GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION LAW 2010-180 HOUSE BILL 1766

SECTION 10. G.S. 143B-299(a) reads as rewritten:

- "(a) Creation; Membership. There is hereby created in the Department of Environment and Natural Resources the North Carolina Sedimentation Control Commission, which is charged with the duty of developing and administering the sedimentation control program provided for in this Article. The Commission shall consist of the following members:
 - (1) A person to be nominated jointly by the boards of the North Carolina League of Municipalities and the North Carolina Association of County Commissioners; Commissioners.
 - (2) A person to be nominated by the Board of the North Carolina Home Builders Association; Association.
 - (3) A person to be nominated by the Carolinas Branch, Associated General Contractors of America; America.
 - (4) The president, vice president, or general counsel A representative of a North Carolina public utility company; company.
 - (5) The Director of the North Carolina Water Resources Research Institute; Institute.
 - (6) A member of the State Mining Commission who shall be a representative of nongovernmental conservation interests, as required by G.S. 74-38(b); G.S. 74-38(b).
 - (7) A member of the State Soil and Water Conservation Commission:
 - (8) A member of the Environmental Management Commission; Commission.
 - (9) A soil scientist from the faculty of North Carolina State University; University.
 - (10) Two persons who shall be representatives of nongovernmental conservation interests; and interests.
 - (11) A professional engineer registered under the provisions of Chapter 89C of the General Statutes nominated by the Professional Engineers of North Carolina, Inc."

SESSION LAW 2010-177 HOUSE BILL 683

AN ACT TO AMEND THE PERMIT EXTENSION ACT OF 2009.

The General Assembly of North Carolina enacts:

SECTION 1. S.L. 2009-406, as amended by Section 5.1 of S.L. 2009-484, Section 5.2 of S.L. 2009-550, and Sections 2 and 3 of S.L. 2009-572, reads as rewritten:

"SECTION 4. For any development approval that is current and valid at any point during the period beginning January 1, 2008, and ending December 31, 2010, the running of the period of the development approval and any associated vested right under G.S. 153A-344.1 or G.S. 160A-385.1 is suspended during the period beginning January 1, 2008, and ending December 31, 2010.2011.

"SECTION 4.1. A unit of local government may by resolution provide that S.L. 2009-406, as amended by Section 5.1 of S.L. 2009-484, Section 5.2 of S.L. 2009-550, Sections 2 and 3 of S.L. 2009-572, and by this act, shall not apply to a development approval issued by that unit of local government. A development approval issued by a unit of local government that opts out pursuant to this section shall expire as it was scheduled to expire pursuant to S.L. 2009-406, as amended by Section 5.1 of S.L. 2009-484, Section 5.2 of S.L. 2009-550, and Sections 2 and 3 of S.L. 2009-572 prior to the enactment of this act.

"SECTION 7.1. Conditions for qualification; termination; right of appeal.

- (a) For any development approval extended by S.L. 2009-406, as amended by Section 5.1 of S.L. 2009-484, Section 5.2 of S.L. 2009-550, Sections 2 and 3 of S.L. 2009-572, and by this act, the holder of the development approval shall:
 - (1) Comply with all applicable laws, regulations, and policies in effect at the time the development approval was originally issued by the governmental entity.
 - (2) Maintain all performance guarantees that are imposed as a condition of the initial development approval for the duration of the period the development approval is extended or until affirmatively released from that obligation by the issuing governmental entity.
 - (3) Complete any infrastructure necessary in order to obtain a certificate of occupancy or other final permit approval from the issuing governmental entity.
- (b) Failure to comply with any condition in this section may result in termination of the extension of the development approval by the issuing governmental entity. In the event of a termination of the extension of a development approval, the issuing governmental entity shall provide written notice to the last known address of the original holder of the development approval of the termination of the extension of the development approval, including the reason for the termination.
- (c) Termination of an extension of a development approval shall be subject to appeal to the Board of Adjustment under the requirements set forth in law if the development approval was issued by a unit of local government with planning authority under Article 18 of Chapter 153A or Article 19 of Chapter 160A of the General Statutes.