

DRAFT

BOUNDARY COUNTY, IDAHO ORDINANCE NO. 2024- _____

BOUNDARY COUNTY PLANNING & ZONING FILE # 24-0047

REPEAL OF FLOOD OVERLAY, SECTION 16.1

AN ORDINANCE OF BOUNDARY COUNTY, IDAHO, REPEALING IN ITS ENTIRETY SECTION 16.1 “FLOOD OVERLAY” OF THE BOUNDARY COUNTY ZONING AND SUBDIVISION ORDINANCE 2019-1 (ALSO KNOWN AS 9B18LOV2) AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Constitution of the State of Idaho, Article XII, Section 2, and Title 31, Chapter 7 provides authority for the Boundary County Board of Commissioners to adopt ordinances necessary to provide for the safety of the county; and

WHEREAS, the State of Idaho Disaster Preparedness Act, Title 46, Chapter 10, authorizes local governments to adopt floodplain maps and a floodplain management ordinance to minimize flood hazards and to protect life, health, and property from flooding; and

WHEREAS, Idaho Code §46-1020(c) recognizes local governments have the primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish proper floodplain management; and

WHEREAS, Boundary County recently completed a Community Assistance Visit with the Federal Emergency Management Agency and has been advised to update its flood damage prevention ordinance to reflect current minimum state and federal floodplain regulations and to repeal conflicting provisions; and

WHEREAS, Boundary County adopted flood code standards in both the zoning and subdivision ordinance and a stand-alone flood code known as Flood Damage Prevention Ordinance 2015-1; and

WHEREAS, Boundary County desires to adopt one, stand-alone flood damage prevention code because the two current flood codes contain differing standards, remedies, and procedures and together do not reflect the minimum requirements for the National Flood Insurance Program; and

WHEREAS, the Boundary County Planning and Zoning Commission held a duly noticed public hearing on April 25, 2024, at which time interested persons had the right to be heard regarding the proposed repeal of the Flood Overlay section of code and recommended (approval/denial) of the amendment to the Boundary County Board of Commissioners; and

WHEREAS, the Board of Commissioners held a duly noticed public hearing on 2024, at which time interested persons had the right to be heard regarding the proposed ordinance.

NOW THEREFORE, Be it ordained by the Board of County Commissioners of Boundary County, Idaho that the following ordinance is hereby adopted, as follows:

ADOPTION:

Section 16.1 “Flood Overlay” of the Boundary County Zoning and Subdivision Ordinance 2019-1 (ALSO KNOWN AS 9B18LOV2) is hereby repealed in its entirety.

EFFECTIVE DATE:

This ordinance repealing Section 16.1 “Flood Overlay” of the Boundary County Zoning and Subdivision Ordinance shall be in full force and effect upon the passage and publication of the ordinance or ordinance summary in one (1) issue of the official newspaper for Boundary County, in accordance with the Idaho State Code.

This ordinance duly enacted as an ordinance of Boundary County, Idaho on this ____ day of _____, 2024, upon the following roll call vote:

ROLL CALL:

Commission Chair Bertling _____

Commissioner Cossairt _____

Commissioner Robertson _____

APPROVAL OF ORDINANCE SUMMARY

Publication of the ordinance by summary in the official newspaper is hereby approved by the Boundary County Commissioners on this ____ day of _____, 2024, upon the following roll call vote:

ROLL CALL:

Commissioner Bertling _____

Commissioner Cossairt _____

Commissioner Robertson _____

ATTEST:

Glenda Poston
Clerk of the Board of County Commissioners

Date