HOUSE BILL 218:
Streamline Permits/Redevelopment of Property.

2021-2022 General Assembly

Committee:	Senate Commerce and Insurance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 24, 2021
Introduced by:	Rep. Zenger	**Prepared by:**	Jeremy Ray* Committee Counsel
Analysis of:	Second Edition		

OVERVIEW: House Bill 218 would require local governments that implement water supply watershed programs to allow an applicant to exceed the allowable density under water supply watershed program rules in certain circumstances, and would exempt certain footprint expansions from site plan modification requirements.

Section 1: Clarifying stormwater runoff requirements applicable to preexisting development in water supply watersheds

CURRENT LAW: Under State law, the Environmental Management Commission (EMC) is required to assign each water supply watershed in the State an appropriate classification and applicable minimum management requirements. In addition, every local government that has within its jurisdiction all or a portion of a water supply watershed must adopt and implement a water supply watershed protection program that complies with the minimum standards adopted by the EMC (see applicable rule) that: (i) controls development density within the watershed and (ii) provides for performance-based alternatives to development density controls that are based on sound engineering principles.

BILL ANALYSIS:

House Bill 218 would require local governments that implement water supply watershed programs to allow an applicant to exceed the allowable density under the jurisdiction's applicable water supply watershed rules when all of the following circumstances apply:

- The property was developed prior to the effective date of the local water supply watershed program.
- The property has not been combined with additional lots after January 1, 2021.
- The property has not been a participant in a mechanism available under existing law that allows a property owner to average development density on up to two noncontiguous properties for purposes of achieving compliance with the water supply watershed development standards in certain circumstances.
- The current use of the property is non-residential.
- The stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable local government, State, and federal laws and regulations.
- The remaining vegetated buffers on the property are preserved in accordance with the local water supply watershed protection program requirements.

The bill requires the EMC to adopt rules, and local governments to amend their ordinances and local programs, to implement the requirements of the bill.

This section would become effective October 1, 2021 and apply to applications for permits and other approvals received on or after that date.

Jeffrey Hudson
Director

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Section 2: Exempting certain footprint expansions from site plan major modification requirements

CURRENT LAW: Chapter 160D of the General Statutes governs development regulations and programs and applicable or related local acts. Developers are prohibited from deviating from the terms of the development application or developmental approval without written approval from the relevant local government (G.S. 160D-403(d)). Through an adopted ordinance, a local government may allow minor modifications to development approvals to either be exempted from this prohibition altogether or authorized when administratively approved. Any major modifications of an approval require the local government to follow the same development review and approval process as was required for the initial approval.

BILL ANALYSIS: House Bill 218 would prohibit a local government from considering a building footprint expansion of up to 20% of a site plan modification if the following criteria are met:

- The expanded building(s) were approved in the original development agreement.
- The original development agreement was completed within the last 15 years.
- There has been no change in the permitted use of the property.

Local governments would be required to amend their ordinances and local programs to implement the requirements of this section.

This section would be effective October 1, 2021 and apply to applications for permits and other approvals received by local governments on or after that date.

EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law.

**Jennifer McGinnis and Brian Gwyn, Staff Attorneys with the Legislative Analysis Division, substantially contributed to this summary.*