



County Compromise Addresses Development Desires of All Residents City of Concord Refuses Compromise; Seeks to Impose Urban Standards throughout County

July 14, 2004 - In the spirit of cooperation with the City of Concord, Cabarrus County Board of Commissioners agreed in April to revise development standards throughout the entire unincorporated area of the County to provide a greater uniformity in appearance and construction standards in those areas that will be annexed in the future. The County's new development standards were adopted June 24.

The compromise includes six major changes to the County's development standards including: requiring sidewalks on residential streets serving 20 or more lots and on roads providing access to recreation or common areas; requiring sidewalks to join residential developments with commercial areas; requiring sidewalks in commercial developments; requiring thicker asphalt for streets and increased street widths similar to those required by the City; increasing cul-de-sac radius; adopting municipal standards for road names and ordinance numbering system.

These new development standards were carefully considered by the Board to ensure that the needs and desires of rural landowners are met while also enhancing the higher-density developments within the unincorporated areas of the County.

The Board of Commissioners' good faith efforts were rebuffed by the City of Concord's inflexibility and its unwillingness to negotiate. In response to the fair compromise offered by the County, the City has filed a lawsuit in an effort to enforce its zoning standards in areas where it has no jurisdictional right to do so.

When the County was named as a defendant in a lawsuit against the City by two developers seeking rights to tap on to water lines, the County filed a cross-action complaint against Concord requesting the City's cooperation in fulfilling the requirements of a series of agreements entered into between the City and the County from 1988 to 1995, including the 1995 Utility Asset Transfer Agreement, which calls for amendments to the 1988 Reciprocal Agreement.

These amendments were to have governed the manner in which utilities will be provided in the unincorporated areas by the City of Concord in its capacity as a regional utility provider. While the County does not operate a water distribution system, it does supply water to residents of Cabarrus County through the Lake Howell Reservoir, which is maintained through a contract with WASACC.

If the Board and the City Council, at the time, had adhered to the 1995 agreement, the reciprocal agreement of 1988 would have been amended within 90 days and the two Boards would have determined how water would be distributed within unincorporated areas.

"If the City would just be willing to discuss with the County the role of both parties in the agreements of 1988 through 1995, we would not be in this situation. Instead, the City has refused to do so unless the County first agrees to every planning and zoning restriction the City wants," said Robert M. Freeman, chairman of the Cabarrus County Board of Commissioners. "It is unfortunate that the City has not been responsive to the compromises proposed by the County. The City refuses to respect that the Board of Commissioners has a responsibility to all citizens of the County, including City of Concord residents. The citizens of Cabarrus County deserve the right to water, and the City of Concord has repeatedly held itself out as a regional water supplier. However, as a regional water provider, the City has tried to assume planning and zoning authority outside its jurisdiction."

Rather than address the failure of previous Boards by simply amending the reciprocal agreement of 1988, the City chooses to hold hostage school adequacy review until the County is willing to require subdivisions outside the City to meet City-

imposed development standards.

The City refuses to require developers to pay school adequacy fees to help offset the cost of new school construction that will be serving children in Concord and other high-growth areas of the County. Unlike the Towns of Harrisburg and Mount Pleasant that willingly require developers to assist in paying for school facilities, the City of Concord has decided to ignore the needs of our schools unless the County adopts urban development standards for rural and suburban areas of the County.

The City further contends that the County should not seek reimbursement from developers in the form of an impact fee for the construction of utility lines paid for by the County. It is unclear why the City questions this practice outside its boundaries, when it does the same thing within them.

"There has been a tireless effort on the part of the County to maintain a dialog with the City and reach a resolution of these issues that addresses the needs of all the citizens of the County," Freeman said. "I hope, in the end, we all can work together as responsible representatives of our community and not as individuals."