

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1490*
Committee Substitute Favorable 5/6/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H1490-PCS80508-RB-73

Short Title: Land Development Permit Changes.

(Public)

Sponsors:

Referred to:

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING THE APPLICATION OF CERTAIN PERMIT EXTENSIONS.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Sub-subdivisions l. and m. of subdivision (1) of Section 3 of S.L.
5 2009-406 read as rewritten:

6 "l. Any approval by a county of sketch plans, preliminary plats, plats
7 regarding a subdivision of land, a site specific development plan or a
8 phased development plan, a development permit, a development
9 agreement, or a building permit under Article 18 of Chapter 153A of
10 the General Statutes.

11 m. Any approval by a city of sketch plans, preliminary plats, plats
12 regarding a subdivision of land, a site specific development plan or a
13 phased development plan, a development permit, a development
14 agreement, or a building permit under Article 19 of Chapter 160A of
15 the General Statutes."

16 **SECTION 2.** S.L. 2009-406 is amended by adding two new sections to read:

17 "**SECTION 5.1.(a)** This act does not revive a vested right to the water or sewer allocation
18 associated with a development approval that expired between January 1, 2008, and August 5,
19 2009, and is revived by the operation of this act if both of the following conditions are met:

20 (1) The water or sewer capacity was reallocated to other development projects
21 prior to August 5, 2009, based upon the expiration of the development
22 approval.

23 (2) There is not sufficient supply or treatment capacity to accommodate the
24 project that is the subject of the revived development approval.

25 "**SECTION 5.1.(b)** A person whose development approval is revived under this act but
26 whose water or sewer allocation is not revived under this section must be given first priority if
27 additional supply or treatment capacity becomes available.

28 "**SECTION 5.2.(a)** This section applies only to Union County.

29 "**SECTION 5.2.(b)** When a development approval that is contingent upon connection to a
30 water supply system or a sanitary sewer system is suspended under Section 4 of this act and
31 there is not sufficient supply or treatment capacity to accommodate requests for additional
32 allocation, the local government that granted the allocation may reallocate reserved capacity



* H 1 4 9 0 - P C S 8 0 5 0 8 - R B - 7 3 *

1 from projects whose approvals are suspended but are not ready to proceed, if the local
2 government meets all of the following requirements:

- 3 (1) Establishes an allocation plan for existing capacity that determines actual
4 capacity and provides for a fair and equitable process to distribute the
5 remaining capacity.
- 6 (2) Establishes a reallocation plan to meet requests for capacity above permitted
7 capacity that is fair and equitable and requires the following:
 - 8 a. That an applicant for a new or additional allocation demonstrate the
9 ability to begin construction.
 - 10 b. That the holder of a development permit suspended under Section 4
11 of this act demonstrate the ability or intent to begin construction in
12 no less than 120 days in order to retain the reserved capacity.
- 13 (3) Does not reallocate capacity to exceed the amount of the reserved capacity.

14 **"SECTION 5.2.(c)** This act does not reduce the original period of a development permit."

15 **SECTION 3.** If House Bill 274, 2009 Regular Session, becomes law, Section 5.2
16 of House Bill 274, 2009 Regular Session, is repealed.

17 **SECTION 4.** This act is effective when it becomes law.