



## Neff's Creek Flood Plain FAQs

### **What do the numbers mean on the flood plain map?**

FEMA creates Flood Insurance Rate Maps (FIRMs), which show varying levels of risk. Preliminary flood maps for the Neff's Creek area include two designated flood risk areas:

**High Risk Areas (Special Flood Hazard Area)** – There is at least a one-in-four chance of flooding during a 30-year mortgage in these areas. Homeowners with mortgages from federally regulated or insured lenders are required to buy flood insurance to be protected from this risk. These areas are shown as "A" and "AO" zones on the map, with alluvial fan hazards depicting the water depth and velocity. For example, an AO, 3, 4 designation depicts an alluvial fan flood risk 3 feet in depth, with 4 feet of water per second. An "A" zone designation is the highest risk zone with no depth defined, which means the building in the area will be evaluated on a case by case basis. If your home is noted as "Shaded X" Advisory, then you are advised to secure a preferred risk insurance premium at a discounted rate, but you are not required to comply with the flood plain standards.

**Key Point:** Millcreek enforces the International Residential Code (IRC) Section R322.2.1 that requires the lowest floor of the structure remain one foot higher than the base flood plain depth number, so the lowest point on the structure in a AO 3, 4 designation must be  $(3+1) = 4$  feet above the determined flood plain height. Floors that are constructed below this height are to be used solely for parking of vehicles, building access or storage. Other related requirements are found in the federal code 44CFR60.3 and Millcreek Ordinance 17.24.

**Key Point:** Walkout basements built on slopes are almost certainly to be non-compliant with this building requirement.

### **Can I rebuild my home if it's destroyed by a fire?**

In the event that your structure is burned down or substantially damaged by any disaster, International Building Codes, Federal and Local Codes requires that the new structure complies with current flood plain risk mitigation heights.

**Key Point:** These requirements may eliminate a previously constructed walkout basement as part of the remodel. There is no “grandfathering” of walkout basements. Even if your home is destroyed and you received property casualty insurance funds from your insurance company to replace the previous structure, federal guidelines prohibit the reconstruction of non-compliant structures.

### **Can I rebuild my home if it’s damaged by a flood? Won’t the FEMA flood insurance premiums pay for the rebuilding?**

If the structure is substantially damaged, the home still must be brought up to the required heights of the underlying flood plain risk assessment. That may mean a basement would need to be eliminated in as part of the rebuilding process. See answers below for rebuilding questions.

### **Can I remodel my home?**

Yes, but if the permit is equal to or greater than 50% of the structure’s market value, then FEMA requires the entire structure to be brought up to the required flood plain standard. This may hypothetically require the elimination of a basement on a sloped lot to ensure the home’s base flood elevation complies with the FEMA flood plain standards. If the permit is less than 50% of the structure’s market value, then no modifications are required. Please note that these calculations are based on the market value of the structure, not the land value.

More information about substantial improvement/damage can be found on the Millcreek website. Go to [millcreek.us](http://millcreek.us), scroll down to the rotating pictures, and click on the Neff’s Flood Plain map **or** type this link into your internet search bar: <https://millcreek.us/365/Neffs-Creek-Floodplain-Map-Changes>

### **How do I calculate the “market value” of my structural improvements before getting a remodeling permit?**

Per FEMA, fair market value is defined as the price that the seller is willing to accept and the buyer is to pay on the open market in an arm’s length transaction. This transaction is when the buyer and seller each act in their own self-interest to reach a price that is mutually beneficial in a fair market. Other sources of determining the fair market value may be an independent appraisal or using structure values based on the Salt Lake County Assessor’s site <https://slco.org/assessor/>.

### **Do I only have to get flood insurance if I have a mortgage?**

FEMA requires all mortgage holders with federal insurance endorsements (e.g., FNMA, HUD, etc.) to have flood insurance if they’re in a Special Flood Hazard Area (SFHA). If you do not have a mortgage, you are not required to purchase flood insurance although you would be encouraged to still get it. If you purchase insurance before the final adoption date of the flood plain by FEMA, you will likely get a reduction in the insurance premium.

### **Is the city required to follow the FEMA flood plain map?**

Yes, federal law requires local municipalities to comply with all aspects of the federal flood plain management and building protocols. If a municipality significantly violates or ignores these federal requirements, the municipality will risk losing federal insurance coverage for all properties in the entire flood plain (e.g. a FNMA insured mortgage can’t be issued on other properties elsewhere within the Neff’s Creek flood plain).

### **Can I get my home removed from the flood plain?**

This would be very difficult to do given the nature of alluvial fan flooding (shallow flooding based on the existing topography, soils, etc.) and the detailed and comprehensive study that has been completed for Neff’s Canyon. One possible way to remove homes from the flood plain and special flood hazard area would be the construction of a hydraulic structure (e.g. a debris dam) to mitigate the hazard of downstream flooding. Following construction of this structure, a Letter of Map Revision (LOMR) would be submitted to FEMA to change the Flood Insurance Rate Map (FIRM) removing homes from the flood plain.

**What if my home structure is not in either the “A” or “AO” flood plain but the flood plain crosses the edge of my property?**

The key is the location of the structure. In this example, if the structure is outside the “A” or “AO” flood plain areas, then the property is not required to comply with the flood plain standards. These “straddling” examples are evaluated on a case by case basis.

**Are there options to eventually eliminate the flood plain risk and the associated insurance premiums?**

Millcreek is currently securing funding to study the possible creation of a debris basin in Neff’s Canyon to reduce the flood plain area. Constructing a debris basin in Neff’s Canyon was discussed with the citizens approximately 10 years ago but was highly opposed from the vast majority of the residents in the neighborhood. Any debris basin will require an approval from the federal government to encroach onto the Mt. Olympus Wilderness Area under federal control. No costs have been determined as of yet, nor a timeline for possible construction. This effort is currently only in an exploratory phase.

**When did the flood plain take effect?**

The Neff’s Creek flood mapping study is part of a larger “Jordan Watershed” study including other drainages in Draper, Bluffdale and other areas of the Salt Lake Valley. The Neff’s Creek flood plain preliminary map, and its best available engineering data, will not change. Therefore, FEMA has required that the best available engineering data must be applied, even though the final Jordan Watershed group of flood plains will not be adopted until sometime in Year 2020/2021.

Key Point: The flood plain and engineering requirements are currently required to be enforced by Millcreek as a direct mandate from FEMA.

**Is this just a big cash grab by FEMA to recover losses in other areas of the country?**

No. It does not matter to FEMA whether you get insurance coverage from them or a private insurer. Regardless of who the provider is, it is more important that you have disaster insurance to cover property losses due to a disaster. FEMA insurance policies typically cover up to \$250,000.

**Who do I contact for additional information?**

Please visit <https://www.slco.org/flood-control/neffs-creek-floodplain/> for general flood plain mapping information.

Contact info:

**Rita Lund**, Millcreek Director of Communications, 801-214-2707

**Dan Drumiler**, Millcreek Stormwater Engineer, 801-214-2714

**Jim Hardy**, Building Services Director, 801-214-2724

\*\*\*Millcreek will also coordinate County, State, and FEMA contacts as needed\*\*\*

Alluvial fan debris flood damage on Canyon Creek, November 1990 (photo Bellingham Herald)

