

## RESOLUTION 2017-76

### RESOLUTION TO CREATE THE HELENA VALLEY FLOOD MITIGATION RURAL IMPROVEMENT DISTRICT NO. 2017- 5

WHEREAS, a resolution of intention to create the Helena Valley Flood Mitigation Rural Improvement District (the District) was adopted by the Lewis and Clark County Board of Commissioners (Commission) on May 30, 2017, as Resolution 2017-45; and

WHEREAS, legal notice of the passage of Resolution 2017-45 was mailed to property owners within the proposed district, and published in the local newspaper in accordance with 7-12-2105 MCA and 7-1-2121 MCA; and

WHEREAS, following the adverse effects of the 2011 flooding events on occupants of the Helena Valley, Lewis and Clark County (the County) explored solutions to alleviate flooding impacts within the Tenmile Creek and Silver Creek drainages in the Helena Valley; and

WHEREAS, the County contracted with Anderson-Montgomery Consulting Engineers, Inc. (AMCE) in 2011 to undertake a Master Planning effort, finalized in April of 2013, the objectives of which included:

- a) quantify the 2011 flood event, characterize the extent of damages and risks, derive design criteria for infrastructure improvements to minimize flooding;
- b) quantify the conveyance capacity of existing hydraulic infrastructure in the Helena Valley and compare to the established design criteria;
- c) identify hydraulic restrictions within the infrastructure and develop feasible alternatives to increase capacity and/or provide floodwater retention;
- d) develop a prioritized list of infrastructure improvement projects considering: effectiveness; feasibility of implementation; land acquisition; timing; regulatory implications; and technical considerations,
- e) develop unit price cost estimates for feasible alternatives and assess the relative benefits;
- f) seek funding sources for project implementation; and

WHEREAS, the County Commission has determined that a funding source for implementing projects recommended in the 2013 Helena Valley Flood Mitigation Master Plan (Master Plan) and other needed flood mitigation analysis and work within the area shown on the boundary as shown on Exhibit "A" should be a Rural Improvement District in order to defray the cost of improvements through a tax upon benefiting properties of said work; and



WHEREAS, County Community Development and Planning staff (Planning staff) has met with the Valley Flood Committee (VFC) on a monthly basis beginning on August 25, 2016, to discuss the evaluation of a RID proposal and the public process to create a RID; and

WHEREAS, the designated items set forth in MCA 7-12-2103(2) are as follows:

- (a) the designated number of the district is 2017-5;
- (b) the district boundary including benefiting properties of the proposed improvements is shown on Exhibit "A", and the criteria for determining benefiting properties are as follows:
  - Criterion 1: properties that front a proposed improvement, as shown on Exhibit "B";
  - Criterion 2: properties that are subject to flooding as indicated by the 1% or .2% annual chance floodplain or floodway, as shown on Exhibit "C";
  - Criterion 3: properties that are accessed through roadway(s) subject to flooding as indicated by the 1% or .2% annual chance floodplain or floodway, and do not meet Criteria 1, 2, and 4, as shown on Exhibit "D";
  - Criterion 4: properties that are accessed through roadway(s) to be serviced by a proposed improvement and do not meet Criteria 1, 2, and 3, as shown on Exhibit "E";
- (c) the general character of improvements that are to be made includes the recommended flood mitigation infrastructure improvements described in the Master Plan;
- (d) The County Engineer or his/her designee is the engineer to have charge of the work. The estimated cost of the recommended flood mitigation infrastructure improvements is \$9,700,800.00, to be partially funded through levying an annual \$100.00 special assessment upon benefiting properties;
- (e) the method by which the costs shall be assessed is described in MCA 7-12-2151(d): "each lot, tract, or parcel of land in the district may be assessed an equal amount based upon the total cost of the improvements";
- (f) pursuant to MCA 7-12-2103(2), "if an increase occurs in the number of benefitted lots, tracts, or parcels within the boundaries of the proposed district during the term of the bonded indebtedness, the assessment per lot, tract, or parcel then in the district will be recalculated as provided in MCA 7-12-2151(4)";

WHEREAS, properties identified by the following assessment codes were erroneously included within the proposed district boundaries and have been removed from Exhibits "A", "B", and "C": 26249, 12408, and 12063; and

WHEREAS, on July 11, 2017, the Commission held a public hearing and proceeded to hear all protests, comments, and other matters relating to the district, and determined that the boundaries of the district and method of assessment are equitable; and

WHEREAS, it was determined that there was not sufficient protest to bar proceedings as per 7-12-2112 MCA, with said protests constituting 9.23% of the property within the proposed district; and

NOW, THEREFORE, BE IT RESOLVED by the County Commission that it does hereby to create the Helena Valley Flood Mitigation Rural Improvement District No. 2017-5 for the purpose of equitably funding flood mitigation improvements.

BE IT FURTHER RESOLVED that the Commission has determined pursuant to MCA 7-12-2108 that the contemplated work is of more than local or ordinary public benefits, and that the expense of such work is chargeable upon the lots and land fronting upon proposed improvements and upon other lots and lands not fronting on the proposed improvements, which are the property benefited by said work and to be assessed to pay the cost and expense thereof.

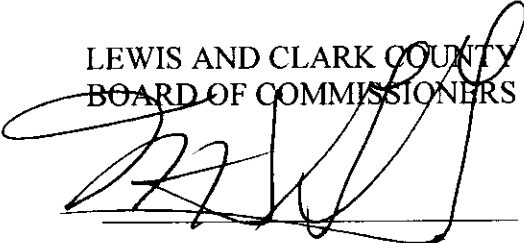
BE IT FURTHER RESOLVED that the Lewis and Clark County Department of Public Works is authorized and responsible for coordinating recommended improvements described in the Master Plan.

DATED this 18 day of July, 2017.



Paulette DeHart

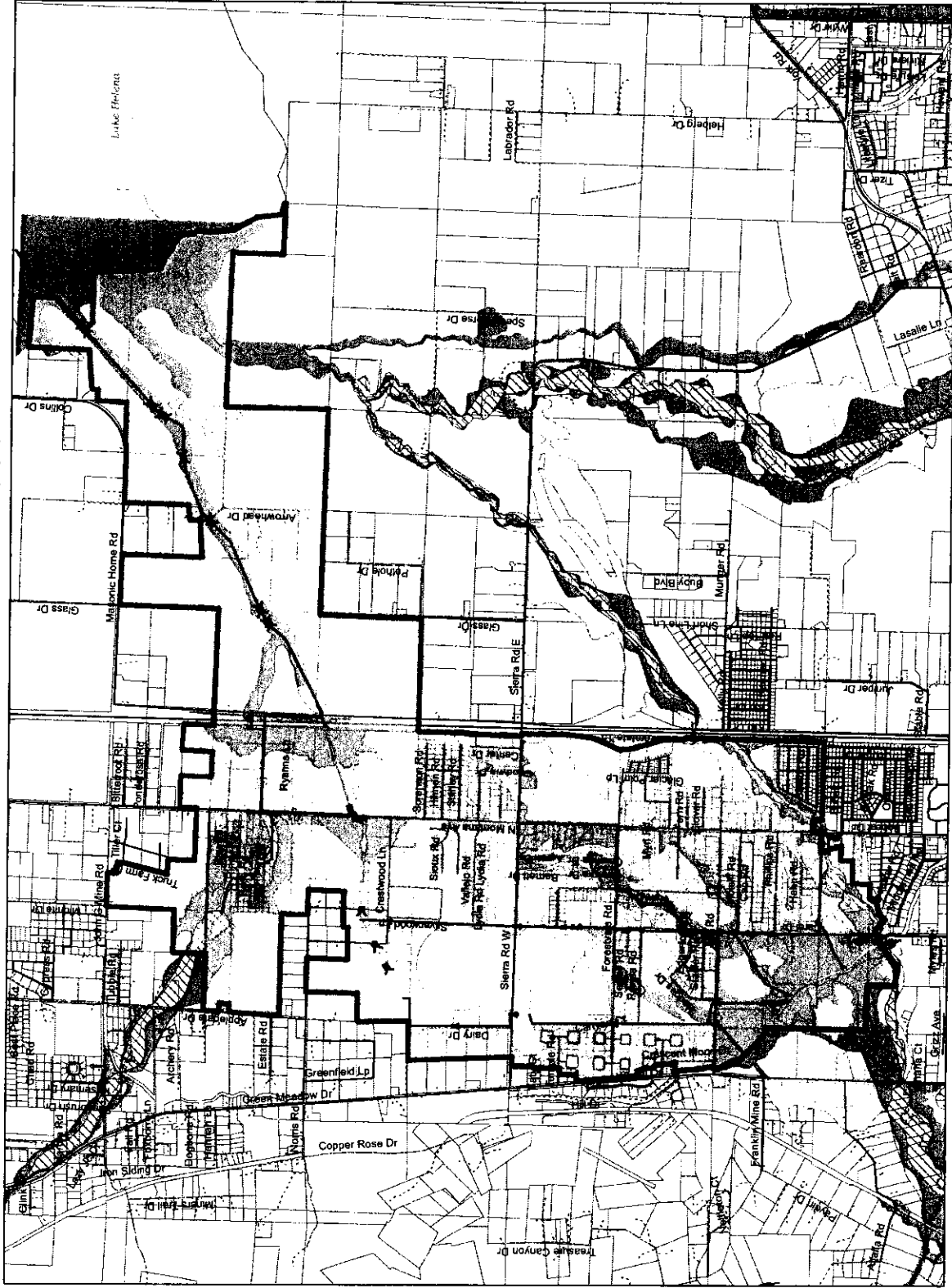
Paulette J. DeHart, Clerk of Board

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS  


Susan Good Geise, Chairman

Attachments: Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D", and Exhibit "E",

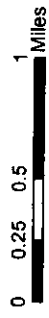
**Exhibit "A" Flood Mitigation Rural Improvement District Boundary  
Properties included based on Criteria No. 1, 2, 3, and 4**



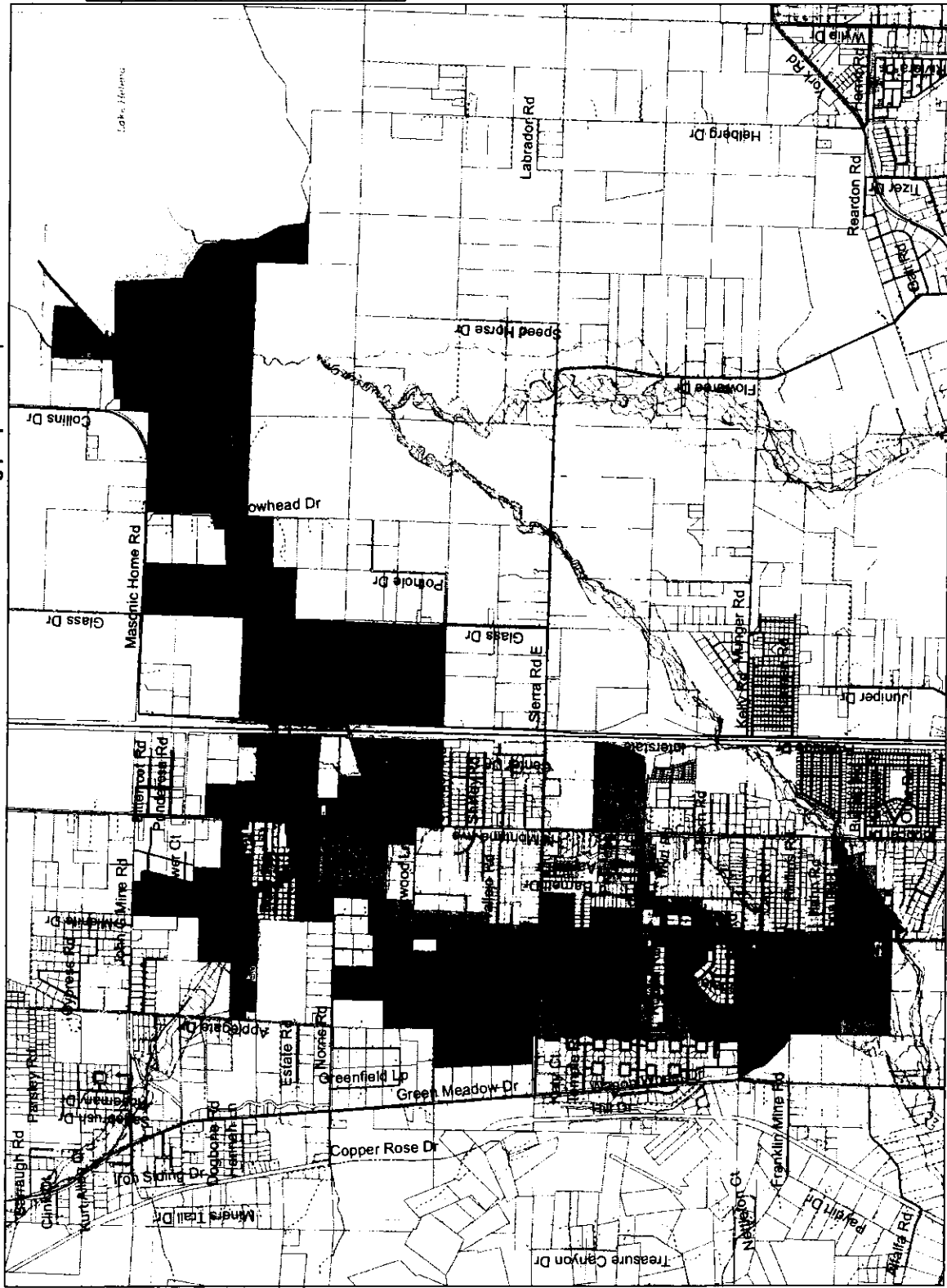
- Legend**
- Criteria 1, 2, 3, and 4
  - Proposed Improvements
  - Floodway (No Development Zone)
  - Zone A (100 Year)
  - Zone X - 2% Annual Chance Floodplain
  - Zone X - Outside 2% Annual Chance Floodplain
  - Interstate
  - Paved
  - Unpaved
  - Driveway
  - Parcel Boundaries
  - Stream



Map produced: 7/5/17  
 Lewis and Clark County  
 Community Development and Planning Dept.  
 316 N Park Ave, Rm 230, Helena, MT 59623  
 (406) 447-8374  
 planning@lccountymt.gov



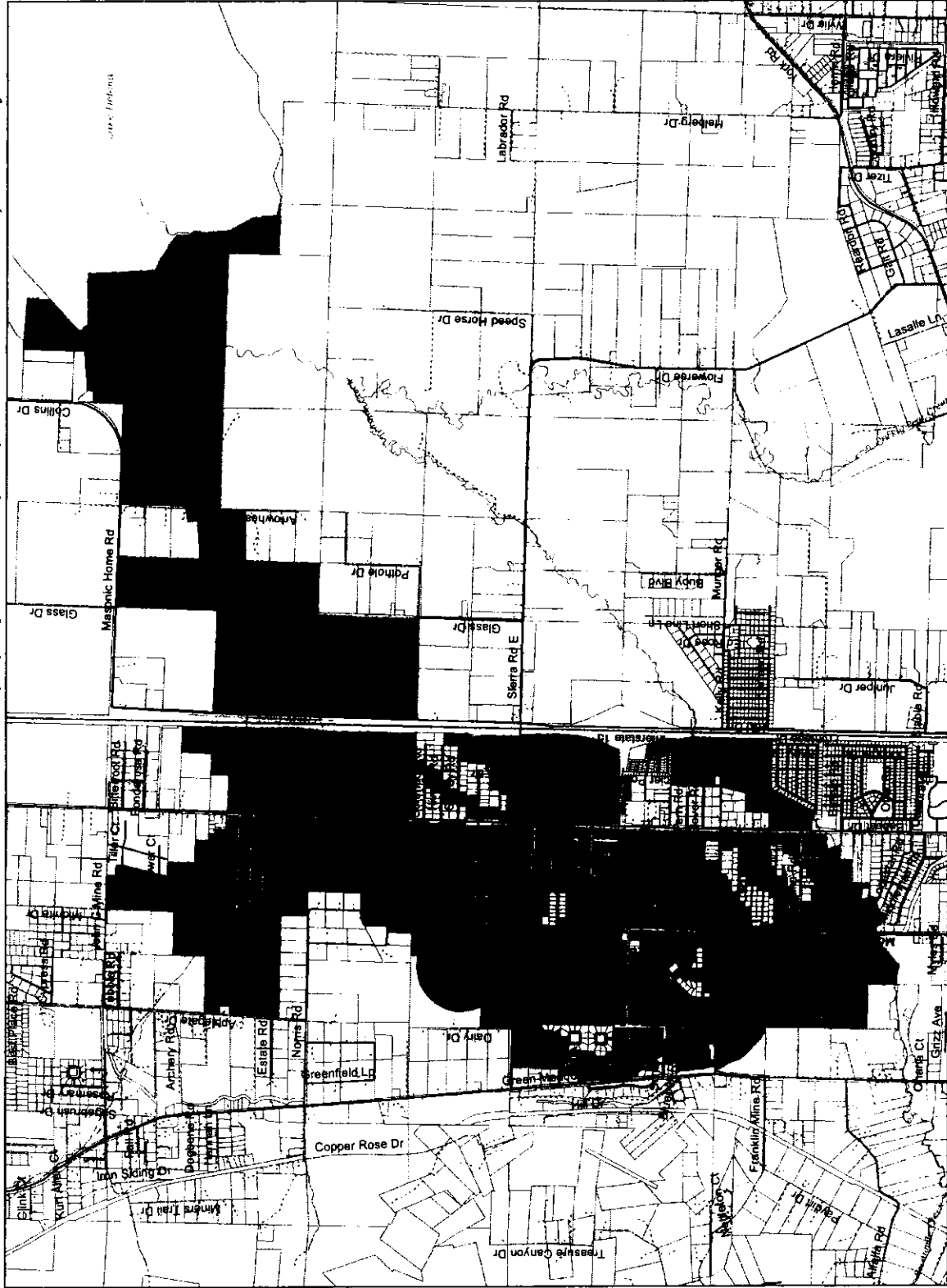
**Exhibit "B": Flood Mitigation Rural Improvement District  
Properties included based on Criteria No. 1: Fronting proposed improvements**



- Legend**
- Proposed Improvements
  - Criteria 1 Selected Properties
  - Interstate
  - Paved
  - Unpaved
  - Driveway
  - Parcel Boundaries
  - Floodway (No Development Zone)
  - Zone A (100 Year)
  - Zone X - 2% Annual Chance Floodplain
  - Zone X - Outside 2% Annual Chance Floodplain
  - Stream

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**Exhibit "C": Flood Mitigation Rural Improvement District  
Properties included based on Criteria No. 2: property within floodplain (1% or 2% annual chance) or floodway**

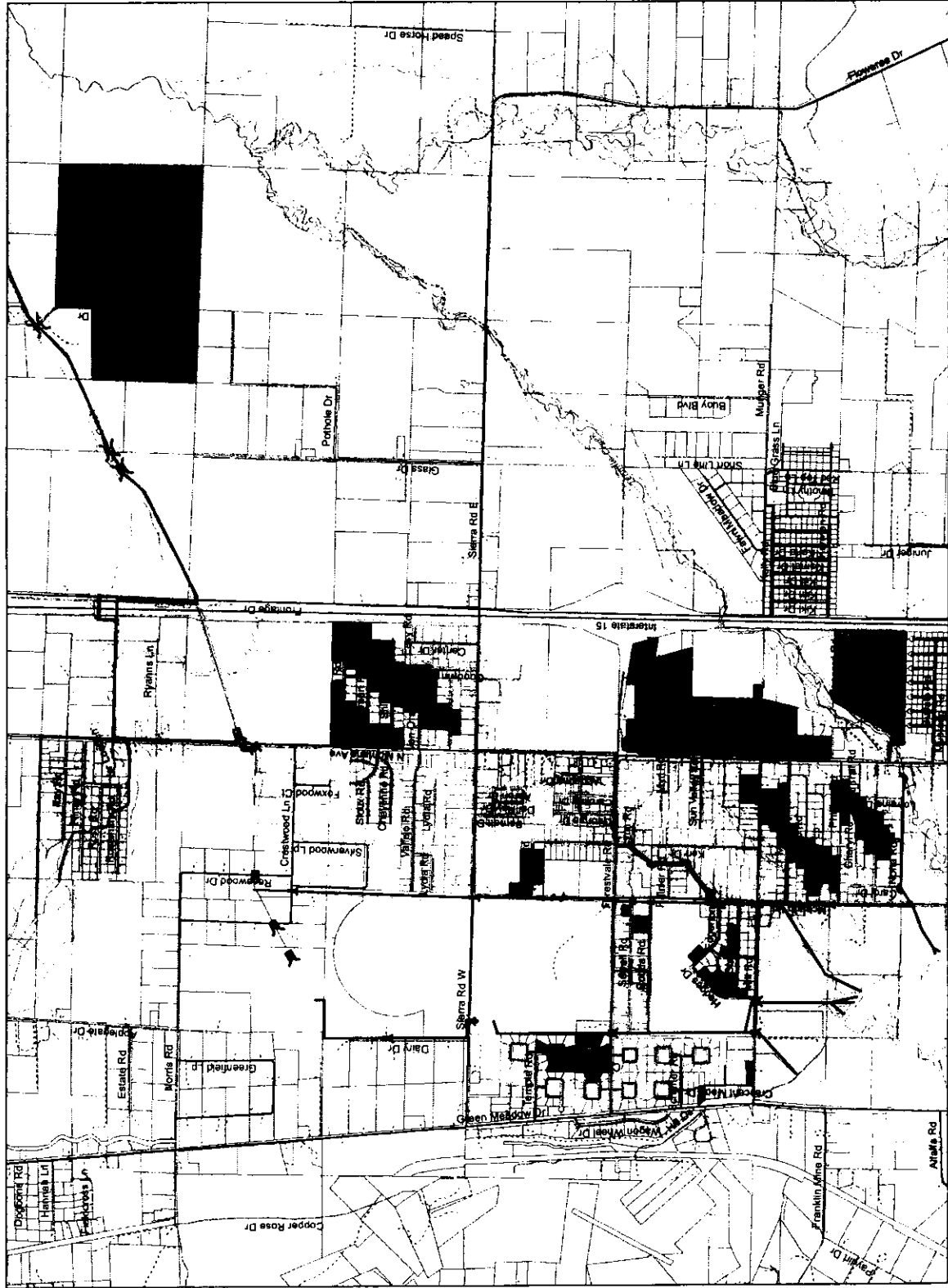


- Legend**
- Criteria 2 Selected Properties
  - Floodway (No Development Zone)
  - Zone A (100 Year)
  - Zone X - 2% Annual Chance Floodplain
  - Zone X - Outside 2% Annual Chance Floodplain
  - Interstate
  - Paved
  - Unpaved
  - Driveway
  - Parcel Boundaries
  - Stream



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**Exhibit "D": Flood Mitigation Rural Improvement District  
 Properties included based on Criteria No. 3: Accessed through floodplain and does not front improvements or contain floodplain**



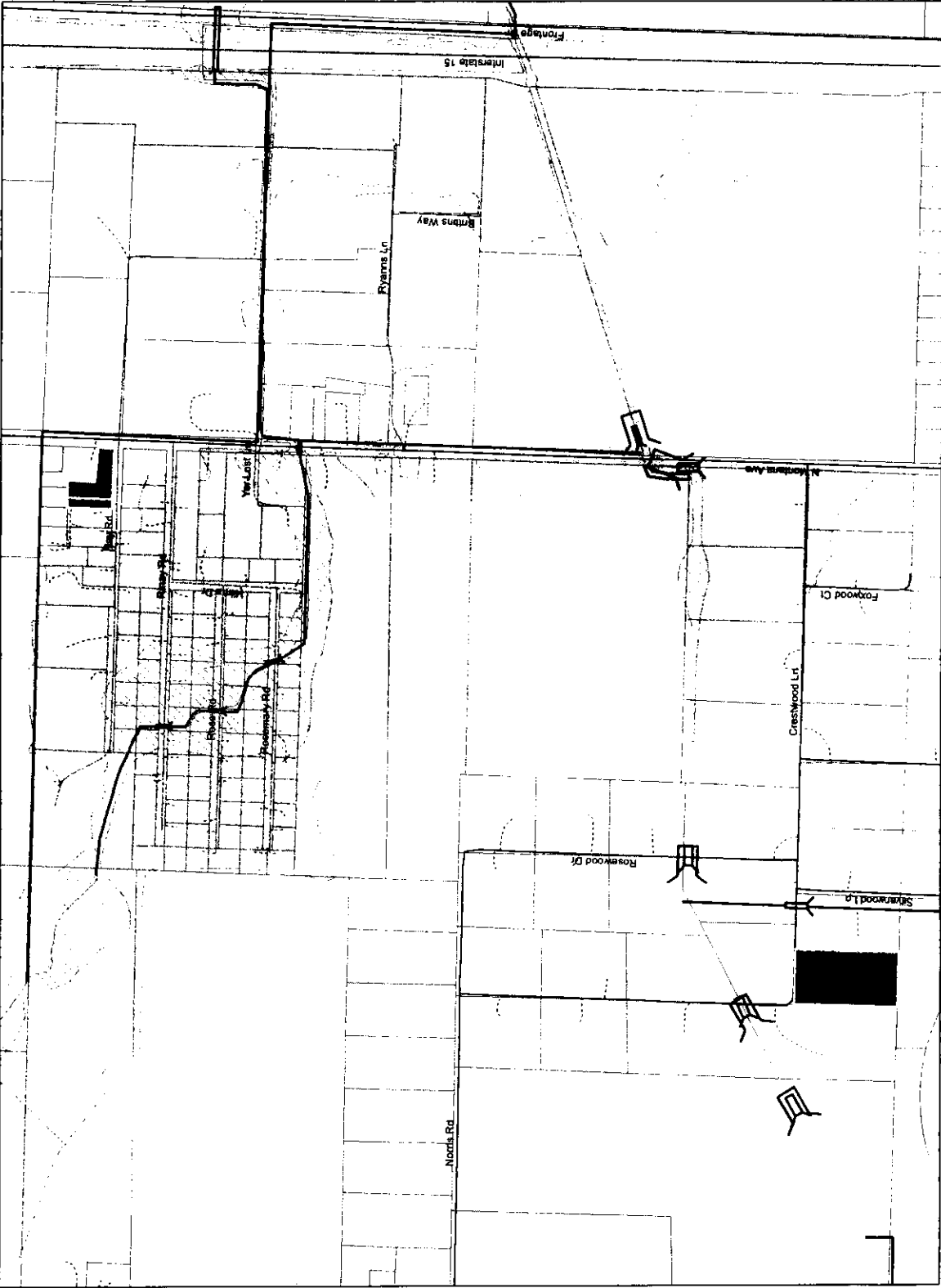
- Legend**
- Criteria 3 Selected Properties
  - Proposed Improvements
  - Interstate
  - Paved
  - Unpaved
  - Driveway
  - Parcel Boundaries
  - Floodway (No Development Zone)
  - Zone A (100 Year)
  - Zone X - 2% Annual Chance Floodplain
  - Zone X - Outside 2% Annual Chance Floodplain
  - Stream



Map produced: 5/19/17  
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**Exhibit "E": Flood Mitigation Rural Improvement District  
Properties included based on Criteria No. 4: Accessed through proposed improvements and does not front floodplain or floodway**



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