



## REQUEST FOR BOARD ACTION

ITEM NO. 13.

**DATE OF MEETING:** December 6, 2010

**REQUESTED BY:** Kyle M. Breuer, Director, Planning & Community Development

**SHORT TITLE:** Resolution Providing for Pender County to "Opt-Out" of the Permit Extension for Certain Development Permits Subject to North Carolina Session Law 210-177.

**BACKGROUND:** The economic conditions affecting the nation, the State of North Carolina, and our county that began in 2007 and continue today have impacted the local economy and resulted in increased unemployment, lower economic growth, reduced demand for real estate, and higher rates of real property foreclosure. Developers and builders have sustained losses and have been unable to proceed with projects authorized by State and local permits and development approvals. Many environmental, land use, and construction permits are subject to legal requirements that cause the permits to expire if progress on the work authorized by such a permit is not initiated or completed within a certain period of time. The North Carolina General Assembly adopted the "Permit Extension Act of 2009" in response to the expiration or impending expiration of certain development permits issued by the State and local governments. The Permit Extension Act of 2009 served to toll the expiration of certain development permits during the three-year period from January 1, 2008, until December 31, 2010. Certain development permits issued by Pender County have not expired or cannot expire for a period of as many as five years from the time of issuance or approval because of the 2009 permit extension legislation and the permit expiration requirements that apply. The General Assembly acted again in 2010 to extend for one more year the period during which the expiration of development permits is tolled, so that the running of any applicable expiration period that otherwise would apply does not resume until January 1, 2012. Session Law 2010-177 authorizes a unit of local government by resolution to declare that the one-year extension provided for in the Permit Extension Act of 2009, as amended, shall not apply to development approvals that it has issued. The suspension of the running of permit expiration periods has provided relief to the development community during a period of economic stress but has also contributed to certain other problems. The enforcement by governmental units of permit obligations on projects that are not actively being developed has imposed administrative burdens, especially where partially completed site improvements have been abandoned. The extension of the completion time for some partially completed projects has contributed to certain nuisance-like conditions on such sites that have had a blighting influence on nearby properties.

The failure or postponement of certain private development projects has made it more difficult for the county to coordinate and carry out its capital improvement program concurrently with new development along with pursuing good planning procedures to allow planning for growth and development. Permit expiration provisions serve a useful public purpose in encouraging permit holders to complete projects, winnowing out projects that are not well-conceived and bringing closure to the permitting process. The standards and procedures for obtaining development permits issued by Pender County are neither unduly onerous nor time consuming.

Pender County has adopted new development guidelines for all future growth within the unincorporated areas of the county, which took effect on July 1, 2010. Recent legislation has provided local jurisdictions to "opt out" of permit extension granted by House Bill 683, An Act to Amend the Permit Extension Act of 2009 (Senate Bill 831).

**SPECIFIC ACTION REQUESTED:** To consider a resolution "opting-out" of the one-year permit extension provisions of Session 2010-177, as that act amends the Permit Extension Act of 2009, with respect to the following development permits that have been issued by Pender County.

Shepard's Branch, Planning Board approved 2/7/2006
River Estates at Cypress Point, Planning Board approved 8/1/2006
Murraytown Farms, Planning Board approved 8/1/2006
East Haven, Planning Board approved 8/1/2006

**COUNTY MANAGER'S RECOMMENDATION**

Respectfully recommend approval.

PTB  
Initial

**RESOLUTION**

**NOW, THEREFORE BE IT RESOLVED** by the Pender County Board of Commissioners that:

the Board hereby "opts-out" of the one-year permit extension provisions of Session 2010-177, as that act amends the Permit Extension Act of 2009 with respect to the following development permits issued: Shepard's Branch, River Estates at Cypress Point, Murraytown Farms, and East Haven. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS

YEA VOTES: Brown \_\_\_ Rivenbark \_\_\_ Tate \_\_\_ Ward \_\_\_ Williams \_\_\_

\_\_\_\_\_  
Jimmy T. Tate, Chairman      12/6/2010  
Date

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ATTEST      12/6/2010  
Date