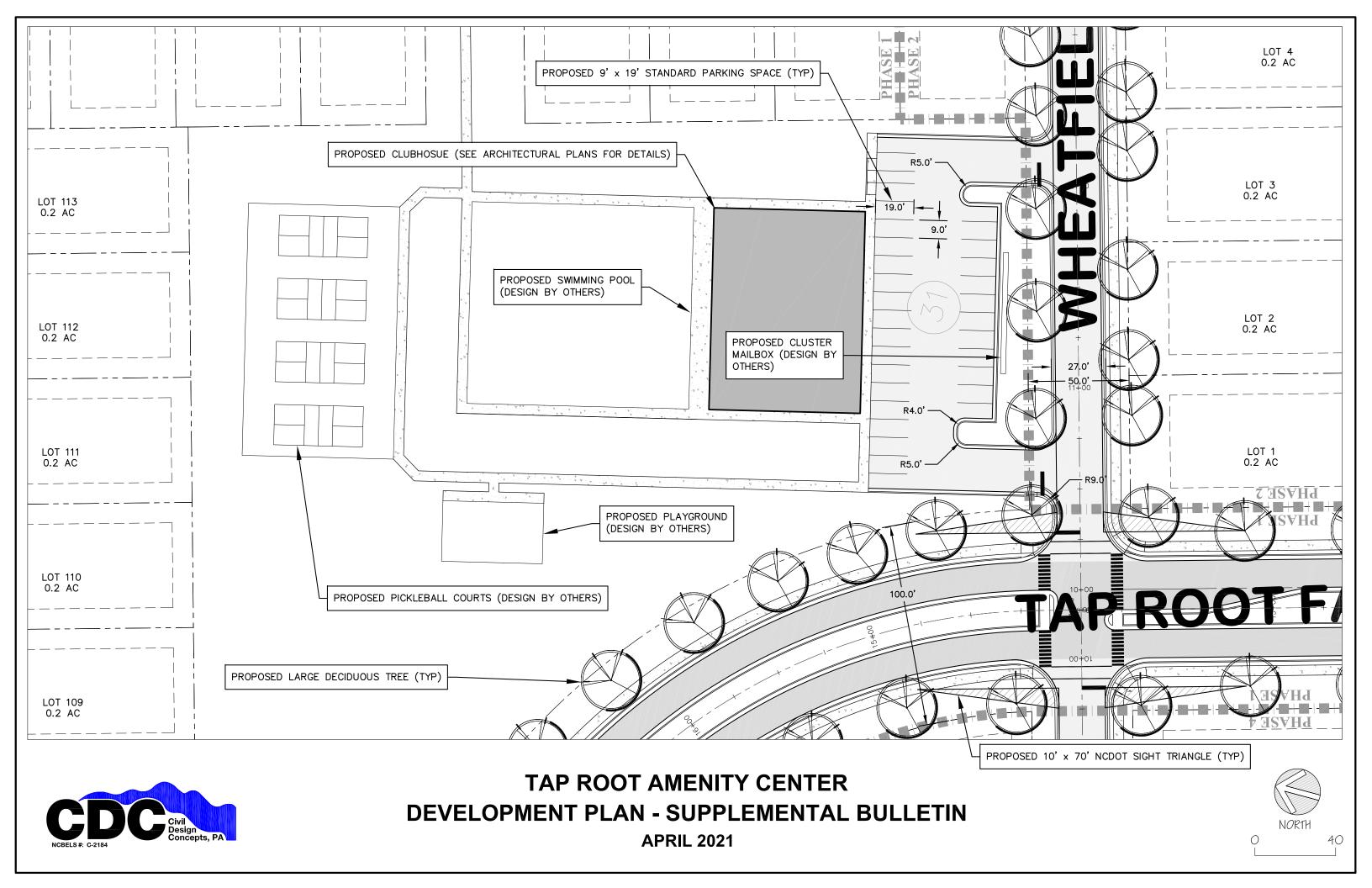
STRIPING AND HANDICAP PARKING DETAIL

NOT TO SCALE



SITE DETAILS







March 25, 2021

Ms. Autumn Radcliff Planning Director Henderson County 100 N. King St Hendersonville, NC 28792

Re: Tap Root Subdivision

Conditional Rezoning Application R-2020-01-C

CDC Project No.: 11854

Dear Ms. Radcliff,

On behalf of Forestar Group, Inc., we are pleased to submit the following information for your review and approval of our current development plans. The proposed conditions agreed upon for the Board of Commissioners approval (final version dated August 19, 2020) have been identified herein. How these conditions are proposed to be met (in blue) are listed below.

1. The Subject Property consist of 297 acres located on Butter Bridge Road in Henderson County (PINs: 9652-03-1362, 9642-82-3681, 9642-84-4544). The Subject Property currently consists of three tracts, shown as Tract 1, 2 and 3 on Exhibit A hereto. Those tracts for purposes of consideration of this application will be recombined into one tract, the perimeter of which is illustrated on the site plan.

Tracts to be recombined. Please see sheet C200 for perimeter of proposed tract.

2. The subject property is rezoned from RC to CD-2020-01.

Property to be rezoned to CD-2020-01. Please see Development Data box on provided plans.

- 3. Size and Scope of project (numbers are approximate, subject to confirmation when site plan is final):
  - a) Size of project: 297-acres.
  - b) There is permitted a maximum of 699 total residential units, of the following mix: 472 single family homes and 227 town homes. Single family lot sizes shall be a minimum of

- 7,100 square feet for at least 354 lots (75%) of the total single family lots on the subject property. All buildings to have a minimum 20 foot separation. All single-family lots will have side setbacks of 10 feet.
- c) Overall project density will not exceed 3.05 units per acre, including floodplain, greenway easements, or other open space areas proposed for conveyance to County or third-party conservation organization.

Total recombined site is 295.63 acres. 72.43 of the 295.63 acres are within the floodway. Remaining site acreage (223.20 acres) proposed for development. Total residential units is 699 (472 single family homes and 227 townhomes). No lots proposed under 7,100 square feet. All buildings have a minimum separation of 20 feet. All single-family lots proposed with side setbacks of 10 feet. Proposed density is 699 units / 295.63 acres = 2.36 units / acre.

- 4. I-26 and outer boundary of project: All buildings must maintain 50 foot minimum setback from the 1-26 right of way; no landscape buffer required along outer project boundary.
  - Fifty-foot minimum setback observed for all buildings. Landscape buffer provided alongside I-26 to meet condition number 44.
- 5. The development plan will provide for four separate phases of construction, with each Phase being those areas depicted as such on the site plan. The specific provisions and conditions for development set out below shall apply to each phase. Unit sales shall be allowed from an individual phase at such time as the individual phase has complied with the requirements of Chapter 42, Article III, Subpart A of the Land Development code (42-74 et seq.), for the rezoned conditional district, subject to such modifications and requirements as may be imposed on that district pursuant to this application.

Phase lines have been shown on the provided plan set. Please see sheet C020.

- 6. Sidewalks not less than 5 feet in width shall be installed on at least one side of each roadway within the development, with a planted strip at least 2 feet in width between sidewalk and curb.
  - Sidewalks are a minimum of 5 feet in width. Proposed planted strips are at least 2 feet in width. Please see details D2.01 and D2.02 on sheet C921.
- 7. Interior roads shall be built to Chapter 42 design standards for residential subdivisions; minimum roadway width of 27 feet including 2 foot valley curb & gutter. The central "spine" road will have a central planted median, with paved surface of 14 foot minimum paved lanes and 30 inch curb and gutter and will be built to NCDOT standards with minimum 60 foot road right of way. No pervious pavement shall be required within the development.

All interior roads are proposed to be built in compliance with Chapter 42 design standards. Please see details D2.03-D2.05 on sheet C921 for proposed road cross sections.

8. Traffic Impacts on Butler Bridge Road — The project will adhere to all recommendations of Traffic Impact Analysis approved by NCDOT. All NCDOT- required improvements must be complete not later than the completion of construction of 50% + 1 of the total units in each phase of the project, unless NCDOT directs otherwise. However, entrance improvement for each phase of the project shall be completed before a certificate of occupancy is issued for any structure in that phase of the project.

Butler Bridge Rd lane additions and subdivision entrances have been proposed based upon the recommendations made by the approved TIA. The eastern (primary) entrance to the proposed subdivision is to become active upon the completion of phase 1. The western entrance is to be used for construction traffic during phases 2-4. This entrance will become active to subdivision occupants upon the completion of phase 3.

#### 9. Parking:

- a) Off-street: each unit shall have sufficient off-street parking for at least two automobiles. An additional 114 off-street spaces (.5 space per townhome unit) shall be provided, with locations as shown on the site plan. All the townhome units and associated off-street parking are in Phase 1, Phase 2 and Phase 4.
- b) On-street Parking. Within the single-family area, on-street parking shall be allowed on only one side of the street. No on-street storage of boats, campers, recreational vehicles, or trailered apparatus shall be allowed.

All proposed units will have adequate parking for at least two automobiles. Additional parking (114 spaces) has been proposed within the townhome community area. Townhomes and associated parking areas are proposed during all phases of development.

- 10. Stormwater drainage facilities shall be built to NCDOT design standards for residential subdivisions; no standing water detention facilities allowed, only subsurface. Temporary surface water retention facilities where required by state regulation are allowed.
  - Design in progress. Any proposed detention facilities will be subsurface. Any temporary surface water retention facilities will follow state regulations. Please see sheet C400.
- 11. Fire hydrant locations shall be provided per Henderson County fire standards within development and be approved by the Fire Marshall and indicated on the development plan.
  - Design in progress. Design to follow Henderson County fire standards. Approved hydrant spacing by Fire Marshall Kevin Waldrup is one hydrant per 1,000-LF of drivable surface in both the subdivision and along Butler Bridge Rd. Please see sheet C600.
- 12. Subsurface utilities are required for all phases of the development.
  - All proposed utilities are subsurface.
- 13. Landscaping---including street trees, buffers, and natural areas--will be provided as required by Chapter 42 and noted on subdivision Master Plan.

All required landscaping has been proposed in compliance with Chapter 42. Street trees are shown at 1 tree per 50 linear feet of property frontage. Please see Inset A on sheet C200.

14. Greenway: A permanent easement will be reserved along the French Broad River for use by the County as a greenway, in the approximate location shown on the master plan. The easement will be 50 feet in width where not restricted by topography or individual lot ownership, but in no case may the easement be less than 20 feet in width. Lots that adjoin the greenway may be smaller than standard in order to accommodate the greenway. This easement shall not be defeasible. Lots abutting the proposed future public greenway shall execute a disclosure statement. Other greenways and trails shall be as shown on the master plan.

A permanent greenway easement is proposed along the French Broad River. Please see sheet C200.

15. Open Space (see *Proposed Conditions if Rezoning Granted*)

Over 121 acres of the subject property has been designated as open space. Part of this area is within the townhome section. More than 10% of the total townhome area has been designated as open space. Open space areas have been shown on the master site plan.

16. Resident amenities (see *Proposed Conditions if Rezoning Granted*)

Central amenity area is 2.9 acres. Swimming pool has been provided. Clubhouse gross floor area anticipated at approximately 7,500 square feet. Playground and four pickleball courts have been provided. Please see sheet C205.

17. Attached as Exhibit "A-3" to the application is an example of the Avigation Easement, which applicant shall execute in substantially identical form by all the owner(s) of property making up the subject development prior to the sale of: (1) all of the property; (2) any portion of the property; and (3) any lots in the development. Further, any owner (including the developer) of residential property who sells property within the Tap Root Development is required to disclose to buyers that: (1) the property is located in close proximity to the Asheville Regional Airport; (2) the property is subject to the Avigation Easement (together with the recording information regarding the Avigation Easement in the Henderson County, North Carolina Registry). The Avigation Easement shall run with the land and be perpetual in nature, and shall bind all owners of all or any part of the Subject Property, now or in the future, and shall expressly benefit the United States, the Federal Aviation Administration, and the Greater Asheville Regional Airport Authority, and their respective successors.

Avigation Easement shall be put into effect and disclosed for all sales.

18. Street Lighting (see *Proposed Conditions if Rezoning Granted*)

Street lighting plans to be provided by Duke in accordance with the lighting levels, spacing, and pole specifications set forth.

- 19. Street Trees—Street trees shall be installed per Chapter 42 requirements, using County-approved species.
  - Street trees are spaced per Chapter 42 requirements and will be selected from the county approved species list.
- 20. Building Code Builder/ Developer to adhere to Chapter 42 requirement whenever such requirements exceed NC Building Code requirements.

Noted.

- 21. There must be a minimum separation of 20 feet between buildings in the townhome area. All single-family lots shall have a 10-foot side setback.
  - Building separation and setbacks have been observed for both townhomes and single-family homes.
- 22. Submit to and receive approval of a water utilities plan from a public water utility provider or authority.
  - Design in progress. Please see sheet C600.
- 23. Submit to and receive approval of a sewer utilities plan from the Metropolitan Sewerage District of Buncombe County.
  - Design in progress. Please see sheet C600.
- 24. Apply for and receive a swimming pool permit from the Henderson County Department of Public Health Division of Environmental Health prior to the pool construction.
  - Swimming pool permit to be obtained prior to pool construction.
- 25. Submit for prior approval all building plans for all structures to the County Inspections Department.
  - All building plans to be submitted to the County Inspections Department.
- 26. Apply for a floodplain, stormwater, and soil erosion control permit from the County for each phase of development.
  - Floodplain, stormwater, and erosion control permits to be obtained from the County.
- 27. Require cluster mailboxes per the standards and requirements of the USPS and identify on the development plan an area with appropriate vehicle access and parking.
  - Mailboxes for townhomes will be as shown on sheet C208. Mailboxes for single-family homes will be as shown on sheet C202 at amenity center.
- 28. Apply for and execute an encroachment agreement with NCDOT for utility work within the right of way of Butler Bridge Road and I-26.
  - Encroachment agreements to be obtained for all utility work within the Butler Bridge Rd right-of-way.

29. Apply for and receive a NCDOT street access permit and comply with all required road improvements identified by the TIA and NCDOT.

NCDOT street access permit to be obtained. All required road improvements identified by the TIA have been incorporated.

30. Pay in full all fees for permits, as each fee is assessed or becomes due.

Fees to be paid in full for all permits as they become due.

31. The approval authority for each phase of the project is delegated to the Henderson County Planning Board. To the degree any phase exceeds 300 units or lots, as shown on the Master Site Plan, the same are deemed approved and the Board of Commissioners assigns to the planning board it's authority to review and approve.

Approval authority recognized.

32. The County shall retain the right to suspend construction and the issuance of building permits if the developer is found by the County to be in noncompliance with any one of the conditions imposed on the Tap Root Project.

County right recognized.

33. Applicant shall implement the development plan and maintain compliance with all the conditions set out herein, all the features of the approved master plan, and all applicable provisions of Chapter 42 to the extent not waived or modified herein.

Project believes it has met these requirements.

\*Please note the duplication of number 33 in *Proposed Conditions if Rezoning Granted* as well as the omission of number 41. Numbering has been revised for numbers 33-41.

34. Applicant has elected to carry out some of its responsibilities through a Homeowners Association (HOA), and the use of private restrictive covenants, as allowed by the Henderson County Code. The forms of the organizational documents and bylaws for the HOA, as well as the restrictive covenants, and other documents governing the operation of the HOA and the project (herein collectively "HOA documents") shall be reviewed by the County Attorney as to their legal sufficiency to satisfy this limited purpose prior to issuance of the permission of the Planning Office to record the final plat. To this end, the County reserves the right to review any amendment or revision to the HOA documents prior to its effectiveness to ensure continued compliance with this conditional zoning ordinance, and other applicable County ordinances.

County right recognized.

35. Failure to comply with any of the provisions of this conditional zoning ordinance or Chapter 42 (except as waived or modified hereby), or other applicable provisions of the County

ordinances, shall subject the applicant or its successors to penalties at law or in equity as provided for in Chapter 42, other County ordinances, or North Carolina law, including repeal or amendment to this conditional zoning enactment.

#### Noted.

36. Open Space. The applicant is required to set aside 25% open space. Open space should be recorded with the register of deeds and is required to remain as shown on the approved site plan and cannot be developed. The open space does not have to be owned by the HOA, but can be held by an individual, organization or non-profit.

Open space provisions have been met. Please see item 15.

37. HOA. The developer is required to set up a HOA (Homeowner Association) and subsequent documents should be reviewed and approved by the County Attorney prior to recording of such restrictions.

HOA to be established and all subsequent documents shall be reviewed by the County Attorney prior to recordation.

38. Common Area/Open Space. Common area shaft be provided for 10% of the total area in the townhome sections.

Common area/open space requirements have been met. See condition number 15 and the associated response for more detailed information.

39. Townhome Layout. There shall be a minimum space of 20 feet between buildings and a maximum building length of 150 feet per building.

All buildings are spaced at least 20-feet apart. Maximum building length does not exceed 150-feet per building.

40. Subsurface Utilities. Subsurface utilities are required for the townhome sections.

All proposed utilities for all phases are subsurface (as well as for townhomes).

41. Impervious Pavement. All paved surfaces (roads, parking areas, drives, sidewalks, etc.) may be impervious pavement or surfaces within the site, including the townhome phases, subject however to a Stormwater Phase II permit for new impervious surfaces as set forth below.

Noted.

42. Pedestrian Facilities. There shall be 1 linear foot of sidewalk or trail for every linear foot of improved or newly proposed roadway within the development. The sidewalk or trail must be at least 5 feet in width.

One linear foot of sidewalk proposed per every linear foot of newly proposed roadway. No additional trails necessary. Proposed sidewalk is at least 5-feet in width.

43. Private Roads. The applicant is proposing private roads, which are allowed. Certification by NCDOT is required to be on the final plat if public roads are proposed.

Mailing Address: P.O. Box 5432, Asheville, NC 28813

168 Patton Avenue, Asheville, NC 28801 52 Walnut Street – Suite 9, Waynesville, NC 28786
Phone 828-252-5388 Fax 828-252-5365 Phone: 828-452-4410 Fax: 828-456-5455

All subdivision roads are proposed as private. No NCDOT certification necessary.

44. Buffering and Setbacks. All structures shall be setback 50 feet from 1-26 and that a B2 buffer (as defined in Chapter 42) is required within this setback.

B2 buffer is proposed, and structure setback of 50 feet has been observed. Please see Inset A on sheet C200.

45. Traffic Impact Analysis (TIA) Requirements. Any road improvements identified in the TIA and as approved and required by NCDOT shall be completed as a condition of approval. (see letter from NCDOT).

TIA requirements have been incorporated within the plans.

46. Erosion control permit required in phases as defined by the County.

Erosion control permits to be obtained from the County.

47. Stormwater Phase II permit required for all new impervious surfaces.

Stormwater permits to be obtained from the County.

48. If utilizing fill options within flood hazard areas, fill work must be completed prior to subdividing lots and record plat thereof.

Project will coordinate fill work as required.

49. ADA accessibility requirements for USPS cluster boxes shall be complied with.

USPS cluster boxes shall be ADA accessible.

50. Amenities are required to be built with ADA compliance.

ADA compliance maintained for all amenities.

51. An approved fire suppression plan is required.

Fire hydrants proposed to be installed at a minimum of 1000-feet of linear road distance and will be capable of producing flows of 1000gallons per minute per NC Fire Code. Residences are not to be sprinklered. Amenity center not to be sprinklered. Please see sheet C600. All calculations will be provided to City of Hendersonville Water for review/approval.

52. 27' wide roads within project.

Proposed local roads designed at a width of 27 feet.

53. Pool requires Department of Health overview.

Noted.

54. Developer shall obtain a capacity letter from the Metropolitan Sewerage District of Buncombe County.

Allocation was approved on February 19, 2020 under project # 2020024.

55. Traffic Impact Analysis shall be performed, and all necessary improvements shall be installed.

TIA performed in May of 2020. TIA requirements have been incorporated within the plans.

- 56. Any damage to existing NCDOT roadways during construction must be fixed immediately.

  Noted.
- 57. Developer must obtain an encroachment agreement with NCDOT to any utility work within the public right-of-way.
  - Noted. Encroachments to be obtained for all necessary utility work within the public right-of-way (as stated in condition number 28).
- 58. Developer must secure the installation of waterline from N. Rugby Road and Butler Bridge Road intersection to site if City of Hendersonville waterline extension approved by the County.
  - Design in progress. Water main size of extension along Butler Bridge Rd collaboratively established with City of Hendersonville Water. Currently awaiting survey right-of-way information to complete design.
- 59. Individual water service for each unit (both single-family and townhomes) required.

Design in progress. Individual water services to be provided. See sheet C600.

60. Developer may not permit installation of fruit bearing trees on property.

Noted. No fruit bearing trees proposed.

61. The Board of Commissioners delegates review and approval of all subsequent development plans to the Planning Board provided that all substantial changes be referred to the Board of Commissioners as an amendment to the conditional zoning district.

Noted. Substantial changes to be referred to the board as an amendment.

62. The applicant includes all conditions agreed to and approved by the Board on the site plan that shall be recorded with the Henderson County Register of Deeds.

Noted.

- Conditions Imposed by Board of Commissioners and Agreed to By the Rezoning Applicant Prior to Final Rezoning Approval
  - 1. Add the following paragraph:

Each phase will be treated as a separate project for purposes of application of the conditions which are applicable to the entire development. Two or more phases may be under construction simultaneously, but developer shall take reasonable care to not create unsightly conditions or safety hazards in partially developed phases. Roads and sidewalks that are completed within a phase that are intended to extend into an adjoining phase still under construction shall, to the degree they are not actively used for housing, be restricted from access by residents by signage and reasonable barriers. This is solely for safety and appearance issues, and shall not be constructed as preventing developer from utilizing completed sidewalks and paths for the recreational use and exercise by residents.

#### Noted.

#### 2. Add the following paragraph:

In the interest of aviation safety, Developer shall inform the Asheville Airport, through the office of its Chief Executive Officer, of the following events and according to the following time requirements:

- a) At least fifteen days prior to commencing constructions of a residential habitation structure in any particular phase, Developer/Applicant shall give written notice to the Airport of the phase in which this construction is to commence, and shall provide the Airport with a map of the area of the phase in which such construction will be conducted. Once notice is given as to each phase, it shall be deemed to give notice as to that entire phase.
- b) Upon learning of any condition created by aircraft travel over the development which in the opinion of Developer/Applicant would constitute an immediate hazard to the health, safety or well being of any resident of the subdivision or of the surrounding area, Developer/Applicant shall by reasonable means give notice to the Airport of that condition.

#### Noted.

#### 3. Add the following paragraph:

County to inspect each phase to determine, within the expertise of county staff, compliance by the developer with the conditions imposed on the rezoning. If not in compliance, all phases of the project will be suspended until compliance is demonstrated by the developer.

#### Noted.

#### 4. Add the following paragraph:

The applicant/developer shaft upon request of Fletcher Fire & Rescue Dept., Inc., install at applicant/Developer's cost a water hydrant at or near the entrance to the subdivision, in a place specified by Fletcher Fire & Rescue Dept., Inc., for the purpose of providing water to fire trucks responding to emergencies in the subdivision or in other areas of the County. The hydrant shall be of such design as is specified by Fletcher Fire and Rescue.

Mailing Address: P.O. Box 5432, Asheville, NC 28813

168 Patton Avenue, Asheville, NC 28801 52 Walnut Street – Suite 9, Waynesville, NC 28786
Phone 828-252-5388 Fax 828-252-5365 Phone: 828-452-4410 Fax: 828-456-5455

An area around the hydrant sufficient to allow its ready use and maintenance shall be dedicated to that use on a perpetual basis. The Details and method of such dedication shall be as determined by the County Attorney, in cooperation with the attorney for Applicant.

CDC provided Fletcher Fire & Rescue with a preliminary master water plan on February 25, 2021. This plan identified approximate hydrant locations. Spacing of these hydrants was based upon the requirements set forth by Henderson County and Fire Marshall Kevin Waldrup. Per Chief Garland with Fletcher Fire & Rescue a typical hydrant located 3 feet behind curb would be sufficient for filling of fire trucks. Preliminary hydrant placements appeared adequate for Fletcher Fire & Rescue. Fletcher Fire & Rescue shall be notified of any substantial hydrant location changes to the design previously discussed (pertaining to the hydrants at or near the entrance to the subdivision).

#### 5. Add the following paragraph:

The applicant/developer agrees to use best reasonable efforts to attract qualified local bidders for sub-contracting, and to use such efforts to employ significant local labor to perform the work required on the project.

Noted.

If you should have any questions or comments regarding this submittal, please do not hesitate to contact our office.

Sincerely,

Michael Cain, P.E.

Civil Design Concepts, P.A.

mcain@cdcgo.com