

**RESOLUTION 2017-45**

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

WHEREAS, the Lewis and Clark County Board of Commissioners (County Commission) is authorized to establish intention to create a rural improvement district (RID) whenever the public interest and convenience may require, as per MCA 7-12-2103; 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) 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) DOWL 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)";

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

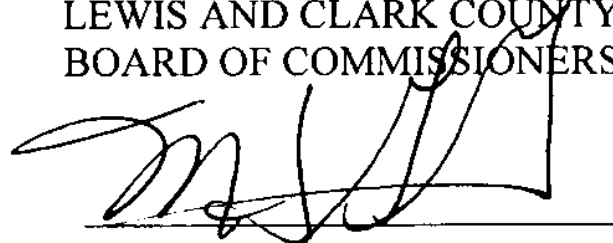
BE IT FURTHER RESOLVED that the Commission has determined pursuant to MCA 7-12-2108 that the contemplated work is of more than local or ordinary public benefits, and that the expense of such work is chargeable upon the lots and land fronting upon proposed improvements and upon other lots and lands not 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.

BE IT FURTHER RESOLVED that written protests will be received from persons owning real property within the district for thirty (30) days after the first publication of notice and that said protests must contain the printed landowner's name and address as it appears on the last assessment roll.

DATED this 30 day of May, 2017.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS



Susan Good-Geise, Chairman

ATTEST:



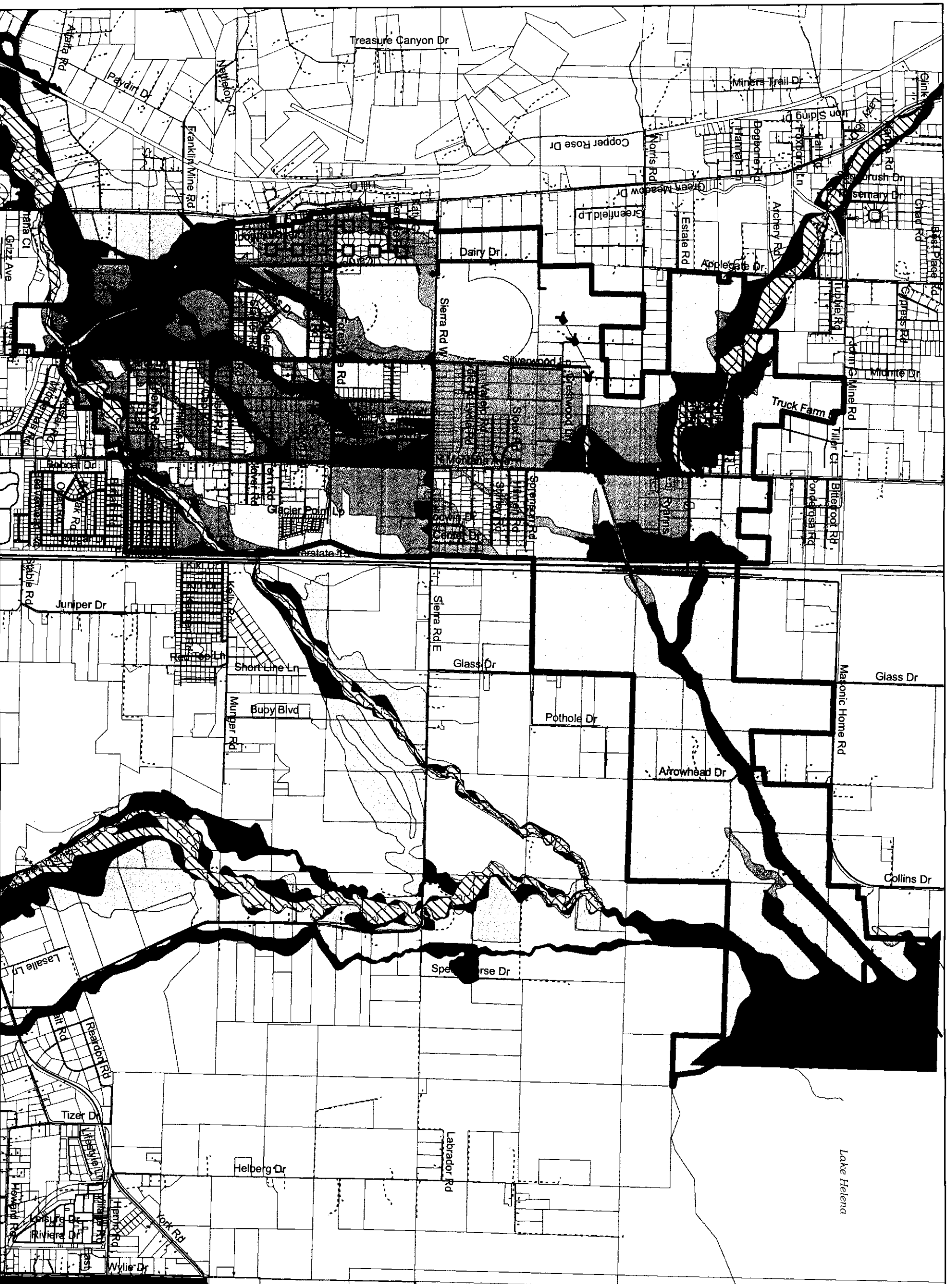
Paulette J. DeHart, Clerk of Board

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

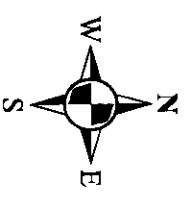


**Exhibit "A" Flood Mitigation Rural Improvement District Boundary**  
**Properties included based on Criteria No. 1, 2, 3, and 4**

3305838 B: M52 P: 8270 COUNTY  
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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

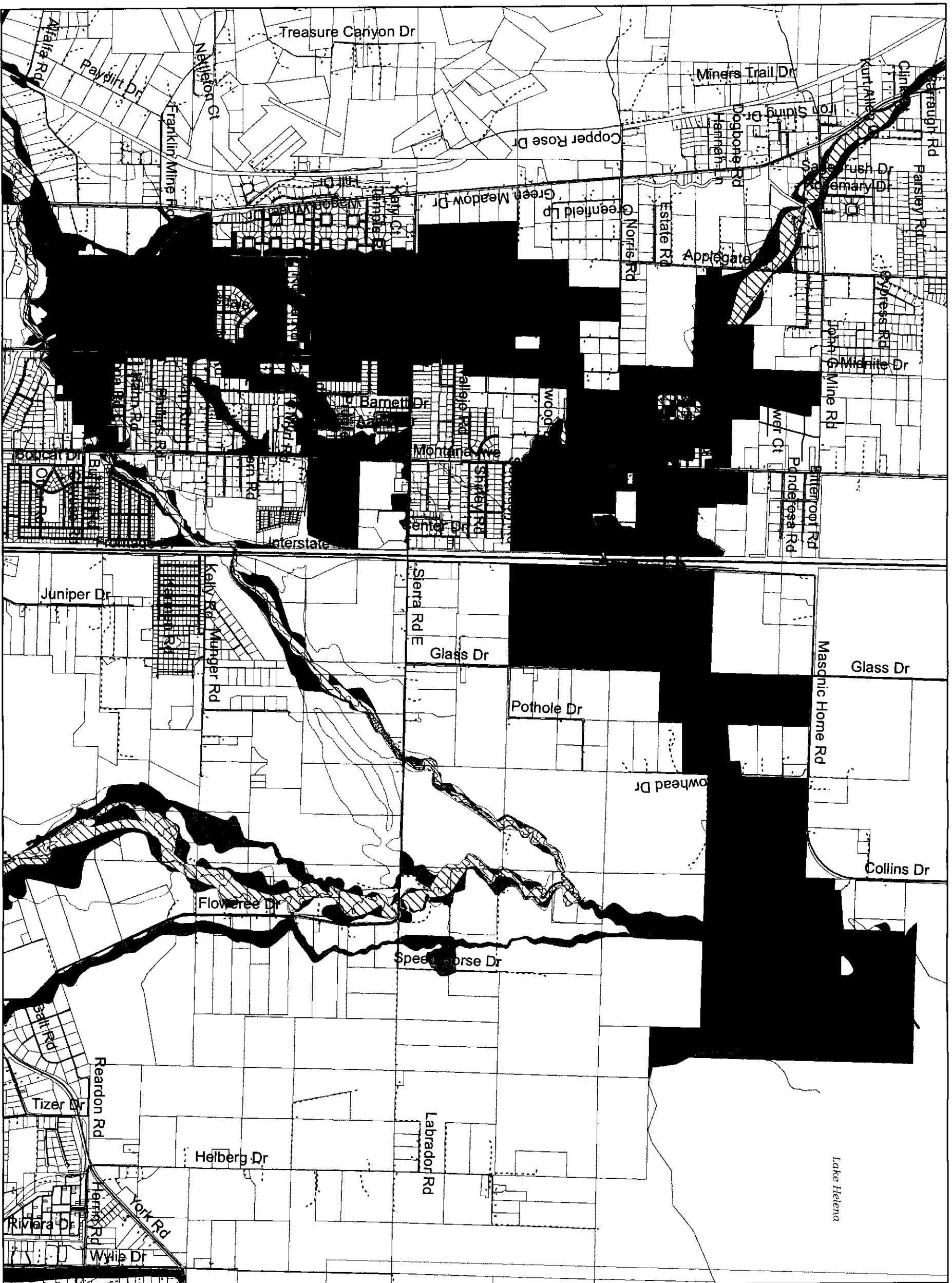


Map produced: 5/22/17  
 Lewis and Clark County  
 Community Development and Planning Dept.  
 316 N Park Ave, Rm 230, Helena, MT 59623  
 (406) 447-8374  
[planning@lccounty.mt.gov](mailto:planning@lccounty.mt.gov)

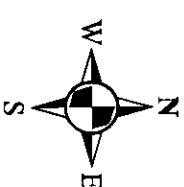


**Exhibit "B": Flood Mitigation Rural Improvement District**  
**Properties included based on Criteria No. 1: Fronting proposed improvements**

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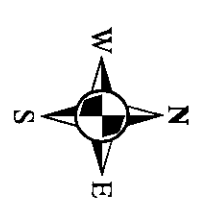
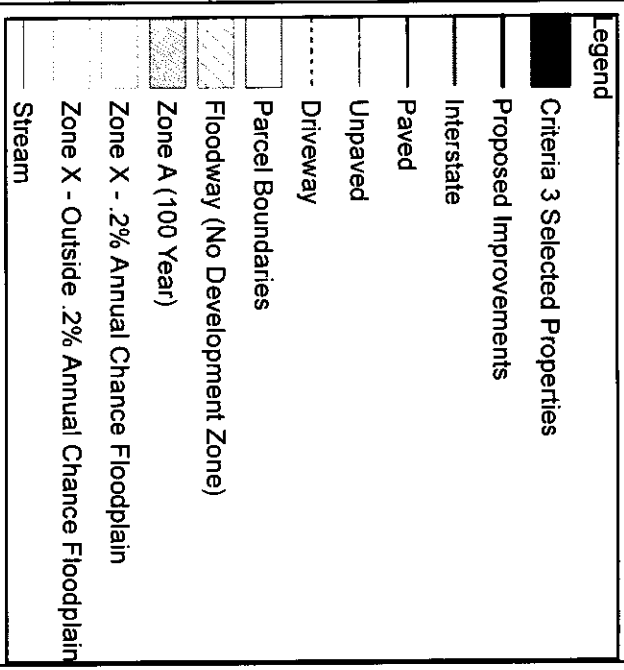
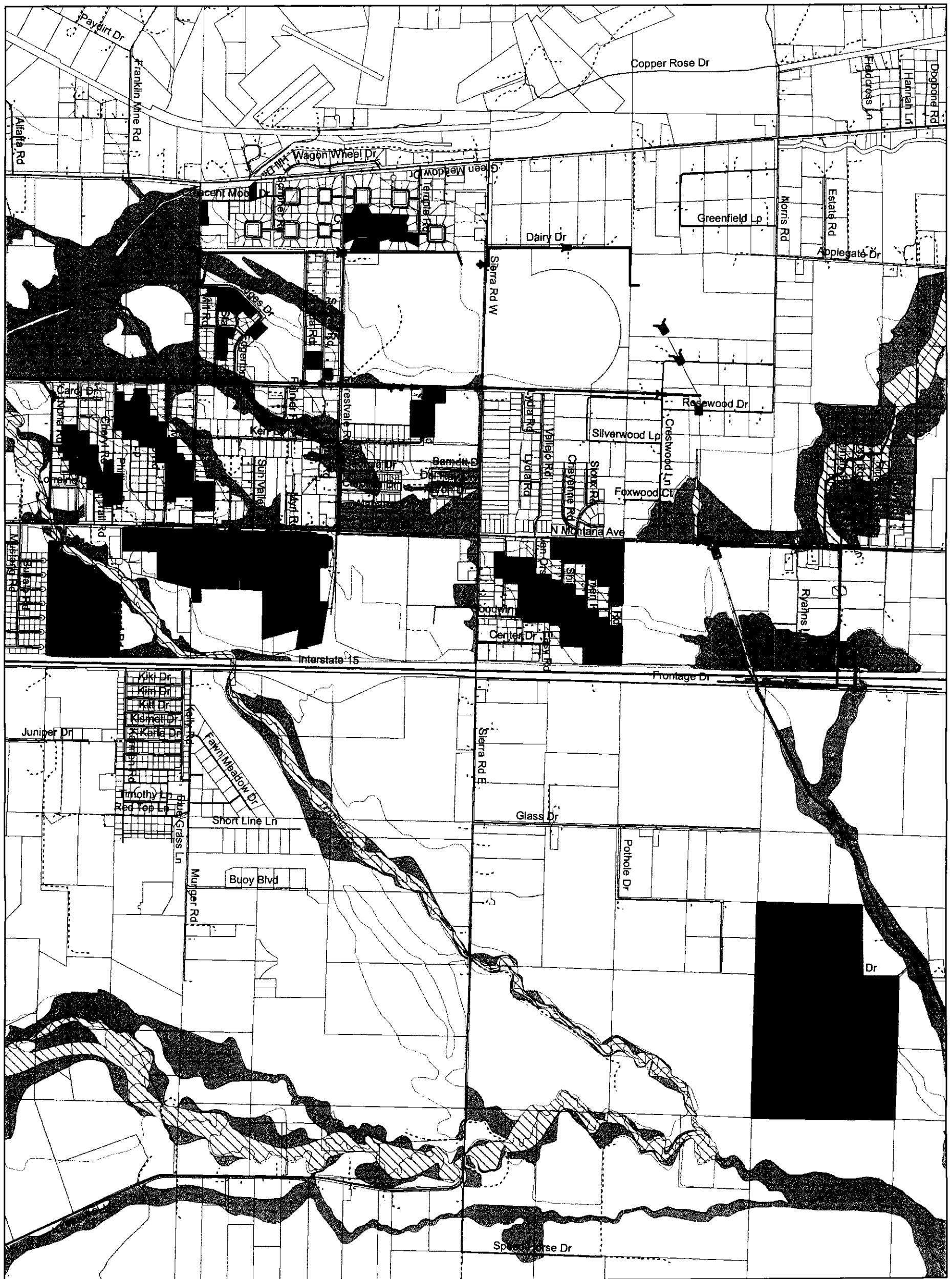
Legend	
	Proposed Improvements
	Criteria 1 Selected Properties
	Interstate
	Paved
	Unpaved
	Driveway
	Parcel Boundaries
	Floodway (No Development Zone)
	Zone A (100 Year)
	Zone X - 2% Annual Chance Floodplain
	Zone X - Outside .2% Annual Chance Floodplain
	Stream



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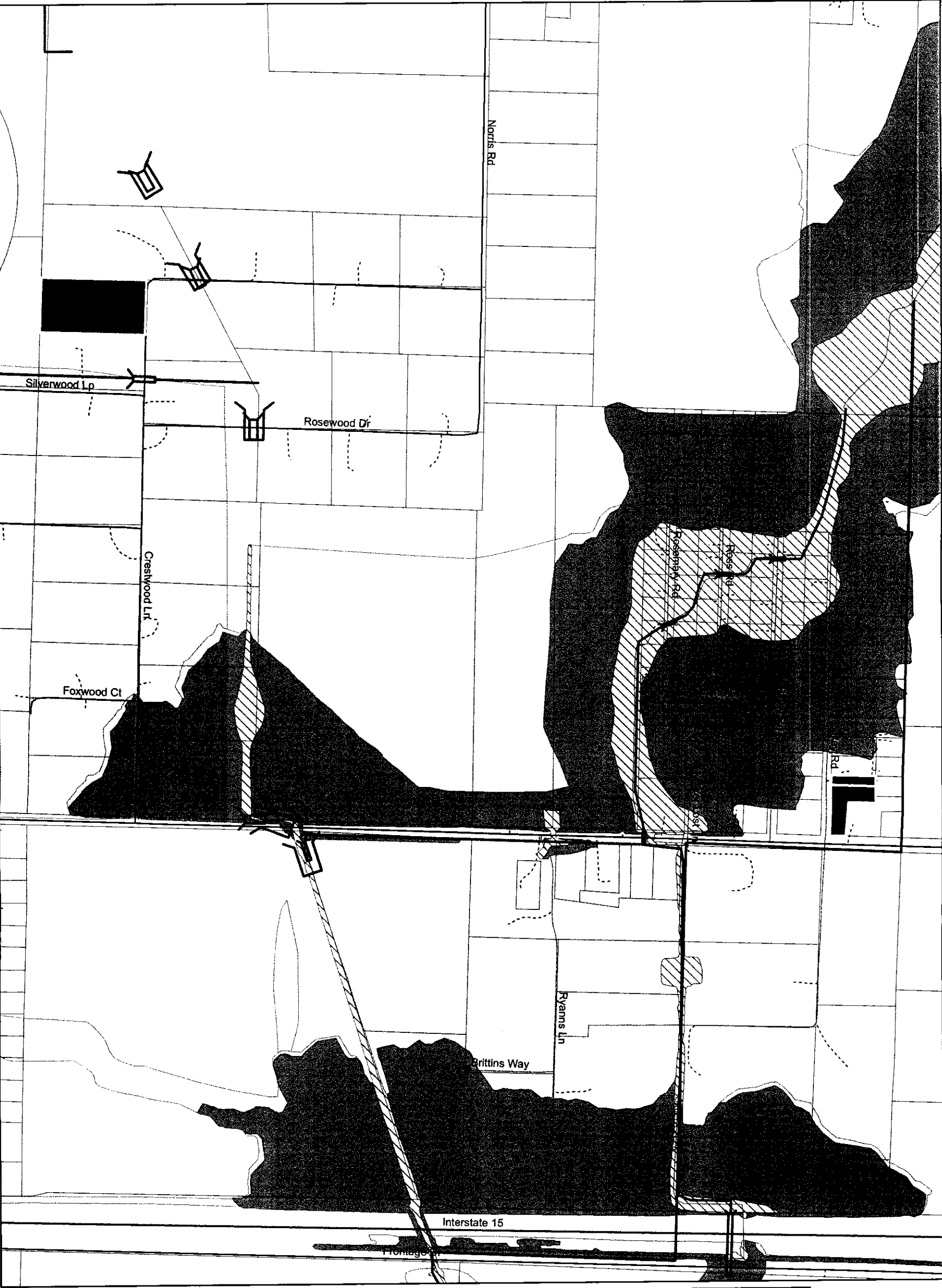


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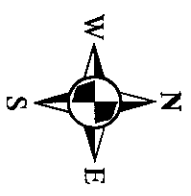
**Exhibit "E": Flood Mitigation Rural Improvement District**  
**Properties included based on Criteria No. 4: Accessed through proposed improvements and does not front improvements or contain floodplain or floodway**

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 \$0.00



**Legend**

- Criteria 4 Selected Properties
- Parcel Boundaries
- Interstate
- Paved
- Unpaved
- Driveway
- Proposed Improvements
- 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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