

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-572
HOUSE BILL 1490**

AN ACT CONCERNING THE APPLICATION OF CERTAIN PERMIT EXTENSIONS.

The General Assembly of North Carolina enacts:

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

- "l. Any approval by a county of sketch plans, preliminary plats, plats regarding a subdivision of land, a site specific development plan or a phased development plan, a development permit, a development agreement, or a building permit under Article 18 of Chapter 153A of the General Statutes.
- m. Any approval by a city of sketch plans, preliminary plats, plats regarding a subdivision of land, a site specific development plan or a phased development plan, a development permit, a development agreement, or a building permit under Article 19 of Chapter 160A of the General Statutes."

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

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

- (1) The water or sewer capacity was reallocated to other development projects prior to August 5, 2009, based upon the expiration of the development approval.
- (2) There is not sufficient supply or treatment capacity to accommodate the project that is the subject of the revived development approval.

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

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

"SECTION 5.2.(b) When a development approval that is contingent upon connection to a water supply system or a sanitary sewer system is suspended under Section 4 of this act and there is not sufficient supply or treatment capacity to accommodate requests for additional allocation, the local government that granted the allocation may reallocate reserved capacity from projects whose approvals are suspended but are not ready to proceed, if the local government meets all of the following requirements:

- (1) Establishes an allocation plan for existing capacity that determines actual capacity and provides for a fair and equitable process to distribute the remaining capacity.
- (2) Establishes a reallocation plan to meet requests for capacity above permitted capacity that is fair and equitable and requires the following:
 - a. That an applicant for a new or additional allocation demonstrate the ability to begin construction.



b. That the holder of a development permit suspended under Section 4 of this act demonstrate the ability or intent to begin construction in no less than 120 days in order to retain the reserved capacity.

(3) Does not reallocate capacity to exceed the amount of the reserved capacity.

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

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

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

In the General Assembly read three times and ratified this the 11th day of August, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 3:00 p.m. this 28th day of August, 2009