

IN THE SENATE

SENATE BILL NO. 1378

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO FLOODPLAIN ZONING ORDINANCES; AMENDING SECTION 46-1022, IDAHO
2 CODE, TO PROVIDE THAT FLOODPLAIN ZONING ORDINANCES SHALL NOT REGULATE
3 OR REQUIRE PERMITTING FOR CERTAIN ACTIVITIES RELATING TO IRRIGATION
4 AND DRAINAGE WORKS PERFORMED OR AUTHORIZED BY THE OWNER OR OPERATOR OR
5 FOR SPECIFIED ACTIVITIES RELATING TO CERTAIN IRRIGATION DELIVERY AND
6 DRAINAGE SYSTEMS THAT ARE PERFORMED BY AN IRRIGATION DISTRICT, CANAL
7 COMPANY, LATERAL DITCH WATER USERS' ASSOCIATION, DRAINAGE DISTRICT, OR
8 OTHER LEGAL ENTITY THAT OWNS AND/OR OPERATES THE IRRIGATION DELIVERY
9 SYSTEM OR DRAINAGE SYSTEM IN ACCORDANCE WITH SPECIFIED LAW; AND DECLAR-
10 ING AN EMERGENCY.
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12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Section 46-1022, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 46-1022. LOCAL GOVERNMENTS MAY ADOPT FLOODPLAIN ZONING ORDI-
16 NANCES. Subject to the availability of adequate mapping and data to properly
17 identify the floodplains, if any, within their jurisdiction, each local
18 government is encouraged to adopt a floodplain map and floodplain manage-
19 ment ordinance which identifies these floodplains and which requires, at
20 a minimum, that any development in a floodplain must be constructed at a
21 flood protection elevation and/or have adequate floodproofing. The local
22 government may regulate all mapped and unmapped floodplains within their
23 jurisdiction. Nothing in this act shall prohibit a local government from
24 adopting more restrictive standards than those contained in this chapter.
25 Floodplain zoning ordinances shall not regulate or require permitting for:
26 the operation, cleaning, maintenance or repair of any ditch, canal, lateral,
27 drain, diversion structure or other irrigation or drainage works that is
28 performed or authorized by the owner or operator thereof pursuant to law-
29 ful rights and obligations; or reconstruction, realignment, enlargement,
30 extension, lining, piping, replacement or improvement of any irrigation
31 delivery system or drainage system, or portion thereof, established prior to
32 a local government's adoption of a floodplain management ordinance autho-
33 riized by this section, that is performed by the irrigation district, canal
34 company, lateral ditch water users' association, drainage district, or
35 other legal entity that owns and/or operates the irrigation delivery system
36 or drainage system in accordance with rights and obligations established by
37 title 42 or title 43, Idaho Code, or common law.

38 SECTION 2. An emergency existing therefor, which emergency is hereby
39 declared to exist, this act shall be in full force and effect on and after its
40 passage and approval.