

# Floodplain Management Handout



The City of Mill Valley has been a part of the National Flood Insurance Program (NFIP) and has had floodplain regulations in effect since 1979. The City's participation with FEMA in regulating development in the floodplain is required by law, and can affect the availability of, and rates for, flood insurance. Special Flood Hazard Areas or "floodplain" designations in Mill Valley include AO, AE, X and Floodway.

Most construction designated within the FEMA AO, AE and/or Floodway Zone requires review and approval by the City of Mill Valley. Understanding the scope of work associated with your proposed renovation project is important in these FEMA designated areas. Smaller projects may qualify and be permitted based on a review of the scope of work, ensuring that the scale of improvements made to a property within a 2-year period are under the "substantial improvements" threshold (see details below). Larger projects may require additional planning approvals and/or may require larger scale improvements (such as raising the house) to comply with the City's Floodplain Management Regulations contained in [Chapter 18 Municipal Code](#).

**Online Map:** To determine if your property is in a floodplain and view base flood elevations, visit Marin County's online mapping website at [www.MarinMap.org](http://www.MarinMap.org). Under GIS Map Applications, click on "FEMA Flood Information." Under FEMA LOMC: Letter of Map Change, click on either "Desktop webmap" or "Mobile webmap." To locate a specific parcel, enter the address in the box. Once the Map populates, click the tab under "Flood Hazard Zone" to highlight the different FEMA information, including base flood elevations and floodplain designations. For more detailed FEMA maps and descriptions, go to [www.floodsmart.gov/flood-map-zone](http://www.floodsmart.gov/flood-map-zone).

**Substantial Improvements Must Be Documented:** A substantial improvement is defined in the Municipal Code as, "any repair, remodel, rehabilitation, addition, or improvement the cost of which equals or exceeds 50% of the "depreciated market" value of the existing structure either, before the improvement is started, or if the structure has been damaged and is being restored, before the damage occurred."

**Required Worksheet:** A Substantial Improvement Worksheet (see last page) must be accompanied by a current appraisal for the structure (from within one year), the Cost Evaluation worksheet, an itemized breakdown of the valuation of the project. The Substantial Improvement worksheet must be signed by both the property owner and the appraiser certifying that the information provided is accurate. The Planning and Building Department will then review the forms to ensure they have been filled out correctly and determine that the project is under substantial improvement threshold. Projects on structures within the floodplain are cumulative within two years. (Over the counter permit applications to the Building Department will not have to complete the worksheet, unless it is the second over the counter building permit that has been submitted within a two year time period). Additional information provided below.

# Construction in a Floodplain

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## Frequently Asked Questions

### What are the FEMA Floodplain Zoning Designations with the City? Is my property impacted?

FEMA Floodplain maps identify the boundaries of the 100-year floodplain<sup>1</sup> and divide the floodplain into various “zones” based on the estimated depth of flood waters. See page 1 for online maps to determine if your property is in a FEMA floodplain zone.

The Special Flood Hazard Area (or “floodplain”) FEMA designations in Mill Valley include:

- **Floodway.** Considered the channel of watercourse. FEMA requires that the creek channel and the adjacent land areas identified within a Floodway be reserved to carry water during a flood. Any change to a building footprint and/or improvement to a site in the Floodway must illustrate and ensure that no net increases in flood elevations will occur. Mandatory flood insurance purchase requirements apply to this area. Structures located within a Floodway have additional development restrictions imposed by FEMA. Special regulations and limitations may apply to construction, improvements, renovations and/or possible expansion of building envelopes within in a Floodway.
- **AE Flood Zone.** A flood insurance rate zone that corresponds to the 1% annual chance floodplain, as determined by a FEMA Flood Insurance Studies. Mandatory flood insurance purchase requirements apply and the property is subject to special development regulations and restrictions (see page 1).
- **AO Flood Zone.** A flood insurance rate zone that corresponds to the 1% annual chance shallow floodplain, as determined by FEMA Flood Insurance Studies. Mandatory flood insurance purchase requirements apply. Mandatory flood insurance purchase requirements apply and the property is subject to special development regulations and restrictions (see page 1). Base Flood Elevations are not typically identified for the AO Flood Zone.
- **X Flood Zone.** Corresponds to the areas that are outside the 1% annual chance floodplain, as determined by FEMA Flood Insurance Studies. Flood insurance purchase requirements are optional. Construction/Improvements made in this Flood Zone are not subject to the Floodplain Management regulations.

**What is the Base Flood Elevation Near My Home?** Base Flood Elevation is the elevation shown on Flood Insurance Rate Maps for the AE Flood Zone. Base flood elevations can be view and identified using [www.MarinMap.org](http://www.MarinMap.org) (explained on page 1).

**How Do I Obtain an Elevation Certificate?** An Elevation Certificate verifies the Base Flood Elevation and the elevation data of a structure on a given property. The Elevation Certificate is used by insurance companies in the rating of flood insurance policies or for applying to FEMA for a map amendment. If you need to have an elevation certificate completed, you will need to contact a licensed land surveyor.

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<sup>1</sup> A 100-year flood is the statistical probability, based on the review of historic rainfall and flood data, that there is a one percent chance in any given year that a flood of this magnitude will occur.

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## Frequently Asked Questions

**What if my house is raised and is above the Base Flood Elevation? Do I still have to pay Flood Insurance?** Property owners may opt out of Flood Insurance requirements if structures are above the Base Flood Elevation (defined below). Properties with Letters of Map Amendments filed with FEMA can be viewed on [www.Marinmap.org](http://www.Marinmap.org). If you need to revise your property's designation, see "how do I revise a map" below.

**What if my parcel is in a AE, AO Floodplain or Floodway, but the structure(s) are not? Or, what if my structure is raised above the Base Flood Elevation?** FEMA allows for certain properties that have the structure(s) out of the floodplain and/or the structures are raised above the base flood elevation to apply for a Letter of Map Amendment. This process allows property owners to opt out of Flood Insurance Requirements. For more information, see the FEMA website: [www.fema.gov/flood-maps/change-your-flood-zone](http://www.fema.gov/flood-maps/change-your-flood-zone)

**How do I Revise a Map or FEMA Designation?** If a property owner has evidence that their property has been inadvertently mapped in a Special Flood Hazard Area (SFHA), or flood hazard, data needs to be revised due to man-made changes, a request to FEMA for a Letter of Map Change (LOMC) may be submitted. If your home is raised and you wish to opt out of flood insurance, you need to file a Letter of Map Amendment. For more information, see the FEMA website: [www.fema.gov/flood-maps/change-your-flood-zone](http://www.fema.gov/flood-maps/change-your-flood-zone)

**Do I need Flood Insurance if my Home is in a floodplain?** Homes and buildings in the AE, AO and Floodway zones with mortgages from federally regulated or insured lenders are required to have flood insurance. If you are required to carry flood insurance and need to find a provider, FEMA offers an agent locator service that can be accessed online at <http://www.floodsmart.gov> or by calling 1-888-379-9531. As part of securing flood insurance, some property owners may be required to get an Elevation Certificate, see details below.

**Home Improvements and the Substantial Improvement Worksheet:** The following information provides answers to frequently asked questions about the Substantial Improvement Worksheet, which is included on the last page of this handout.

**Do I have to Fill Out a Substantial Improvement worksheet for my home renovations?** A substantial improvement worksheet must be accompanied by a current appraisal for the structure (from within one year), the cost evaluation worksheet, an itemized breakdown of the valuation of the project. Projects on structures within the floodplain are cumulative within two years. Over the counter permit applications to the Building Department will not have to complete the worksheet, unless it is the second over the counter building permit that has been submitted within a two-year time period. The Planning and Building Department review the worksheet to ensure they have been filled out correctly and determine that the project is under substantial improvement threshold.

**What is the definition of a substantial improvement?** Substantial improvement means any repair, remodel, rehabilitation, addition, or improvement, the cost of which equals or exceeds 50 percent of the "depreciated market" value of the existing structure either, before the improvement is started, or if the structure has been damaged and is being restored, before the damage occurred.

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## Frequently Asked Questions

**What is the definition of the depreciated market value of a structure?** Depreciated value means the value of the structure only and does not include the land or any other accessory buildings or site improvements. It is the replacement cost of the existing structure less any depreciation that results from age or condition. For the purposes of the City's floodplain management regulations, the "market value" of a structure shall mean the same as "depreciated market value".

**How do I determine the valuation of my project?** To establish the value of any proposed improvements, a contractor shall submit an itemized breakdown of estimated material/labor costs. The contractor shall use the Material Receipts/Estimates handout to help determine the valuation of the proposed project. These submitted documents and the project valuation will be reviewed and approved by the Building Official in comparison to market value rates within Marin County and the City of Mill Valley.

**What if the scope of work increases after my building permit is issued?** The valuation of the project is cumulative. Therefore, if during construction changes are made to the permit, those valuations must be added to the total valuation submitted for the project. If during construction the project increases to over 50% of the depreciated market value of the structure, it must conform to the City's current floodplain management regulations. Project valuations are cumulative for two years, meaning that all open permits for a structure are totaled together. A permit must be finalized for two years before a new project can begin to avoid it having a cumulative effect on valuation.

**What if my project is a Substantial Improvement?** If the proposed repair, remodel, rehabilitation, addition, or improvement, equals or exceeds 50 percent of the depreciated market value of the existing structure it is considered a substantial improvement and you will be required to conform to Chapter 18 of the Mill Valley Municipal Code. Depending on the zoning and floodplain designation you may be required to flood proof the structure (commercial zones) or elevate the finished floor of the structure above the base flood elevation. If the proposed project is a substantial improvement, please refer to [Chapter 18 of the Mill Valley Municipal Code](#), and discuss your scope of work with the Planning Department.

**Do I need to fill out the Substantial Improvement Worksheet for an over-the-counter permit?** Substantial improvements are typically not triggered by over-the-counter types of permits, so the first over-the-counter permit submitted for a property will not require these documents. However, since the valuation is cumulative for two years, if you pull an additional over-the-counter permit within that time frame, you will need to fill out the form and include the total valuation of all the permits pulled in that two year period of time.