

Appendix C: Community Capability Assessment – Falkland

A. Introduction

This section of the Plan is a detailed assessment of the Town of Falkland's capacity as a local governmental unit to mitigate the impacts of the natural hazards that were identified and analyzed in Appendix A. This assessment includes an examination of the following local government capabilities:

1. Institutional – A review of Town departments that have direct and indirect responsibility for hazard mitigation activities.
2. Policies, Programs and Ordinances - An examination and evaluation of existing plans, policies, and ordinances that either increase or decrease local vulnerability to natural hazards.
3. Legal – A review of State granted powers – regulation, acquisition, taxation and spending - that can be employed by local governments to further hazard mitigation efforts.
4. Fiscal – An examination of the Town's use of local operating budget and capital improvement program funds to mitigate the effects of hazards.
5. Technical – A review of the Town's ability to employ technical equipment and software programs to enhance mitigation activities.
6. Political Climate – A description of local political will and commitment to implementing hazard mitigation activities.

B. Institutional Capability

The Town of Falkland is a local government body with a mayor-commissioner form of government. The elected Town Board is the decision making body for the Town. Town employs professional staff to carry out day-to-day administrative activities.

Departments and Agencies with Direct/Indirect Impact on Hazard Mitigation

Table C-1: Departments with Direct/Indirect Impact on Hazard Mitigation

Department/Agency	Impact	Function
Administration	Indirect	The mayor is responsible for overseeing the day-to-day activities of the Town.
Town Clerk	Indirect	The town clerk gives notice of Town Board meetings, prepares the agenda and records proceedings. The town clerk is also custodian of all permanent Town records and keeps track of appointments and terms for boards and commissions.
Fire Department	Direct	The volunteer fire department provides for fire fighting and suppression activities for the community during emergencies and also provides education in fire safety.

Source: Town of Falkland

Other Departments/Agencies

Pitt County Public School System

The Pitt County Public School System provides public educational programming and facilities. The school system is responsible for constructing and maintaining schools facilities. When selecting new school sites, the school system considers environmental factors that would impact the development potential of each site under consideration.

NC Department of Transportation (NCDOT)

The NC Department of Transportation is responsible for construction and maintenance of state-owned roads and highways, including the construction and of stormwater drainage systems. Sizing and maintenance of stormwater drainage systems can have an impact on hazard mitigation. If inadequately sized structural elements, e.g., piping, channels, etc., cannot handle stormwater runoff, then upstream flooding will occur. Lack of maintenance especially due to insufficient resources (staff and equipment) can also increase the likelihood of system failure and stormwater damage to system elements, e.g., culverts, during flooding.

C. Existing Polices, Programs and Ordinances

The Town of Falkland has the statutory authority to plan for growth and development including the power to make studies of the Town, to determine growth objectives, to prepare and adopt plans for achieving those objectives and to develop policies, ordinances and the administrative means to implement plans. The Town Board has created and appointed a Planning and Zoning Board to serve as an advisory body on planning matters.

The Town of Falkland has used its legislated regulatory power to adopt and implement policies, programs, and ordinances that regulate land use and development. Each Town policy, ordinance or regulation has a unique and varying impact on hazard mitigation. Although policies and ordinances may have not been created specifically for hazard mitigation purposes, they have been and can be utilized to implement hazard mitigation initiatives. Existing Town policies and ordinances include:

- Pitt County Subdivision Ordinance
- Pitt County Flood Damage Prevention Ordinance
- Pitt County Addressing Ordinance
- Pitt County Building Code Enforcement Ordinance
- Pitt County Soil Erosion and Sedimentation Control
- Pitt County Water Supply Watershed Ordinance
- Land Use Plan
- Zoning Ordinance

Pitt County Subdivision Ordinance

Subdivision regulations control the division of land into parcels for the purpose of building development or sale. The regulations require that subdivision plans be approved prior to the sale of land. Subdivision regulations are a more limited tool than zoning and only indirectly affect the type of use made of land or minimum specifications for structures. The Subdivision Ordinance provides for orderly growth and development by setting standards for street construction, interconnecting street systems, and for other improvements that ensure the appropriate design and layout of new development. These regulations also serve to protect natural features and resources by not allowing or reducing development within sensitive environmental areas. By interlocal agreement, Pitt County enforces subdivision regulations within the Town of Falkland planning jurisdiction.

Pitt County Flood Damage Prevention Ordinance

North Carolina General Statutes empower counties to regulate designated floodways for the purpose of controlling and minimizing the extent of floods by preventing obstructions which inhibit water flow and increase flood height and damage and other losses (both public and private) in flood hazard areas, and to promote the public health, safety and welfare of citizens of North Carolina in flood hazard areas. Following Hurricane Floyd, on recommendation from FEMA, the interpretation of elevation of lowest floor of a structure was expanded to include all mechanical systems, i.e., heating, ventilation and air conditioning systems, and electrical and plumbing systems.

The Flood Damage Prevention Ordinance (FDPO) regulates development within floodplains by providing for issuance of development permits for construction, and for periodic inspections to ensure compliance with the permit. The ordinance also provides the authority to issue stop work orders until problems are resolved or corrective actions have been taken, and for revocation of permits in extreme cases. By interlocal agreement, Pitt County enforces the FDPO within the Town of Falkland planning jurisdiction.

Pitt County Addressing Ordinance

The Pitt County Addressing Ordinance was established to ensure that emergency services could be dispatched quickly and accurately when needed. To ensure this purpose, the ordinance provides for a logical addressing system that includes an official process by which roads are named and signed and property addresses are assigned. The ordinance also requires that addresses be displayed such that each structure can be easily, legibly and uniquely identified from the road right-of-way. Pitt County provides addressing services for the all areas within the County and through an interlocal agreement, enforces the addressing ordinance in the Town of Falkland planning jurisdiction.

Pitt County Building Code Enforcement Ordinance

In 1981, Pitt County adopted a local building code enforcement ordinance that incorporated the North Carolina State Building Code. The ordinance provides that any revisions, amendments, or additions to the state code are automatically included in the Pitt County ordinance.

In 2001 the State began transitioning to the International Building Code in lieu of the Southern Building Code. During the 2001 calendar year, contractors were able to use either code, but the International Code with NC amendments has been effective since December 31, 2002.

The County enforces the building code within the unincorporated areas of the County and also has the authority to enforce the code in any municipality, which requests by resolution that the County do so. By interlocal agreement, Pitt County enforces the building code within the Town of Falkland planning jurisdiction.

Pitt County Soil Erosion and Sedimentation Control Ordinance

The purpose of the Soil Erosion and Sedimentation Control Ordinance (SESC) is to regulate land-disturbing activities to control accelerated erosion of soil and loss of sediment. Controlling erosion and sedimentation reduces the loss of valuable topsoil and reduces the likelihood of water pollution and damage to watercourses.

In 2000, the Pitt County Board of Commissioners amended the County's Soil Erosion and Sedimentation Control Ordinance (SESC) to incorporate revisions to reduce soil erosion. Revisions to the SESC included a reduction in the amount of time that disturbed soil areas can be exposed to erosion, the imposition of new civil penalty assessments for violations, the establishment of new compliant activities for disturbances greater than one acre, and permit fee increases to offset administrative costs. By interlocal agreement, Pitt County enforces the SESC Ordinance within the Town of Falkland planning jurisdiction.

Pitt County Water Supply Watershed Protection Ordinance

The Water Supply Watershed Act of 1989 instituted a statewide program to protect drinking water supply watersheds from inappropriate development. The intent of the program was to protect the quality of surface water supplies from non-point source pollution, and to minimize stormwater runoff by regulating development densities and the amount of built-upon area within the critical and protected areas of affected watersheds.

The ordinance applies within the areas designated by the North Carolina Environmental Management Commission as the critical or protected area of a surface water supply watershed and as shown on the official watershed map for Pitt County. The Tar River Watershed, generally located in the northwest quadrant of the County, has been classified as WS-IV. The ordinance provides for the continuation of existing uses and the reconstruction of buildings and built-upon areas. The ordinance also establishes development restrictions for different types of streets systems (with and without curb and gutter).

Within the critical and protected areas, the storage of toxic and hazardous materials (unless a spill containment plan is implemented) is prohibited. Landfills and sites for land application of sludge/residuals or petroleum-contaminated soils are also prohibited in the critical area. Within the protected watershed area, a minimum 30' vegetative buffer is required along each side of all perennial waters and no new development is allowed in the buffer area except for water dependent structures and public projects such as road crossings and greenways where no practicable alternative exists. (This 30' buffer rule has subsequently been superseded by the new Tar-Pamlico River Basin riparian buffer rule which establishes a 50' buffer requirement within the entire Tar-Pamlico River Basin.) The County enforces the ordinance within the unincorporated areas of the County and also has the authority to enforce the code in any municipality, which requests by resolution that the County do so. By interlocal agreement, Pitt County enforces the water supply watershed protection ordinance within the Town of Falkland planning jurisdiction.

Land Use Plan (1990)

The Town of Falkland has adopted a Land Use Plan. The purpose of the land use plan is to provide guidance and direction in one specific area affecting the Town of Falkland, the use of land. The Land Use Plan is intended to be the community's vision of land use and land development within the town's planning jurisdiction which includes both the Falkland incorporated area and the town's extraterritorial planning area. The possibility of the western expansion of the City of Greenville could potentially have a significant effect on the Town of Falkland's economy.

Zoning Ordinance (1991)

The Town of Falkland has adopted a Zoning Ordinance. The purpose of such an ordinance is to regulate development within the designated areas in town. The Zoning Ordinance has been prepared in accordance with a comprehensive plan for the development of Falkland and is designed to lessen the congestion in the streets; to secure safety from fire, panic, and their dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements and to give reasonable consideration to the expansion and development of the town so as to provide for its orderly growth and development.

C-2: Town of Falkland Zoning Districts

District	Function
Residential – R	The Residential District is established as a quiet, medium density district designed primarily for single-family and two-family dwellings. The purpose of this district is to discourage any use which because of its character, would interfere with the development of single-family residency in the district and which would be detrimental to the quiet residential nature of the areas included within this district.
Agricultural-Residential – AR	<p>The Agricultural-Residential District is established as a district to promote a compatible mixture of low-density residential and agricultural uses where urban development is expected to occur. The purpose of this district shall be to maintain lots of sufficient size to insure that residential development dependent upon septic tank systems for sewage disposal and individual wells for water will occur at sufficiently low density to insure a healthful environment. Because the Town wishes to guide rational development patterns which affect future growth, the A-R District will be split into three sub-districts. These sub-districts are described below:</p> <ul style="list-style-type: none"> • <u>Restricted-Agricultural-Residential (R-A-R) District</u> The Restricted-Agricultural-Residential District is established to promote the purposes enumerated above while maintaining the strictest control of land use within the corporate limits and in areas of the extraterritorial jurisdiction closest to the corporate limits. The R-A-R District shall encompass all former A-R zones within the corporate limits. • <u>Limited-Agricultural-Residential (L-A-R) District</u> The Limited-Agricultural-Residential District is established as a sub-district to promote the purposes enumerated above while maintaining a moderate level of control of land use in the areas of the extraterritorial jurisdiction along the Tar River or associated within existing major transportation routes. The L-A-R District shall encompass all former AR zones within the extraterritorial jurisdiction lying beyond the R-A-R District in the northern sector of the ETJ roughly arching north and east from Highway 222 west of Highway 43 east of town. • <u>General-Agricultural-Residential (G-A-R) District</u> The General-Agricultural-Residential District is established as a sub-district to promote the purposes enumerated above while maintaining the lowest reasonable level of control of land in areas of the extraterritorial jurisdiction not currently experiencing growth and not expected to experience substantial growth and not expected to experience substantial growth in the near future. The G-A-R District shall encompass all former A-R zones within the extraterritorial jurisdiction lying beyond the R-A-R District in the southern sector of the ETJ roughly arching south and east from Highway 222 west of town to Highway 43 east of town.
Business, Office and Intuitional – BOI	The Business, Office and Intuitional District is established at business locations in order to permit the development of existing uses while maintaining a satisfactory relationship between the intensity of land uses and the capacity of streets and utilities.

Source: Town of Falkland; Zoning Ordinance

Hazard Mitigation Plan

The Town of Falkland adopted a standalone Hazard Mitigation Plan of 2004 and later merged into the County's Multi-Jurisdictional Plan. Falkland is a participant in the 2009 Multi-Jurisdictional HMP. The plan evaluates the potential impact of natural hazards that could occur in North Carolina and establishes strategies for limiting hazard vulnerabilities to protect people and property. The Town of Falkland established strategies that were specific to the vulnerability of the town. Those proposed in 2004 were evaluated and assessed for inclusion in the 2009 update. New actions, as well as those completed from 2004-2009 are documented in Section II.

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Table C-2 summarizes existing town policies/programs and rates these policies/programs for effectiveness for hazard mitigation. The last column of Table C-3 provides for incorporating the policy or program into hazard mitigation strategies.

Incorporating Hazard Mitigation Requirements into Community Plans

No Town policies, programs or ordinances have been found to have the effect of hindering hazard mitigation; however, there are opportunities to make current policies more effective for mitigation. Existing policies and ordinances are regularly reviewed and considered for updates/revisions to meet changing community needs and to stay in compliance with State and Federal regulations.

The Town will create a process to incorporate requirements in the Hazard Mitigation Plan into existing community plans and ordinances. The Mayor will be responsible for ensuring that hazard mitigation goals, objectives and actions are incorporated into plan updates and ordinance revisions to ensure that updates and revisions do not contribute to increased community vulnerability to natural hazards.

The specific departments, as noted in Table C-3, that are responsible for implementation, enforcement, and updates to community plans and ordinances will be charged with monitoring programs and regulations for opportunities to improve hazard mitigation actions. More specific information on recommendations for new or revised policies and programs is detailed in Section II. Mitigation Action Plan.

Table C-3: Community Capability Assessment – Town of Falkland

Policies and Programs	Policy/Program Status	Effectiveness for Mitigation	Rationale for Effectiveness	Recommendations for Incorporating into Hazard Mitigation Strategy
Pitt County Subdivision Regulations	Existing	Moderate	The Subdivision Ordinance provides for orderly growth and development by setting standards for street construction, interconnecting street systems, and for other improvements that ensure the appropriate design and layout of new development.	Continue to enforce and enhance subdivision standards, particularly in regards to stormwater management. The Pitt County Planning Department is responsible for enforcement and revisions.
Pitt County Flood Damage Prevention Ordinance	Existing	High	This ordinance regulates development within floodplains by providing for issuance of development permits for construction, and for periodic inspections to ensure compliance with the permit.	Continue to enforce and enhance flood hazard control standards to reduce the exposure of the built environment and the population of the County to the perils of natural hazards. The Pitt County Planning Department is responsible for enforcement and revisions.
Pitt County Addressing Ordinance	Existing	Moderate	This ordinance was established to ensure that emergency services could be dispatched quickly and accurately when needed.	Continue to implement and enforce the ordinance to ensure that accurate addressing plays a key role in delivery of emergency services. The Pitt County Planning Department is responsible for enforcement and revisions.
Pitt County Building Code Enforcement Ordinance	Existing	High	This ordinance incorporates the requirements and provision set forth in the NC Building Code.	Continue to incorporate any revisions to the State Building Code into local code enforcement procedures and to vigorously enforce minimum building standards. The Pitt County Inspections Department is responsible for enforcement and the State of NC is responsible for code revisions.
Pitt County Soil Erosion and Sedimentation Control Ordinance	Existing	Moderate	This ordinance regulates land-disturbing activities to control accelerated erosion of soil and loss of sediment.	Continue to enforce and enhance soil erosion and sedimentation control standards that will reduce erosion and damage to the carrying capacity of area streams and rivers. The Pitt County Planning Department is responsible for enforcement and revisions.

Policies and Programs	Policy/Program Status	Effectiveness for Mitigation	Rationale for Effectiveness	Recommendations for Incorporating into Hazard Mitigation Strategy
Pitt County Water Supply Watershed Ordinance	Existing	High	This ordinance serves to protect and restore water resources by establishing methods to control stormwater runoff from surrounding land.	Continue to work with area municipalities and other governments/agencies in the region to ensure maximum protection of water resources. The Pitt County Planning Department is responsible for enforcement and revisions.
Land Use Plan	Existing	Moderate	The purpose of this plan is to promote an orderly and efficient land use development pattern, which allows for a variety of land uses and is sensitive to environmental and social concerns.	As the Land Use Plan is updated, revise goals and strategies to more specifically address hazard mitigation through environmental conservation, stormwater management, and flood damage prevention. The Town of Falkland is responsible for plan updates.
Zoning Ordinance	Existing	Moderate	The Zoning Ordinance regulates the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land.	Continue to investigate ways to improve zoning standards to address issues that pertain to hazard mitigation, including limiting development in flood prone areas and zoning sensitive environmental areas for protection from development. The Town of Falkland is responsible for enforcement and ordinance revisions.
<u>Hazard Mitigation Plan</u>	Existing	High	The plan evaluates the potential impact of natural hazards that could occur in North Carolina and establishes strategies for limiting hazard vulnerabilities to protect people and property.	Expand the scope of the Plan to include new requirements. Update hazard mitigation strategies, annually review progress on strategies, and update the plan on a regular basis. The Town of Falkland responsible for plan updates.

Source: Town of Falkland and Pitt County.

D. Legal Capability

Local governments in North Carolina have a wide array of powers that enable counties and municipalities to adopt and implement policies and ordinances that may be used to mitigate the potential harmful effects of natural hazards. Below is a summary of the legal authority and powers that North Carolina has conferred on local governments within the state (*Local Hazard Mitigation Planning Manual*, NC Division of Emergency Management, 1998, Appendix B, pp. 61-64.) These powers fall into four broad categories: regulation, acquisition, taxation, and spending. The Town of Falkland has made limited use of these powers.

Regulation (General Police Power)

Local governments in North Carolina have been granted broad regulatory powers. North Carolina bestows the general police power on local governments, allowing them to enact and enforce ordinances which define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, and welfare of the people and to define and abate nuisances (including public health nuisances). Since hazard mitigation can be included under the police power (as protection of public health, safety and welfare), towns, cities and counties may include requirements for hazard mitigation in local ordinances. Local governments may also use their ordinance-making power to abate “nuisances,” which could include, by local definition, any activity or condition making people or property more vulnerable to any hazard (NCGS 160A Art. 8 (Delegation and Exercise of the General Police Power to Cities and Towns); 153A, Art. 6 (Delegation and Exercise of the General Police Power to Counties)).

Building Codes and Building Inspection

Many structural mitigation measures involve constructing and retrofitting homes, businesses and other structures according to standards designed to make the buildings more resilient to the impacts of natural hazards. Most of these standards are imposed through the building code.

North Carolina has a state compulsory building code, which applies throughout the state (NCGS 143-338(c)). However, municipalities and counties may adopt codes for their respective areas if approved by the state as providing “adequate minimum standards” (NCGS 143-338(e)). Local regulations cannot be less restrictive than the state code. Exempted from the state code are: public utility facilities other than buildings; liquefied petroleum gas and liquid fertilizer installations; and farm buildings outside municipal jurisdictions. No state permit may be required for structures under \$20,000. (Note that exemptions apply only to state, not local, permits).

Local governments in North Carolina are also empowered to carry out building inspections. NCGS 160A, Art. 19, Part 5; and 153A Art. 18, Part 4 empower cities and counties to create an inspection department, and enumerates department duties and responsibilities, which include enforcing state and local laws relating to the construction of buildings, installation of plumbing, electrical, heating systems, etc.; building maintenance; and other matters.

Town of Falkland

Through inter-local agreement, Pitt County enforces the State Building Code within the Town of Falkland planning jurisdiction.

Land Use

Land use regulatory powers granted by the state to local governments are the most basic manner in which a local government can control the use of land within its jurisdiction. Through various land use regulatory powers, a local government can control the amount, timing, density, quality and location of new development. All these characteristics of growth can determine the level of vulnerability of the community in the event of a natural hazard. Land use regulatory powers include the power to engage in planning, and to enact and enforce zoning ordinances, floodplain ordinances, and subdivision controls.

Each community possesses great power to prevent unsuitable development in hazard-prone areas. (NCGS 160A, Art. 8. (Delegation and Exercise of the General Police Powers to Cities and Towns); Art. 19 (Planning); Part 3 (Zoning); and 153A. Art. 6 (Delegation and Exercise of the General Police Power to Counties; Art. 18 (Planning and Regulation of Development); Part 2 (Subdivision Regulation); Part 3 (Zoning).

Planning

In order to exercise the regulatory powers conferred by the General Statutes, local governments in North Carolina are required to create or designate a planning agency (NCGS 160A-3 87). The planning agency may perform a number of duties, including: make studies of the area; determine objectives; prepare and adopt plans for achieving those objectives; develop and recommend policies, ordinances, and administrative means to implement plans; and perform other related duties (NCGS 160A-361).

The importance of the planning powers of local governments is emphasized in NCGS 160A-383, which requires that zoning regulations be made in accordance with a comprehensive plan. While the ordinance itself may provide evidence that zoning is being conducted "in accordance with a plan", the existence of a separate planning document ensures that the government is developing regulations and ordinances that are consistent with the overall goals of the community.

Town of Falkland

The Town of Falkland currently has a land use plan.

Zoning

Zoning is the traditional and nearly universal tool available to local governments to control the use of land. Broad enabling authority for municipalities in North Carolina to engage in zoning is granted in NCGS 160A-381; and for counties in NCGS 153A-340. (Counties may also regulate inside a municipal jurisdiction at the request of a municipality (NCGS 160A-360(d)). The statutory purpose for the grant of power is to promote health, safety, morals or the general welfare of the community. Land uses controlled by zoning include the type of use (residential, commercial, industrial) as well as minimum specifications such as lot size, building height and set backs, density of population, etc.

Local governments are authorized to divide their territorial jurisdictions into districts, and to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or land within those districts (NCGS 160A-382). Districts may include general use districts, overlay districts, and special use or conditional use districts. Zoning ordinances consist of maps and written text.

Town of Falkland

The Town of Falkland enforces zoning throughout the Town's planning jurisdiction.

Subdivision Regulations

Subdivision regulations control the division of land into parcels for the purpose of building development or sale. Flood-related subdivision controls typically require that subdividers install adequate drainage facilities and design water and sewer systems to minimize flood damage and contamination. Subdivision regulations prohibit the subdivision of land subject to flooding unless flood hazards are overcome through filling or other measures. Subdivision regulations are a more limited tool than zoning and only indirectly affect the type of use made of land or the minimum specifications for structures.

Broad subdivision control enabling authority for municipalities is granted in NCGS 160-371, and in 153-330 for counties outside of municipalities and municipal extraterritorial planning jurisdictions. Subdivision is defined as all divisions of a tract or parcel of land into two or more lots and all divisions involving a new street (NCGS 160A-376). The definition of subdivision does not include the division of land into parcels greater than 10 acres where no street right-of-way dedication is involved (NCGS 160A-376(2)).

Town of Falkland

By interlocal agreement, Pitt County enforces the subdivision ordinance within the Town of Falkland planning jurisdiction.

Floodplain Regulation

In the summer of 2000, the North Carolina General Assembly adopted an act entitled "An Act to Prevent Inappropriate Development in the One Hundred-Year Floodplain and to Reduce Flood Hazards". By this act, the North Carolina statutes regulating development within floodways were rewritten to include floodplain regulation (NCGS 143-314.51-214.61). The purpose of the new law is to:

1. Minimize the extent of floods by preventing obstructions that inhibit water flow and increase flood height and damage.
2. Prevent and minimize loss of life, injuries, property damage and other losses in flood hazard areas.
3. Promote the public health, safety and welfare of citizens of North Carolina in flood hazard areas.

The new statute authorizes local governments to adopt a flood hazard prevention ordinance to regulate uses in flood hazard areas and to grant permits for the use of flood hazard areas that are consistent with the requirements of the statute. The statute provides for certain uses within flood hazard areas without a permit consistent with local land use ordinances (NCGS 143-315.54).

The statute establishes minimum standards for local ordinances and provides for variances for prohibited uses as follows:

- (a) A flood hazard prevention ordinance adopted by a county or city pursuant to this Part shall, at a minimum:

- (1) Meet the requirements for participation in the National Flood Insurance Program and of this section.
 - (2) Prohibit new solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities in the 100-year floodplain except as noted in section (b) below.
 - (3) Provide that a structure or tank for chemical or fuel storage incidental to a use that is allowed under this section or to the operation of a water treatment plant or wastewater treatment facility may be located in a 100-year floodplain only if the structure or tank is either elevated above base flood elevation or designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (b) A flood hazard prevention ordinance may include a procedure for granting variances for uses prohibited under G.S. 143-315.54(c). A county or city shall notify the Secretary (of Crime Control and Public Safety) of its intention to grant a variance at least 30 days prior to granting the variance. A county or city may grant a variance upon finding that all of the following apply:
- (1) The use serves a critical need in the community.
 - (2) No feasible location exists for the location of the use outside the 100-year floodplain.
 - (3) The lowest floor of any structure is elevated above the base flood elevation or is designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - (4) The use complies with all other applicable laws and regulations.

The statute authorizes priority ratings for local government applications for revolving loans or grants based on adoption of a local comprehensive land use plan, a zoning ordinance, or other measures that significantly contribute to the implementation of the comprehensive land use plan and the flood hazard prevention ordinance.

The Floodplain Act also instructed the Environmental Review Commission to study and report its findings to the 2001 General Assembly on the need to:

- (1) Increase the minimum elevation requirement.
- (2) Increase the authority of the Secretary of Crime Control and Public Safety to enforce the new statute.
- (3) Increase protection against the potential recurrence of damage to public and private property that resulted from the hurricanes of 1999, and other measures to reduce the likelihood that public assistance will be needed in response to future hurricanes and other storm events.

Town of Falkland

By interlocal agreement, Pitt County enforces the Flood Damage Prevention Ordinance within the Town of Falkland planning jurisdiction.

Acquisition

The power of acquisition can be a useful tool for pursuing mitigation goals. Local governments may find the most effective method for completely “hazard-proofing” a particular piece of property is to acquire the property (either in fee simple or a lesser interest, such as an easement). Public acquisition removes the property from the private market and eliminates or reduces the possibility of inappropriate development. North Carolina legislation empowers cities and counties to acquire property for public purpose by gift, grant, devise, bequest, exchange, purchase, lease or eminent domain (NCGS 153A. Art. 8; 160A. Art. 11).

The Town of Falkland has not used local police power to acquire land for hazard mitigation purposes. Taking of private property for public purposes can be both extensive and controversial as land owners are often uncooperative. Funds for acquisition would have to come from local revenues which are almost always limited or from federal or state grants.

Taxation

The power to levy taxes and special assessments is an important tool delegated to local governments by North Carolina law. The power of taxation extends beyond merely the collection of revenue and can have a profound impact on the pattern of development in a community. Communities can set preferential tax rates for areas, which are unsuitable for development (e.g., agricultural land, wetlands, and floodplains) to discourage development in hazardous areas.

Because the usual methods of apportionment seem mechanical and arbitrary, and because the tax burden on a particular piece of property is often quite large, the major constraint in using special assessments is political. Special assessments seem to offer little in terms of control over land use in developing areas. Assessments can, however, be used to finance the provision of necessary services within city or county boundaries. In addition, they are useful in distributing to new property owners the costs of the infrastructure required by new development.

The Town of Falkland uses general revenues, primarily local property taxes, as annual operating funds. The Town has not set any preferential tax rates for areas that are not suitable for development.

Spending

The fourth major power that has been delegated by the North Carolina General Assembly to local governments is the power to make expenditures in the public interest. Hazard mitigation principles should be made a routine part of all spending decisions made by a local government, including adoption of annual budgets and a capital improvement plan (CIP).

A CIP is a schedule for the provision of city or county services over a specified period of time. Capital programming, by itself, can be used as a growth management technique, with a view to hazard mitigation. By tentatively committing itself to a timetable for the provision of capital to extend services, a community can control growth to some extent especially in areas where the provision of on-site sewage disposal and water supply are unusually expensive.

In addition to formulating a timetable for the provision of services, a local community can regulate the extension of and access to services. A CIP that is coordinated with extension and access policies can provide a significant degree of control over the location and timing of growth. These tools can also influence the cost of growth. If the CIP is effective in directing growth away from environmentally sensitive or high hazard areas, for example, it can reduce public costs associated with degradation of the environment and damages to properties caused by natural hazards.

Town of Falkland

The Town of Falkland does not have a CIP.

E. Fiscal Capability

Beyond legal authority and political willpower, fiscal capability is a key component to effectively developing and implementing a hazard mitigation plan. In addition to local tax funds, non-profits and other non-governmental organizations are often interested in helping to implement hazard mitigation projects. Local governments can also apply for State and Federal funds to implement hazard mitigation initiatives. Appendix D lists state and federal sources for information and funding of hazard mitigation initiatives. The NC Emergency Management website at http://www.ncem.org/Mitigation/additional_funding.htm includes a more exhaustive list of over 300 state and federal funding sources.

In North Carolina, property taxes provide the primary source of revenue for municipalities. These taxes are typically used primarily to finance services that must be available and delivered on a daily basis, such as police and fire emergency services, solid waste collection and disposal, street maintenance, etc. and, leaving very little, if any, for additional services and projects. Fortunately, State and Federal funds are available to local governments for the development and implementation of hazard mitigation programs.

Ability to Pay

In recognition of the disparate economic prosperity of the State's one-hundred counties, the North Carolina Department of Commerce ranks counties in an economic tier system. The impetus for this system was the William S. Lee Quality Jobs and Business Expansion Act of 1996 (Lee Act) which provides for a sliding scale of state tax credits for economic investment. The Lee Act has become the State's main development tool in an effort to help smaller rural counties become more economically competitive. The tier ranking is also used by the State as a measure of an individual county's ability to pay when applying for state and federal grants.

The N.C. Department of Commerce annually ranks the state's 100 counties based on economic well-being and assigns each a Tier designation. The 40 most distressed counties are designated as Tier 1, the next 40 as Tier 2 and the 20 least distressed as Tier 3. The rankings are evaluated annually using these three factors – population growth, unemployment rate, and per capita income. The 2009 NC Department of Commerce ranking places Pitt County in Tier 2.

This Tier system is incorporated into various state programs, including the Article 3J Tax Credits, to encourage economic activity in the less prosperous areas of the state. Article 3J Tax Credits should not be confused with [Article 3A William S. Lee \(WSL\) Tax Credits](#). Article 3J is not a revision of the Lee Act; it replaces it. In general, William S. Lee Credits are repealed for business activities that occur on or after January 1, 2007 and Article 3J Credits take effect for taxable years beginning on or after January 1, 2007.

F. Technical Capability – Staff Resources

Effective hazard mitigation initiatives depend largely on a community's technical capability. Many smaller governments in North Carolina have only limited technical capabilities due to size and budget restrictions and must depend on larger government units for technical assistance. However, the most valuable technological resource is the wealth of knowledge accumulated by county and town staff members through years of experience.

The Town of Falkland depends largely on the assistance of Pitt County and the resources county staff provide for emergency management services, information management, and Geographic Information Systems mapping. These technical capabilities help build a more resilient community by better planning before the occurrence of a natural hazard, as well as by better response during the event and during the recovery period.

G. Political Climate

The elected officials of the Town of Falkland are in agreement that implementation of a hazard mitigation plan is a necessary step to minimize damages from natural hazards. The Town Board supports hazard mitigation planning to reduce future loss of life and property. The Town Board intends to vigorously support hazard mitigation efforts while acknowledging the limited resources both monetarily and physically at the Town's disposal. The Town Board and town employees will continue to strive to make the Town of Falkland a safer community and see implementation of the hazard mitigation plan as a means to help achieve that goal.