

# **Technical Review Committee Rules of Procedure**

## **I. Purpose**

To establish a procedure for the consideration by the Technical Review Committee (TRC) of manufactured home park site plan, general site plan, subdivision plan, text amendment, map amendment, and special use permit review and additional powers and duties as may be set forth in the Land Development Code (LDC) and in other laws and regulations.

## **II. Committee Composition**

The Technical Review Committee shall consist of up to seven (7) regular members. Department heads, or their designated representative(s), from the following County offices shall be appointed as regular members of the Technical Review Committee:

- Building Services
- Engineering
- Environmental Health
- Erosion Control Division
- Fire Marshal
- Planning
- Zoning

The Board of Commissioners may choose to appoint an ex officio member to the Technical Review Committee as citizen representative. The Technical Review Committee may, at the discretion of the Chair, also request participation from the following: EMS Director, Henderson County School Superintendent, Hendersonville Water and Sewer Department Director, Cane Creek Sewer District Director, NCDENR Representative, NCDOT Representative, Parks and Recreation Director, Sheriff, Soil and Water Conservationist, Utilities Provider representative, and/or other department heads/staff/representatives.

## **III. Duties and Responsibilities**

A. The TRC members responsibilities shall be as follows:

1. Each TRC member is expected to thoroughly review each plan or application prior to the meeting. The TRC members shall ensure that the proposed project complies with the minimum regulatory requirements of the County.
2. TRC members shall be prepared to discuss each plan or application and to vote as a part of the action of considering the plan or application. Each member shall act fairly and impartially when reviewing, discussing and voting on a plan or application.
3. TRC members shall be available as needed to attend and discuss plans or applications considered by the TRC at such time as they are considered by the Planning Board, Zoning Board of Adjustment and/or Board of Commissioners, if further action is needed.

B. Chairperson. The Planning Director shall serve as the TRC chairperson.

The Chair shall be in charge of all proceedings before the TRC and shall be a non-voting member position on the TRC.

The chair shall be responsible for ensuring that the meeting is conducted with general parliamentary procedures, recognizing staff members for presentations, initiating discussion, and recognizing individuals to speak on agenda items.

C. Vice Chairperson. A Vice Chairperson for the TRC shall be appointed by the TRC.

The Vice Chairperson shall act for the Chair in his or her absence and follow the parliamentary procedures for meetings as outlined for the Chairperson.

D. Secretary. A secretary for the TRC shall be appointed by the Chair, either from within or from outside the TRC membership.

The Secretary, subject to the direction of the Chair and the TRC, shall keep all records, shall conduct all correspondence of the Committee and shall generally supervise the clerical work of the Committee. The secretary shall keep the minutes of every meeting of the Committee and the minutes shall be a public record. The minutes shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Committee, and all votes of Committee members upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote.

E. Planning Department and Code Enforcement Services Department. Staff members in these Departments shall be responsible for the following:

1. Distributing copies of applications and plans to TRC members in accordance with the published schedule;
2. Compiling agenda items and printing each TRC agenda along with all required notification;
3. Publishing an annual schedule outlining the monthly submittal dates, TRC meeting dates and any other necessary meeting schedule information;
4. Scheduling the location for TRC meetings and ensuring the proper presentation equipment is available and operational for meetings;
5. For each application, a Staff member shall be responsible for preparing a Staff report with recommendations, and presenting an overview of the application to the TRC;
6. Sending a letter to each applicant summarizing comments received from other reviewing agencies and the action taken by the TRC in accordance with the requirements of the Land Development Code;
7. Preparing and presenting staff reports to the Planning Board, Zoning Board of Adjustment and/or Board of Commissioners as required by the Land Development Code for items requiring action after TRC consideration.

F. County Attorney 's Office. Staff from the County Attorney 's Office shall attend the TRC meetings and provide legal advice and direction to the TRC.

- G. Attendance. At least one (1) representative of each voting department or agency is expected to be in attendance at the TRC meeting having reviewed the agenda packet information and applications. All TRC members are expected to arrive on time for the TRC meeting.
- H. Quorum. A quorum shall consist of four (4) regular members excluding any disqualifications.
- I. Disqualifications. Any member with a substantial economic or personal connection to an application or applicant must announce his or her conflict of interest. This conflict must be recorded in the minutes. The remaining regular members of the TRC shall determine whether the member will be allowed to participate. If the member is not allowed to participate, he or she may not ask the applicant questions, vote, and his or her presence shall not be counted towards the quorum requirement.
- J. Agenda. An agenda will be prepared outlining each item of discussion and designating a key staff person for each item. As a part of the TRC meeting, time may be provided on the agenda in order to allow staff to discuss land development matters, potential projects, or related staff concerns subject to the approval of the chairperson.

#### **IV. Meetings**

- A. Meeting Location. The designated meeting location of the TRC shall be the Board of Commissioners meeting room located at 100 North King Street in the County Administration Building .
- B. Meeting Schedule. The TRC shall have and adhere to an established meeting schedule unless circumstances dictate that an alternate meeting time or date be used, in which case notice shall be provided to applicants and other individuals having expressed an interest in attending the TRC meeting, in compliance with the Land Development Code and North Carolina General Statutes (NCGS). The TRC may continue or reopen proceedings for any good cause as deemed reasonable and appropriate.
- C. Official Record. Each TRC meeting shall be recorded and minutes shall be kept summarizing the discussion, recommendation and action on each agenda item by the secretary or appointed person(s). Recordings of the minutes shall be kept at the discretion of the Planning Director but must be kept until the official minutes are prepared. In addition to the minutes of TRC meeting, the official record shall include the application and any additional materials included by the applicant, other parties or TRC members.
- D. Meeting Format. The format of the public meeting will be of an informal hearing in such a way that evidence and facts relevant to an application will become the most readily and efficiently available to the TRC.

#### **V. Procedures**

- A. Application and Plan Submittals. All application and plan submittals for consideration by the TRC shall be submitted to the Planning Department and/or Code Enforcement Services in accordance with the published schedule. All required documentation and supporting data required must accompany the plan for it to be considered a complete

application. Copies of plans, supporting documentation, etc., will be distributed to TRC members one (1) week before the next TRC meeting.

- B. Project Overview. The Planning Department and/or Code Enforcement Services shall present a brief project overview for each project prior to discussion by the TRC. The overview shall include the project location, project description and Staff comments for the project.
- C. Project Discussion. Following the project overview, the chairperson will recognize TRC members to present any concerns related to the plan or application. TRC members may outline the concerns or bring written comments that summarize items of concern.
- D. Applicant Comment. The applicant or their agent may respond to comments, concerns and issues raised by TRC members. The applicant may also be given an opportunity to respond to public comment or other testimony if appropriate.
- E. Additional Testimony or Evidence. The TRC at its discretion may permit testimony from other related parties in support or opposition to the application. Nothing shall prohibit the TRC from soliciting explanations and additional input from the applicant or other sources the TRC deems necessary to enable them to complete their review of the application.
- F. Public Comment. Following the discussion of the project by TRC members, the Chair will recognize members of the public and will allow reasonable comments regarding factual and technical aspects of the proposed project and its compliance with standards set forth in the Land Development Code or other County regulations. The Chair may require that all public comments be limited to three (3) minutes per speaker.
- G. TRC Action. The TRC shall take action or make a recommendation on each item presented to the TRC for review. The action shall consist of approval, approval with conditions, or denial in accordance with Article XI (Review Processes and Procedures) or recommendation of action to the approving agency. If the proposal is approved with conditions, the TRC may give Staff administrative responsibility to grant formal approval upon satisfaction of imposed conditions. Staff may also resubmit the proposal to the TRC for consideration at their next scheduled meeting, if deemed necessary. Any recommendations made by the TRC to another Board must be in writing and must include the recommendations, reasons for the recommendation and the relevant excerpt from the minutes of the TRC meeting.
- H. Notification of Action. Staff shall forward a letter to the applicant outlining and summarizing the action taken or recommendation made by the TRC. This shall be done in accordance with the procedures in Article XI (Review Processes and Procedures).
- I. Staff Report. For items which require action by either the Planning Board, Zoning Board of Adjustment and/or Board of Commissioners, Staff shall prepare a staff report summarizing the TRC member comments and the recommendation of the TRC for the proposal.
- J. Special Meetings. Special meeting of the TRC may be called in accordance with NCGS § 143-318.12.

- K. Amendments. These rules of procedure may be amended at any time by an affirmative vote of a majority of the entire voting membership of the TRC, provided that such amendment be first discussed and presented in writing to the TRC.

## **VI. Rights of Parties**

- A. Notice Requirements. Notice of the meetings shall adhere to the North Carolina Open Meetings Law (N.C.G.S. 143-318) and the Henderson County Land Development Code.
- B. Participation. Any applicant or interested party shall have the right to attend meetings of the TRC. The TRC may allow testimony at its discretion, and when testimony is allowed, the TRC may impose reasonable limitations on the number of witnesses heard, and on the nature and length of their testimony.
- C. Appeal. Appeals of decisions of the Technical Review Committee will be heard by the Zoning Board of Adjustment. Appeals must be received by the Planning Department in writing within 30 days of decision.
- D. Public Records. The evidence and minutes of each meeting of the TRC shall be available to the public within a reasonable time in accordance with North Carolina General Statute Chapter 132, including the application and any materials presented to the TRC by the applicant or other parties. Parties wishing for a copy of the official record must submit a written request to the Planning Department and the requesting party will be liable for the cost of copies of the materials at a minimal cost.