

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 492

Short Title: Stormwater/Isolated Popl. Growth in County. (Public)

Sponsors: Representative Howard (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 29, 2011

A BILL TO BE ENTITLED

1 AN ACT TO (1) PROVIDE THAT DEVELOPMENT IN THE UNINCORPORATED AREAS
2 OF A COUNTY IS NOT SUBJECT TO THE STANDARDS REGARDING
3 POSTCONSTRUCTION PRACTICES UNDER SECTION 9 OF S.L. 2006-246 OR ANY
4 ADMINISTRATIVE RULES ADOPTED TO REPLACE THAT SECTION WHEN THE
5 DEVELOPMENT IS LOCATED IN A COUNTY THAT CONTAINS AN URBANIZED
6 AREA AND HAD AN ACTUAL POPULATION GROWTH RATE THAT EXCEEDED
7 THE STATE POPULATION GROWTH RATE FOR THE PERIOD 1995 THROUGH
8 2004 WHEN THAT POPULATION GROWTH OCCURRED IN AN AREA WITHIN
9 THE COUNTY THAT CONSISTS OF LESS THAN FIVE PERCENT OF THE TOTAL
10 LAND AREA OF THE COUNTY AND (2) RESCIND THE CURRENT DESIGNATION
11 OF ANY SUCH COUNTY.
12

13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** Subdivision (5) of subsection (a) of Section 4 of S.L. 2006-246 reads
15 as rewritten:

16 "(5) A-Subject to subsection (a1) of this section, a county that contains an area
17 that is designated as an urbanized area under the 1990 or 2000 federal
18 decennial census and that has an actual population growth rate that exceeded
19 the State population growth rate for the period 1995 through 2004."

20 **SECTION 2.** Section 4 of S.L. 2006-246 is amended by adding a new subsection
21 to read:

22 "(a1) A county that contains an area that is designated as an urbanized area under the
23 1990 or 2000 federal decennial census and that has an actual population growth rate that
24 exceeded the State population growth rate for the period 1995 through 2004 is not a county
25 under subdivision (5) of subsection (a) of this section and is not a county that is subject under
26 this section to the requirements for development in the unincorporated areas of the county when
27 that actual population growth rate occurred in an area within the county that consists of less
28 than five percent (5%) of the total land area of the county."

29 **SECTION 3.** Any rule adopted to replace rules that were disapproved under S.L.
30 2006-246 or any rule adopted to implement S.L. 2006-246 from and after the effective date of
31 S.L. 2006-246 shall be consistent with the provisions of this act.

32 **SECTION 4.** All designations of counties under subdivision (5) of subsection (a)
33 of Section 4 of S.L. 2006-246 that occurred after August 16, 2006, that would not have
34 occurred under Section 4 of S.L. 2006-246 as amended by this act are rescinded. The
35 provisions of this section do not preclude any future designations of counties as Phase 2



1 counties by the Environmental Management Commission under subdivision (5) of subsection
2 (a) of Section 4 of S.L. 2006-246 as amended by this act.

3 **SECTION 5.** This act is effective when it becomes law and applies to any
4 development that occurs on or after that date.