

| HENDERSON COUNTY USE ONLY |          |               |
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| Date Received             | Fee Paid | Permit Number |
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**HENDERSON COUNTY SITE DEVELOPMENT DEPARTMENT**

**LOCAL STORMWATER:  
PERMIT TRANSFER APPLICATION FORM**

*Pursuant to [15A NCAC 02H.1045](#) and other applicable statues as reference within*

*Only complete applications packages will be accepted and reviewed. This form and the required items (with original signatures) must be sent to Site Development Department, 240 Second Avenue East, Suite 118 Hendersonville, NC 28792.*

*After this application is accepted, Henderson County will conduct a compliance inspection and report any deficiencies to the current permittee and/or the proposed permittee. Per the state stormwater rules and the state stormwater permit conditions, the permit shall not be transferred until:*

- 1. the current permittee resolves all non-compliance issues identified in the inspection report;*
- 2. the current permittee negotiates a resolution with the proposed permittee (in writing and signed by both entities. The negotiated resolution must identify the necessary actions, the responsible party(ies), and the timelines to correct the deficiencies. The site must either be found in compliance or a copy of the negotiated resolution must be submitted prior to the transfer of the permit.); or*
- 3. in the case where a transfer falls under [G.S. 143-214.7\(c2\)](#) (see also SL 2011-256), the proposed permittee resolves all non-compliance issues upon acquiring the permit.*

*Signature requirements for the named signing official (for current and proposed permittee) must meet the following:*

- Corporation - a principal executive officer of at least the level of vice-president;*
- Limited Liability Company (LLC) - the designated manager; (Documentation from the NC Secretary of State or other official documentation must be provided that states the titles and positions held by the person who signed the application (pursuant to 02H.1040) that shows they have legal authority to sign for the LLC)*
- Municipality - a ranking official or duly authorized employee;*
- Partnership or limited partnership - the general partner;*
- Sole proprietor;*
- The signature of the consultant or other agent shall be accepted on this permit transfer application only if accompanied by a letter of authorization signed by one of the signatories noted in a-e above, as applicable.*

**A. GENERAL INFORMATION**

1. Local Stormwater Permit Number: \_\_\_\_\_
2. Project name: \_\_\_\_\_  
Is this an updated project name from the current permit?  Yes     No
3. Reason for the permit transfer request:  
\_\_\_\_\_  
\_\_\_\_\_

**B. PERSON(S) WHO HAVE SIGNED THIS FORM** (select only one response below)

- 1. **Both the current and proposed permittees**
- 2. **Only the current permittee of a condominium or planned community** (skip Part F & G).  
In accordance with [G.S. 143-214.7\(c2\)](#) (see also SL 2011-256), this type of transfer is allowed only when all of the following items can be truthfully checked:
  - Any common areas related to the operation and maintenance of the stormwater management system have been conveyed to the unit owners' association or owners' association in accordance with the declaration;
  - The declarant has conveyed at least fifty percent (50%) of the units or lots to owners other than a declarant (provide documentation per submittal requirements below);
  - The stormwater management system is in compliance with the stormwater permit.

NOTE: If subdivision was built prior to 1999, the Declarant's Attorney can make a determination that the elements of the Planned Community Act (see §47F) have been met by the Declarant for the subdivision. If the Declarant chooses to use this type of transfer, the determination must be in writing, signed by the attorney, and submitted to Henderson County with this form.

- 3. **Only the proposed permittee** (skip Part D below).  
In accordance with [G.S. 143-214.7\(c5\)](#) (see also SL 2013-121), this type of transfer is allowed only when all of the following items can be truthfully checked:
  - a. The proposed permittee is either (select one of the following):
    - The successor-owner who holds title to the property on which the permitted activity is occurring or will occur;
    - The successor-owner who is the sole claimant of the right to engage in the permitted activity.
  - b. The current permittee is (select at least one of the following, but all that apply):
    - A natural person who is deceased.
    - A partnership, Limited Liability Corporation, corporation, or any other business association that has been dissolved
    - A person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.
    - A person who has sold the property on which the permitted activity is occurring or will occur.
    - Other (please explain): \_\_\_\_\_
  - c. The proposed permittee agrees to the following requirements (all must be selected):
    - There will be no substantial change in the permitted activity.
    - The permit holder shall comply with all terms and conditions of the permit until such time as the permit is transferred.
    - The successor-owner shall comply with all terms and conditions of the permit once the permit has been transferred.

### C. SUBMITTAL REQUIREMENTS

Please mark "Y" to confirm the items are included with this form. Please mark "X" if previously provided. If not applicable or not available, please mark N/A.:

- \_\_\_\_\_ 1. A processing fee is not required.
- \_\_\_\_\_ 2. Two hard copies (with original signatures) and one electronic copy of this completed form and the required items.
- \_\_\_\_\_ 3. For proposed permittees that are corporations or LLC's, documentation from the NC Secretary of State demonstrating that the proposed permittee is a legal and viable entity able to conduct business in North Carolina.
- \_\_\_\_\_ 4. If Part B, Items 1 or 3 of this form is selected, the signed and notarized [applicable O&M agreement\(s\)](#) from the proposed permittee, as required by the permit.
- \_\_\_\_\_ 5. Legal documentation that the property has transferred to the proposed permittee (such as a recorded deed for the property, uncompleted development and/or common areas) or legal documentation demonstrating that the proposed permittee is the sole claimant of the right to engage in the permitted activity.
- \_\_\_\_\_ 6. If required by the permit and if the project has been built, a signed, sealed and dated certification document from a licensed professional stating that the stormwater management system has been inspected and that it has been built and maintained in accordance with the approved plans.
- \_\_\_\_\_ 7. A copy of the recorded covenants and deed restrictions, if required by the permit. If the project has been built, documentation that the maximum allowed per lot built-upon area or the maximum allowed total built-upon area has not been exceeded. If the project has not been built, the new owner shall provide a signed agreement to submit final recorded deed restrictions and protective covenants.
- \_\_\_\_\_ 8. If transferring under [G.S. 143-214.7\(c2\)](#) (i.e., *Part B, Item 2 of this form is selected*), documentation verifying that 50% or more of the lots have been conveyed to individuals (not builders). Copies of the deeds of conveyance or a chart listing the lot number, lot address, owner's name, conveyance date and deed book and page number are acceptable.
- \_\_\_\_\_ 9. If transferring under [G.S. 143-214.7\(c5\)](#) (i.e., *Part B, Item 3 of this form is selected*), provide legal documentation supporting the dissolution of the corporation or documentation supporting the current permittee was lawfully and finally divested of title of the property.
- \_\_\_\_\_ 10. A copy of the lease agreement if the proposed permittee is the lessee.
- \_\_\_\_\_ 11. A copy of the pending sales agreement if the proposed permittee is the purchaser.
- \_\_\_\_\_ 12. A copy of the development agreement if the proposed permittee is the developer.

**D. CURRENT PERMITTEE INFORMATION AND CERTIFICATION** *Please be sure to provide Email.*

1. Current Permit Holder's Company Name/Organization: \_\_\_\_\_
2. Signing Official's Name: \_\_\_\_\_
3. Signing Official's Title: \_\_\_\_\_
4. Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP : \_\_\_\_\_
5. Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP : \_\_\_\_\_
6. Phone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

I, \_\_\_\_\_, the current permittee, am submitting this application for a transfer of ownership for the above listed stormwater permit under the General Statute and Session Law identified on Page 1 of this application. I hereby notify Henderson County of the sale or other legal transfer of the property/project and/or the stormwater system associated with this permit. I have provided a copy of the following documents to the proposed permittee named in this application form: *(select all that apply)*

- the most recent permit;
- the designer's certification for each SCM;
- any recorded deed restrictions, covenants, common areas, drainage easements or plats;
- the approved plans and/or approved as-built plans;
- the approved operation and maintenance agreement;
- past maintenance records from the previous permittee (where required);
- a copy of the most recent inspection report;

I further attest that this application and request for a permit transfer is accurate and complete to the best of my knowledge. I attest that I have provided all of the required items per the law to transfer this permit. I understand that if all required parts of this request are not completed or if all required supporting information and attachments listed above are not included, this request package will be returned as incomplete I assign all rights and obligations as permittee to the proposed permittee named below. I understand that this request to transfer the permit may not be approved by the Henderson County unless and until the facility is in compliance with the permit.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public for the State of \_\_\_\_\_, County of \_\_\_\_\_, do hereby certify that \_\_\_\_\_ personally appeared before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and acknowledge the due execution of the forgoing instrument. Witness my hand and official seal,

*(Notary Seal)*

Notary Signature: \_\_\_\_\_

My commission expires \_\_\_\_\_

## E. PROPOSED PERMITTEE INFORMATION

### 1. The proposed permittee is the:

- Property owner** (Also complete Part F.)
- Home Owners Association (HOA), Property Owners Association (POA), or Unit Owner Association (UOA)** (Also complete Part F.)
- Lessee** - Attach a copy of the lease agreement. Both the lessee and the property owner will appear on the permit as co-permittees. If the lease is terminated, responsibility for the permit reverts to the property owner. (Also complete Parts F & G.)
- Purchaser** - Attach a copy of the pending sales agreement. The permit will require submission of a copy of the recorded deed after the purchase has taken place. If the purchase agreement is cancelled the permit reverts to the property owner. (Also complete Parts F & G.)
- Developer** - Attach a copy of the development agreement. Both the developer and the property owner will appear on the permit as co-permittees. If the development agreement is terminated, responsibility for the permit reverts to the property owner. (Also complete Parts F & G.)

### 2. Proposed permittee name (check one of the following and provide the name):

- Corporation, LLC, Partnership, Municipality name: \_\_\_\_\_
- HOA / POA / UOA name: \_\_\_\_\_
- Sole Proprietor

### 3. Proposed permittee contact information:

*Please be sure to provide Email.*

- a. Signing Official's Name: \_\_\_\_\_
- b. Signing Official's Title: \_\_\_\_\_
- c. Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP : \_\_\_\_\_
- d. Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP : \_\_\_\_\_
- e. Phone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

### 4. If there is a Management Entity that manages the property for an HOA, POA or UOA, please provide:

*Please be sure to provide Email.*

- a. Management Company or Business name: \_\_\_\_\_
- b. Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_
- c. Mailing Address: \_\_\_\_\_
- d. City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_
- e. Phone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

## F. PROPOSED PERMITTEE CERTIFICATION

I, \_\_\_\_\_, hereby notify Henderson County that I have acquired through sale, lease, development agreement, or other legal transfer, the project/property covered by the stormwater management permit and/or the responsibility for constructing and/or operating and maintaining the permitted stormwater management system. I acknowledge and attest that I have received a copy of: *(select all that apply)*:

- the most recent permit;
  - the designer's certification for each SCM;
  - any recorded deed restrictions, covenants, common areas, drainage easements or plats;
  - the approved plans and/or approved as-built plans;
  - the approved operation and maintenance agreement;
  - past maintenance records from the previous permittee (where required);
  - a copy of the most recent inspection report;
- Check here if the proposed permittee agrees to be the entity responsible for addressing any compliance issues outlined in the Compliance Inspection Report. If checked, the proposed permittee must provide a written document statement, with a "plan of action and schedule" addressed to this office stating that they will bring the project into compliance upon receipt of the transferred permit. This written "plan of action and schedule" must be received by the Department before the Department will transfer the permit.*

I have reviewed the permit, approved plans and other documents listed above, and I acknowledge that I will comply with the terms and conditions of the permit. I will construct the project's built-upon area as shown on the approved plans; and I will {construct}, operate and maintain the approved stormwater management system pursuant to the requirements listed in the permit and in the operation and maintenance agreement.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public for the State of \_\_\_\_\_,  
County of \_\_\_\_\_, do hereby certify that \_\_\_\_\_  
personally appeared before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and  
acknowledge the due execution of the forgoing instrument. Witness my hand and official seal,

*(Notary Seal)*

Notary Signature \_\_\_\_\_

My commission expires \_\_\_\_\_

**G. PROPERTY OWNER INFORMATION AND CERTIFICATION**

*Fill out this section only if the property owner is different from the proposed permittee. The permit will revert to the property owner if the purchase agreement, development agreement or lease expires or is terminated.*

Company Name/Organization: \_\_\_\_\_

Signing Official's Printed Name: \_\_\_\_\_

Signing Official's Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP : \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

I, \_\_\_\_\_, hereby certify that I currently own the property identified in this permit transfer document and acknowledge that the Proposed Permittee listed in Part F will be purchasing the property, developing the property on my behalf, and/or leasing the property from me. A copy of the purchase agreement, development agreement or the lease agreement, which names the party responsible for the construction and/or operation and maintenance of the stormwater system, has been provided with the permit transfer request.

I agree to notify Henderson County within 30 days if there are any changes to the purchase, developer or lease agreements and will submit the applicable completed and signed Permit Information Update Form, or Permit Transfer Application Form to address these changes. As the legal property owner, I acknowledge, understand, and agree by my signature below, that the permit will revert to me and I will be responsible for complying with the Henderson County Stormwater permit if the property purchase, lease or developer agreement/contract is cancelled or defaults. I understand that any individual or entity found to be in noncompliance with the provisions of the stormwater management permit or the stormwater rules, is subject to enforcement action as set forth in NC General Statute (NCGS) 143, Article 21.

Signature of the property owner \_\_\_\_\_ Date: \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public for the State of \_\_\_\_\_, County of \_\_\_\_\_, do hereby certify that \_\_\_\_\_ personally appeared before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and acknowledge the due execution of the forgoing instrument. Witness my hand and official seal,

*(Notary Seal)*

Notary Signature \_\_\_\_\_

My commission expires \_\_\_\_\_