

Judge now holds fate of APFO law

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Union County's controversial adequate public facilities ordinance, or APFO, is in a judge's hands.

Superior Court Judge Chris Collier told county and builder attorneys Thursday that he hoped to rule on the validity of the ordinance within the next two weeks.

"Basically, everybody just holds their breath and waits for the judge to rule," said county attorney H. Ligon Bundy.

The APFO, approved by a previous county Board of Commissioners in 2006, forces developers to wait for school capacity to become available, or to pay a mitigation fee before breaking ground.

The county is facing a class-action suit from local property owners, with Union Landowners Association listed as the plaintiff. The property owners argue the ordinance is vague and unfair to the building industry.

Some in the county say it's necessary to put the cost of booming Union County growth on developers who are building subdivisions filled with children that pack the overburdened schools.

Attorneys will have 30 days after Collier's ruling to appeal the decision with the N.C. Court of Appeals.

"One option for the judge would be to invalidate only a portion of the ordinance," Bundy said Thursday. "That would be kind of a decision that both sides can appeal from."

County commissioners have frozen any amendments to the contentious APFO until after the Union Landowners case is resolved.

Weddington-area developer Bill Nolan dropped a similar suit last week, apparently because the class-action suit was going forward, Bundy has said.

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