

February 19, 2007

**S 212. LAND-USE PERMIT APPEALS.** Filed 2/19/07. *TO CLARIFY THE LAW REGARDING APPEALS OF QUASI-JUDICIAL DECISIONS MADE UNDER ARTICLE 19 OF CHAPTER 160A AND ARTICLE 18 OF CHAPTER 153A OF THE GENERAL STATUTES.* Enacts new GS 160A-393 setting out procedures for land-use permit appeals from quasi-judicial decisions, in the nature of petitions for certiorari to the superior court. Sets out criteria for determining standing to appeal and provides for a petition to be filed in the county in which the matter arose. Provides for the court to decide issues based on the record unless the record is insufficient to allow appropriate determination of issues relating to (1) standing; (2) bias or conflict of interest; or (3) constitutional violations or statutory authority. In addition the court may review de novo an issue of whether the decision-making body erred in interpreting an ordinance. Establishes guidelines for a court's determination of appropriate relief to be granted if a decision is not affirmed in whole or in part, and specifies that the court may grant injunctive relief. Enacts new GS 153A-349 making the same provisions applicable to counties. Enacts new GS 160A-377 and 153A-336, providing that when a subdivision ordinance provides for a city council, board of commissioners, or designated planning agency to make quasi-judicial decisions regarding approval of subdivision plats, the decision is subject to review by the superior court by proceedings in the nature of certiorari pursuant to the procedures described above. When the ordinance provides for only administrative or ministerial determinations as to plats, an aggrieved party may seek review by filing an action in superior court for appropriate declaratory or equitable relief. Effective for actions filed on or after January 1, 2008.

**Intro. by Kinnaird.**

GS 153A, 160A

May 22, 2007

**S 212. LAND-USE PERMIT APPEALS.** Filed 2/19/07. Senate committee substitute makes the following changes to 1st edition. Modifies proposed GS 160A-393 to provide that it applies to appeals to superior court of quasi-judicial decisions of decision-making boards. Adds definitions of *decision-making board* and *person*. Changes who has standing to file a petition for writ of certiorari to the superior court. Clarifies that if the petitioner is not the applicant before the decision-making board whose decision is being appealed, the petitioner must also name that applicant as a respondent. Also provides that any petitioner may name as a respondent any person with an ownership or leasehold interest in the property that is the subject of the decision being appealed who participated in the hearing before the decision-making board (was, may name any person who participated in the hearing before the decision-making board). Changes the exceptions listed to Rule 24 of the Rules of Civil Procedure governing motions to intervene. Specifies that the hearing record reviewed by the court may be supplemented with other evidence if the record is not adequate to determine whether the decision-making body was not impartial as a result of (1) impermissible conflict as described in GS 160A-381(d) (voting on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member) or GS 160A-388(e1) (impermissible conflicts include having a fixed opinion prior to hearing the matter, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter) or (2) conflict of interest under GS 14-234 (public officers or employees benefiting from public contracts). Specifies that the trial court may freely substitute its judgment for that of the decision making board when the issue before the court is whether the board erred in interpreting an ordinance. Modifies proposed GS 153A-349 to delete a reference to the term "municipality." Also provides that the term *impermissible conflict* as described in GS 160A-381(d) or GS 160A-388(e1) has the same meaning as described in GS 153A-340(g) or GS 153A-345(e1). Modifies proposed GS 160A-377 and GS 153A-336 to include a reference to the provisions of GS 160A-388(e2) in those that apply to appeals concerning decisions on whether to approve a subdivision plat. Amends GS 63-34 and GS 162A-93(b) to make conforming changes. Replaces the terms *council, board of adjustment, planning board, or other body*, with *decision-making board* throughout the bill. Makes technical changes throughout the bill. Amends the effective date to specify that the act applies to appeals filed on or after January 1, 2008.

June 19, 2008

**S 212. LOCAL PARK AND REC PARTICIPANT RECORDS (NEW).** Filed 2/19/07. House committee substitute makes the following changes to 2nd edition. Completely rewrites bill so it is now entitled *AN ACT TO LIMIT ACCESS TO IDENTIFYING INFORMATION OF MINOR PARTICIPANTS IN PARKS AND RECREATION PROGRAMS OF LOCAL GOVERNMENTS*. Enacts new GS 132-1.12 providing that the following information concerning minors participating in recreation programs sponsored by local governments is not a public record: name, address, age, date of birth, telephone number, parent or guardian name and address, and other identifying information. Provides that the county, municipality, and zip code of residence of each participating minor is a public record. Provides that the new statute does not make the specified information confidential.

July 2, 2008

**S 212. LOCAL PARK AND REC PARTICIPANT RECORDS.** Filed 2/19/07. Conference report makes no changes to 3rd edition to reconcile matters in controversy.

July 29, 2008

**SL 2008-126 (S 212). LOCAL PARK AND REC PARTICIPANT RECORDS. AN ACT TO LIMIT ACCESS TO IDENTIFYING INFORMATION OF MINOR PARTICIPANTS IN PARKS AND RECREATION PROGRAMS OF LOCAL GOVERNMENTS.** Summarized in *Daily Bulletin* 6/19/08 and 7/2/08. Enacted July 28, 2008. Effective July 28, 2008.