GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

SESSION LAW 2011-220
HOUSE BILL 492

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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after August 16, 2006, that would not have occurred under Section 4 of S.L. 2006-246 as amended by this act are rescinded.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

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

In the General Assembly read three times and ratified this the 15th day of June, 2011.

s/ Walter H. Dalton
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 12:24 p.m. this 23rd day of June, 2011