



130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

PHONE (406) 892-4391

FAX (406) 892-4413

AGENDA

REGULAR MEETING COLUMBIA FALLS CITY-COUNTY PLANNING BOARD AND ZONING COMMISSION

Tuesday, June 14, 2016 - Beginning at 6:30 PM

CITY HALL COUNCIL CHAMBERS

A. CALL TO ORDER

a. Roll Call

b. Pledge of Allegiance

B. APPROVAL OF MINUTES: *Minutes of the January 12, 2016 Regular Board Meeting

C. VISITOR OR PUBLIC COMMENT: (An opportunity for the Public to comment on any items not on tonight's agenda)

D. PUBLIC HEARINGS:

The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, June 14th at 6:30 p.m. in the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on July 18, 2016 starting at 7:00 p.m. in the same location.

Request for a Zone Change in the Columbia Falls Zoning Jurisdiction:

William T. Gideon is requesting to amend the zoning district map on a portion of property in the Columbia Falls Zoning Jurisdiction. The applicant owns 18.21 acres of land but approximately one acre is not located in the Columbia Falls zoning Jurisdiction and is not zoned by the City or County. The zone change request only affects the 17+/- acres that are zoned. The property is currently zoned SAG-10 but is adjacent to other R-1 properties and therefore, the applicant is request R-1 zoning for his acreage. The property is described as that portion of Lot 1 of Subdivision 193 in Section 20, T30N, R20W, P.M.M., located north of the south boundary of the NE1/4 NE1/4 line. The property is addressed as 3985 Columbia Falls Stage in Columbia Falls.

Persons may testify at the hearing or submit written comments prior to the meeting. Written comment may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager, 130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

- A. Adopt Staff Report CZC-#16-01 as Findings of Fact
- B. Approve, amend or deny the Zone Change

E. NEW BUSINESS:

*A. Approve the Memorandum of Agreement for Continuing Transportation Planning in the Columbia Falls Urban Area and authorize Chairman to sign.

F. REPORTS:

- 1. Planning Board

- 2. Planning Staff

G. ADJOURNMENT

Next Meeting – to be determined



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MINUTES

REGULAR MEETING COLUMBIA FALLS CITY-COUNTY PLANNING BOARD AND ZONING COMMISSION

Tuesday, January 12, 2016 - Beginning at 6:30 PM

CITY HALL
COUNCIL CHAMBERS

A. CALL TO ORDER AND ROLL CALL

Chairman Vukonich called the meeting to order at 6:30 p.m. PRESENT: Vukonich, Shepard, Nolan, Duffy, Haverfield, Hughes, Stene and Bonitz. ABSENT: None.

Also present were City Planner Eric Mulcahy, City Manager Nicosia, City Attorney Breck and City Clerk Staaland.

Pledge of Allegiance

B. APPROVAL OF MINUTES: Duffy made motion to approve the minutes of the November 10, 2015 Planning Board Meeting, second by Shepard. Motion carried.

C. VISITOR OR PUBLIC COMMENT: (An opportunity for the Public to comment on any items not on tonight's agenda) - None

D. PUBLIC HEARINGS: None.

E. NEW BUSINESS: Board Training with Mayor and City Council members. City Planner Mulcahy, City Attorney Breck and City Manager Nicosia conducted training for the Planning Board and City Council.

F. REPORTS:

1. Planning Board

a. Board Reorganization-Appointment of Chairman and Vice-Chairman
Shepard motioned to have the Chairman and Vice-Chairman remain the same with Vukonich as Chairman and Nolan as the Vice Chairman, second by Haverfield and the motion carried unanimously.

2. Planning Staff - None

H. ADJOURNMENT:

Motion duly made meeting adjourned at 8:15 p.m.

Chairman

City Clerk

CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEARING

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Persons may testify at the hearing or submit written comments prior to the meeting. Written comment may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager, 130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

DATED this 20th day of May, 2016.

Susan Nicosia

Susan Nicosia, City Manager/Zoning Administrator

**ZONE CHANGE REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION
WILLIAM T. GIDDEON
COLUMBIA FALLS PLANNING OFFICE STAFF REPORT CZC#16-01
May 27, 2016**

A report to the Columbia Falls City-County Planning Board and Zoning Commission and the Columbia Falls City Council regarding a request to amend the zoning classification from CSAG-10 (Suburban Agricultural) to CR-1 (Suburban Residential) within the Columbia Falls Zoning Jurisdiction. The zone change request is scheduled for a public hearing before the Planning Board on Tuesday, June 14, 2016, at 6:30 P.M. A subsequent hearing will be held by the Columbia Falls City Council July 18, 2016 at 7:00 P.M.

BACKGROUND INFORMATION

A. PETITIONERS

William T. Giddeon
P.O. Box 2855
Columbia Falls, MT 59912

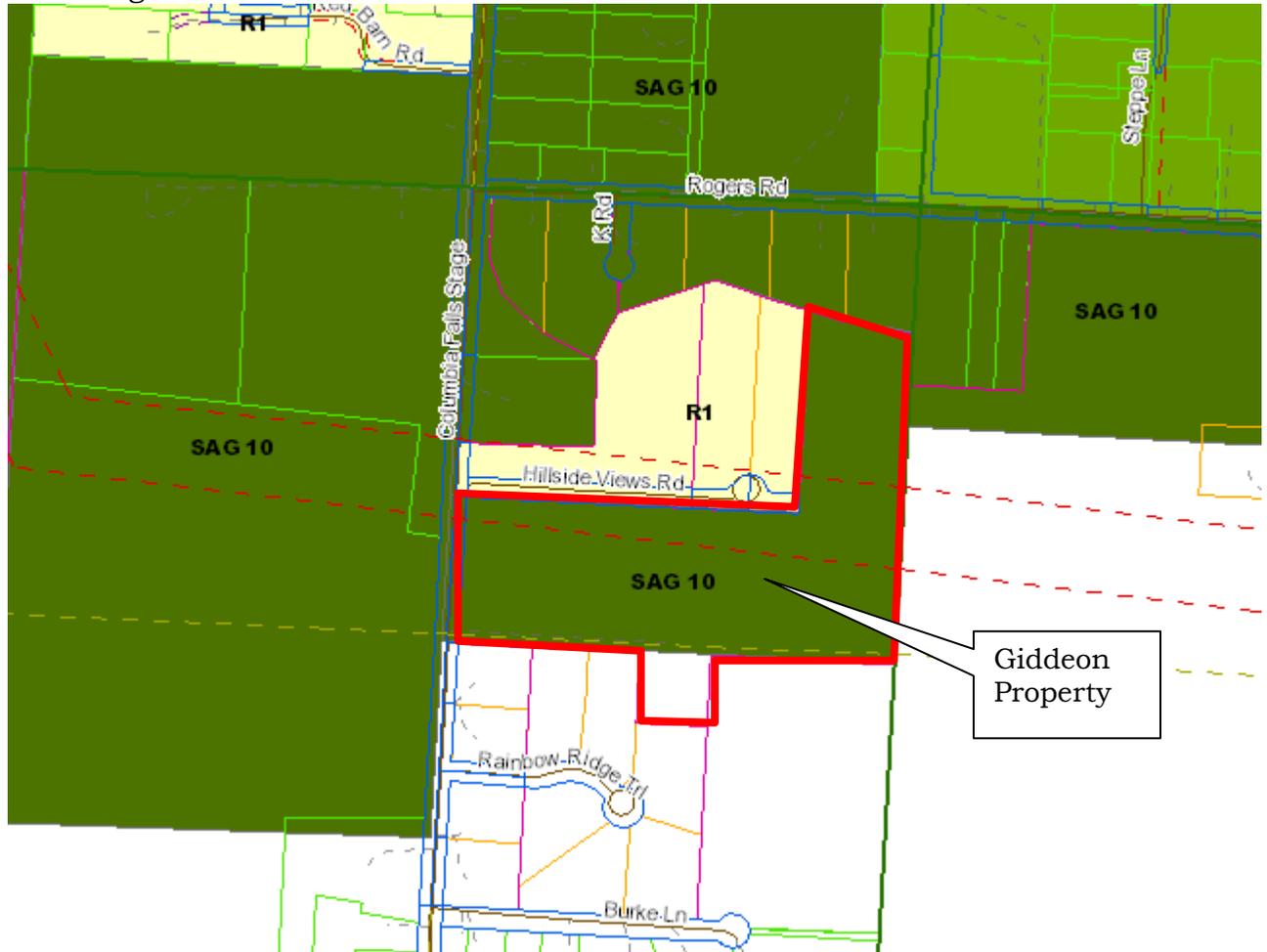
B. LOCATION/DESCRIPTION

The area of interest is located at 3985 Columbia Falls Stage in Columbia Falls. The 18 acre property is described as Lot 1 of Subdivision #193 in Section 20, T30N, R20W, P.M.M., Flathead County.

C. REQUEST

The request would amend the zoning on this site from CSAG-10 (Suburban Agricultural) to CR-1 (Suburban Residential). See figure 1. The property is 18 acres in size but approximately one acre is “unzoned”. The applicant would like the ability to split off one acre of land in the future and the present zoning does not allow for any division of the property.

Figure 1



Columbia Falls Zoning District Map, Flathead County GIS

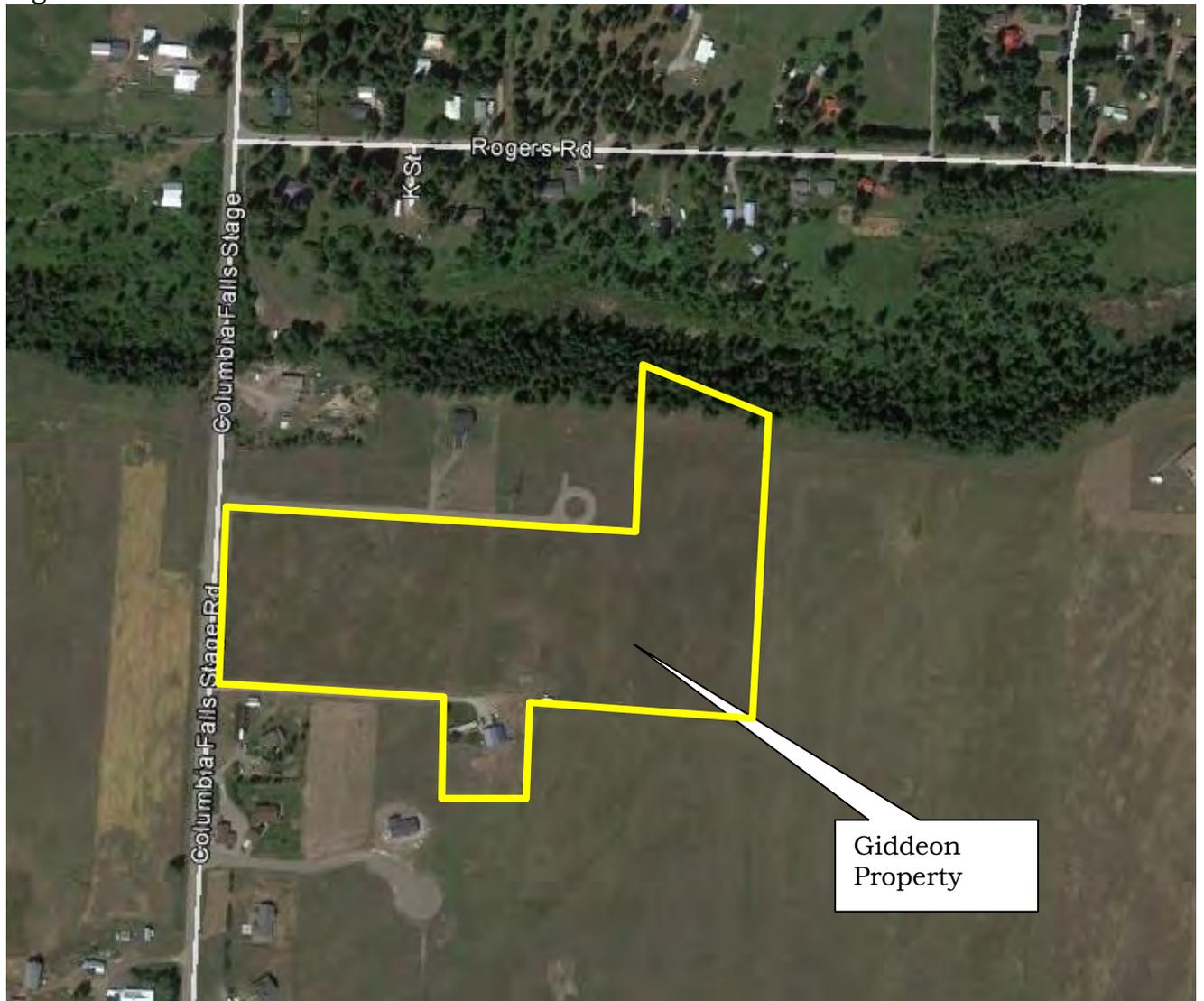
D. REASON FOR REQUEST

The Applicant/Owner requests the zone change to do some estate planning and possibly split one acre and the house from the remainder of the property.

E. EXISTING LAND USE

The parcel is open pasture with a single residence on the very south end of the lot (See Figure 2).

Figure 2



Source: Google Maps

F. ADJACENT ZONING AND LAND USE:

Figure 1 shows the existing and proposed zoning.

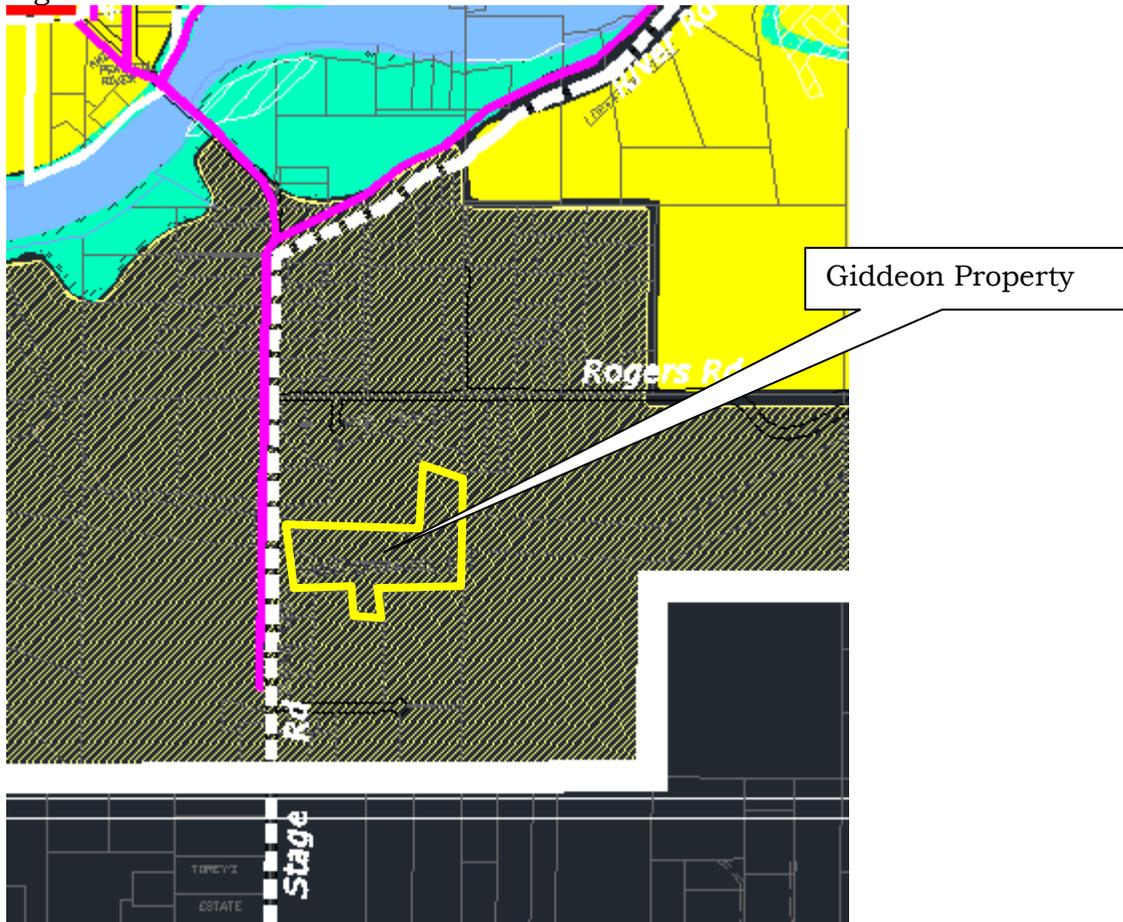
Direction from Site	Current Zoning	Current Use
North	CR-1 and CSAG-10	Single family residential
South	No zoning	One acre single family residential lots
West	CSAG-10	Residential, pasture, and hay field
East	No zoning	Agricultural use

G. GROWTH POLICY DESIGNATION

The Columbia Falls Growth Policy Map designates the subject property for Suburban Residential. This proposal complies with the map and text of the Growth Policy.

Text of the Columbia Falls Growth Policy (2013 update) supports the request as described in Policy 2.a. "Suburban housing areas, as shown on the growth policy map should provide densities appropriate to the limitations of the particular site, and should not exceed two dwellings per gross acre."

Figure 3



Excerpt from the 2005 Columbia Falls Growth Policy Map

LAND USE

	Multi-Family Residential 8+ units/acre. A higher density residential area with single family, duplex and attached housing including townhouse and apartment units, all served by urban services. Also serves as a buffer or transitional area.
	Urban Residential 2 - 8 units/acre. Primary use is single family residential with limited duplex, and multi-family housing anticipated, and fully served by urban services.
	Suburban Residential 1 - 2 units/acre. Primary use is limited agriculture and single family residential in a quasi-rural setting, with with some but not all urban services available
	Agriculture/Timber/Estate/Rural Preserve A rural area with limited urban services outside of the immediate development needs of the city, including corporate and public lands, estate housing and protective buffers for industry, such as CF Aluminum Company

Legend for Growth Policy Map

H. UTILITIES/SERVICES

The property was recently annexed into City limits of Columbia Falls.

<u>Water</u>	The property is served by an individual well.
<u>Sewer</u>	The property is served by on-site septic system
<u>Fire Protection</u>	Badrock Rural Fire District
<u>Police Protection</u>	Flathead County Sheriff's Office
<u>Electricity</u>	Flathead Electric Co-op.

EVALUATION BASED ON STATUTORY CRITERIA

This request is reviewed pursuant to the criteria set forth in Section 76-2-304, M.C.A., and as stated by the Montana Supreme Court. The following findings are made:

1. Does the requested zone comply with the Growth Policy?

The Columbia Falls Growth Policy Map designates the subject property Suburban Residential (Figure 3). The Growth Policy designates most of the lower Columbia Falls Stage Road neighborhood as Suburban Residential. This proposal complies with the Growth Policy.

As stated previously in this report, the Growth Policy document provides a list of goals and policies for residential and suburban residential uses. The proposed zone change complies with the text as well as the map of the Growth Policy.

2. Is the requested zone designed to lessen congestion in the streets?

The subject property consists of approximately 18 acres of which almost five acres fall within the BPA transmission line easement. The property is adjacent to

Columbia Falls Stage Road which is a paved County maintained collector road. Should the owner subdivide in the future, he will be subject to the Columbia Falls Subdivision Regulations which require paved access to each lot created. The proposed zone change should not negatively impact the neighboring road systems.

3. Will the requested zone secure safety from fire, panic, and other dangers?

The property is located in the Badrock Fire District. According to the Flathead GIS Website, the property is not mapped within the Wildland Urban Interface. The property is not located or mapped within the 100-year floodplain of the Flathead River (FIRM Panel 1435J).

4. Will the requested change promote the health and general welfare?

The proposed zone change request will match the zoning existing on the three lots north of the Gideon property. The proposed density complies with the growth policy. When the property owner goes through the subdivision process, he will need to demonstrate compliance with the Montana Department of Environmental Quality (MDEQ) regulations for sewer, water, and stormwater management. The proposed zone change will continue to promote the general health and welfare of the community.

5. Will the requested zone provide for adequate light and air?

The zoning regulations for SAG-10 and R-1 have the same setback requirements for development. Therefore, the zone change will have no impact on light and air.

6. Will the requested zone prevent the overcrowding of land?

The proposed zone change, with the increased density, complies with the Community's long range planning document which is the Columbia Falls Growth Policy, 2013 Edition. The proposed zoning matches the zoning designation for the three properties located just north of the applicant's property. Therefore the R-1 densities meet the Growth Policy recommendation and are consistent with neighboring zoning provisions

7. Will the requested zone avoid undue concentration of people?

The proposed zoning allows for a minimum of one acre lots in a suburban residential setting. The proposed R-1 zoning designation limits use to single family dwellings, the same as the existing SAG-10 designation. The Growth Policy Map prescribes a density of no more than two dwellings per acre of which the proposed zone change complies. With the Flathead River creating an impediment to extending City sewer and water south into this neighborhood, the proposed zoning establishes a concentration of dwellings suitable to the site conditions

8. Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

The proposed zone change does not by itself provide or require the adequate provisions of infrastructure. However, when the applicant goes through subdivision review, he must show how each of these is provided and that the infrastructure can support the anticipated number of lots. As it currently stands, Columbia Falls Stage Road, a paved county maintained road provides transportation linkage, water and sewer will be provided by on-site systems compliant with MDEQ rules. Schools are provided by the Columbia Falls School District. Parks are provided by the City, County, and State.

9. Does the requested zone give reasonable consideration to the peculiar suitability of the property for particular uses?

The property is currently used as a suburban residential property similar to many of the neighboring properties. The property is not actively farmed but there is active farming on the property to the east. The proposed use is reasonable given that suburban residential use is the existing land use.

10. Does the requested zone give reasonable consideration to the character of the district?

The district associated with this request consists of 1 to 20 acre tracts with zoning designations of R-1 to SAG-10 and a significant amount of unzoned properties. The proposed zoning does give consideration to the district.

11. Will the new zoning affect property values?

The proposed zoning of R-1 is identical to the R-1 zoning on the three lots north of the applicant. The property south of the applicant is unzoned and therefore has no density restrictions. The proposed zone change should not impact property values.

12. Will the requested zone encourage the most appropriate use of the land throughout the municipality?

The subject property is designated in the Columbia Falls Growth Policy as Suburban Residential. The proposed R-1 is a Suburban Residential zoning classification. Neighboring properties and subdivisions have Suburban Residential densities so; yes the requested zone does encourage appropriate use of the land.

SUMMARY

The property is designated "Suburban Residential" by the Columbia Falls Growth Policy. The property is located adjacent to lands already zoned R-1. Densities of neighboring subdivisions have densities compliant with the R-1 zoning designation.

RECOMMENDATION

Staff finds that the subject sufficiently meets the adopted review criteria to be rezoned from CSAG-10 to CR-1. Staff recommends that the Columbia Falls Planning Board adopt staff report CZC-16-01 as findings of fact and recommend approval of the zone change to the Columbia Falls City Council.



Planning Department

130 6TH STREET WEST
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PETITION FOR ZONING MAP AMENDMENT

FILING FEE ATTACHED \$ 1250.00

Zone Change Base Fee \$750
For first 50 acres \$ 25/acre
For each add'l acre over 50 \$ 10/acre
Certified Owner's List from FH County or Title Company \$75
Per each address on list \$4/ea. address

A complete application must be provided a minimum of 35 days prior to the desired hearing date before a scheduled Planning Board meeting.

NAME OF APPLICANT: William T Giddon
MAIL ADDRESS: PO Box 2855 Columbia Falls 59912
CITY/STATE/ZIP: Columbia Falls PHONE: 253-5417
INTEREST IN PROPERTY: owner

PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: 3985 COLUMBIA FALLS STAGE
- B. Legal Description: (Subdivision Name, Lot & Block and/or Tract Number (Section, Township, Range)
LOT 1 OF SUB # 193 IN SEC 20 - T30N - R 20 W
(Attach sheet for metes and bounds)
- C. Land in zone change (ac)
APPROX 16+ ACRE
- D. The present zoning of the above property is: SAG-10
- E. The proposed zoning of the above property is: R-1
- F. State the changed or changing conditions that make the proposed amendment necessary:
DUE TO SURROUNDING PROPERTIES IN THE IMMEDIATE AREA BEING APPROVED FOR 2 ACRE PARCELS

HOW WILL THE PROPOSED CHANGE ACCOMPLISH THE INTENT AND PURPOSE OF:

A. Promoting the Growth Policy

SUBURBAN RESIDENTIAL PER COLUMBIA FALLS GROWTH POLICY. THE EP INDICATES THAT ZONING DENSITIES OF 2 UNITS OR LESS / AC IS IN COMPLIANCE WITH THE POLICY.

B. Lessening congestion in the streets and providing safe access

STOP SIGN AT ROAD WHERE SUBJECT PROPERTY + COLUMBIA FALLS STAGE RD. MEET

C. Promoting safety from fire, panic and other dangers

EASY ACCESS TO MAIN COUNTY RD. DETERMINED BY APPROVAL OF THIS APPLICATION

D. Promoting the public interest, health, comfort, convenience, safety and general welfare

COVENANTS IN PLACE ON PARCELS

E. Preventing the overcrowding of land

1 1/2 - 2 ACRE PARCELS WOULD COMPLIMENT THE SURROUNDING PROPERTIES THAT HAVE BEEN DIVIDED

F. Avoiding undue concentration of population

WITH DIVIDING INTO 1 1/2 - 2 ACRE PARCELS THIS WOULD BE IN CONJUNCTION WITH SURROUNDING PROPERTIES

G. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities

EACH PARCEL WOULD HAVE THEIR OWN SEPTIC SYSTEM, PRIVATE INDIVIDUAL WELL. VERY LITTLE TO NO IMPACT ON SCHOOLS + OTHER FACILITIES

H. Giving reasonable consideration to the character of the district

DIVIDING INTO 1 1/2-2 ACRE PARCELS THAT
COMPLIMENTS SURROUNDING PROPERTIES

I. Giving consideration to the peculiar suitability of the property for particular uses

USE WOULD BE SINGLE FAMILY RESIDENTIAL

J. Protecting and conserving the value of buildings

COVENANTS PLACED ON THE PARCELS

K. Encouraging the most appropriate use of land by assuring orderly growth

HIGHEST & BEST USE IS 1 1/2-2 ACRE PARCELS
THAT IS IN CONJUNCTION WITH SURROUNDING
PROPERTIES

The signing of this application signifies approval for Columbia Falls Planning staff to be present on the property for routine monitoring and inspection during approval process.

William T Middleton
(Applicant Signature)

5-2-16
(Date)



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[Contact Us](#)

map scale: 1:8,820 map center: latitude 48° 21' 10.55 longitude -114° 10' 27.81 active tool: zoom in map active layer: Parcel Owners Physical Address ▾





FLATHEAD COUNTY GIS

KALISPELL, MONTANA

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General Parcel Data

Tract Id: 3020X20-SB7-1
Assessor: 0004448
Geocode: 07418620105450000
Approximate Acres: 17.8
City: NA
Subdivision Name: SUBDIVISION 193
Owner: GIDDEON, WILLIAM T
Address: (M) PO BOX 2855 COLUMBIA FALLS MT 59912
Owner: LOCKYER, CINDY C
Address: (M) PO BOX 2855 COLUMBIA FALLS MT 59912
Owner: GIDDEON, WILLIAM T
Address: (P) 3985 COLUMBIA FALLS STAGE COLUMBIA FALLS MT 59912
Owner: LOCKYER, CINDY C
Address: (P) 3985 COLUMBIA FALLS STAGE COLUMBIA FALLS MT 59912

Certificates of Survey

Tract Land: None available
Subdivision RTMT/BLA: None available

Subdivision Plats

[SUBDIVISION 193 4-12-33 SB7.TIF](#)

School Districts

School District Name: COLUMBIA FALLS
School District Number: 6
High School District: COLUMBIA FALLS
Kalispell Elementary District: NA

Voting Districts

Commissioner District: 1
Precinct Number: 21
House District: 4
Senate District: 2
Kalispell Ward Number: NA

Water, Sewer and Fire Districts

Fire District: BADROCK
Water & Sewer District: NA

Zoning Districts

Neighborhood Plan: NA
County Zoning District: NA
County Zoning Use: NA
Whitefish Zoning: NA
Kalispell Zoning: NA
Columbia Falls Zoning: SAG 10

CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEARING

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DATED this 20th day of May, 2016.

/s/ Susan Nicosia
Susan Nicosia, City
Manager/Zoning Administrator

May 29, 2016
MNAXLP

STATE OF MONTANA

FLATHEAD COUNTY

AFFIDAVIT OF PUBLICATION

ALYSSA PETERSON BEING DULY SWORN, DEPOSES AND SAYS: THAT SHE IS THE LEGAL CLERK OF THE **DAILY INTER LAKE** A DAILY NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED IN THE CITY OF KALISPELL, IN THE COUNTY OF FLATHEAD, STATE OF MONTANA, AND THAT NO. 23644.

LEGAL ADVERTISEMENT WAS PRINTED AND PUBLISHED IN THE REGULAR AND ENTIRE ISSUE OF SAID PAPER, AND IN EACH AND EVERY COPY THEREOF ON THE DATES OF May 29, 2016.

AND THE RATE CHARGED FOR THE ABOVE PRINTING DOES NOT EXCEED THE MINIMUM GOING RATE CHARGED TO ANY OTHER ADVERTISER FOR THE SAME PUBLICATION, SET IN THE SAME SIZE TYPE AND PUBLISHED FOR THE SAME NUMBER OF INSERTIONS.

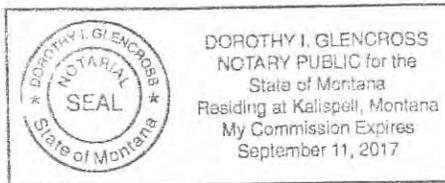
Alyssa Peterson

Subscribed and sworn to
Before me this May 31, 2016

Dorothy I. Glencross

Dorothy I. Glencross

Notary Public for the State of Montana
Residing in Kalispell
My commission expires 9/11/2017





Planning Department

130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

PHONE (406) 892-4391

FAX (406) 892-4413

May 17, 2016

Re: Public hearing notice for an Amendment to the Columbia Falls Zoning Map for a portion of property described as Lot 1 of Subdivision 193.

Dear Adjacent Property Owner:

Our records indicate that you are the owner of property within 150-feet of the proposed project.

As the Planning Staff for the Columbia Falls Planning Jurisdiction, I am writing to provide you with a notice of a public hearing that involves a request by William (Tom) Giddeon to amend the zoning district map on a portion of property located at 3985 Columbia Falls Stage, in Columbia Falls. The property is currently zoned SAG-10 and the request change is to R-1. The project is described in more detail in the attached Legal Notice.

If you have question or comments concerning this matter, please call, visit or write me at City Hall.

Sincerely,

A handwritten signature in blue ink that reads "Eric H. Mulcahy".

Eric H. Mulcahy, City Planner

MEMORANDUM OF AGREEMENT
for
CONTINUING TRANSPORTATION PLANNING
in the
COLUMBIA FALLS URBAN AREA

This memorandum of Agreement is entered into this _____ day of _____, 2016, by and between the State of Montana, Department of Transportation (MDT), hereinafter called the State, the City of Columbia Falls, hereinafter called the City, and Flathead County, hereinafter called the County.

WITNESSETH:

WHEREAS, it is the desire of the signatory agencies to have future transportation projects for the Columbia Falls Urban Area be based on a continuing, comprehensive transportation planning process carried on cooperatively by the State and Local Community; and

WHEREAS, the parties to this Agreement desire to cooperate in transportation planning now in progress and in the comprehensive planning program of the Columbia Falls area and further desire to ensure that transportation planning is an integral part of continuing comprehensive planning; and

WHEREAS, the Columbia Falls City-County Planning Board is a legally constituted agency and is authorized to carry on comprehensive planning programs; and

WHEREAS, the State, City, and County recognize the aforementioned Planning Organizations as the officially designated agency for comprehensive planning in the Columbia Falls area, pursuant to the Interlocal Agreement entered into by the City and the County on January 12, 2005.

NOW, THEREFORE, BE IT RESOLVED that the parties hereto do mutually agree as follows:

- I. Establishment of Transportation Coordinating Committee – A Transportation Coordinating Committee is hereby established to guide the development of transportation plans and programs in the Columbia Falls Urban Area. The Transportation Coordinating Committee shall consist of the following officials:

- Representative – Columbia Falls Mayor
- Representative – Board of County Commissioners District 1
- Representative– City-County Planning Board
- City Manager – City of Columbia Falls
- Division Administrator – Federal Highway Administration (non-voting)
- City Planner – Columbia Falls Planning Department
- Director – Columbia Falls Department of Public Works
- Roads Superintendent – Flathead County
- Supervisor – Statewide and Urban Planning Section, MDT
- District Administrator – Missoula, MDT
- District Preconstruction Engineer – Missoula, MDT
- Maintenance Chief – Missoula, MDT (non-voting)

Additional members of this committee may be appointed by a majority of the membership if the need arises.

- II. Planning Area – As a minimum, continuing, comprehensive transportation planning will be conducted in that portion of the Columbia Falls area that is expected to become urban in character during a twenty year period.
- III. Scope of Services – The transportation planning process shall be:
 - A. Cooperative in that the State, Planning Board, the City, and the County shall cooperatively accomplish the transportation planning process.
 - B. Comprehensive in that all elements affecting regional development and transportation shall be considered. Those elements are described in various documents published by the Federal Highway Administration and Federal Transit Administration.
 - C. Continuing in that the planning process is intended to continue indefinitely and shall be maintained as long as this Agreement is in force. The operational scope of the transportation planning process will involve performing the following functions:
 - 1. Collection, maintenance, analysis and dissemination of basic planning and engineering data.

IN WITNESS where of, the parties hereto have set their hands and affixed their seals.

DATED THIS _____ DAY OF _____, 2016

APPROVED FOR CITY OF COLUMBIA FALLS:

By: *[Signature]*

ATTEST FOR CITY OF COLUMBIA FALLS:

By: *[Signature]*



APPROVED FOR FLATHEAD COUNTY:

By: _____
Chairman Board of County Commissioners

ATTEST FOR FLATHEAD COUNTY:

By: _____

2. Service to public and private sectors, especially by provisions of current information concerning plans, program recommendations, design data and their implementation.
3. Preparation, updating and revision of long- and short-range plans for the physical and social development of the urban area and translation of these plans into program recommendations for implementation.
4. Production and distribution of reports, maps, etc., for documentation and information purposes, participating in meetings, seminars, etc., necessary to coordinate the planning and planning implementation activities at the various levels of government; and conducting public information programs.
5. Research and development of estimating, forecasting and other planning procedures.

In addition, such other transportation planning services shall be carried out as consistent with the stated purpose of the Transportation Coordinating Committee in its bylaws.

- IV. Citizen Participation – The Transportation Coordinating Committee will provide for public involvement and input in the local transportation planning process by inviting comments from local citizens' groups on major transportation planning issues, programs and projects. In addition, the Committee will cooperate with these groups to conduct special public information and participation programs as necessary in dealing with transportation planning.
- V. Changes in Agreement – Any alteration, extension or supplement to the terms of this Agreement, as detailed herein, shall be agreed to in writing by the signatory parties.
- VI. Termination of Agreement – A signatory party may terminate its interest and obligations under this Agreement by giving at least sixty (60) days' notice, in writing, to other parties.
- VII. Nondiscrimination - The LOCAL GOVERNING AUTHORITIES will require during the performance of any work arising out of this agreement, that the agreement, for itself, its assignees and successors shall comply with all the nondiscrimination regulations shown on Exhibit "A". All agreements entered into by MDT must contain a Title VI clause and the attachment, Exhibit "A" (see attached).
- VIII. Governing Law - This agreement shall be governed by laws of the State of Montana. Venue for any litigation will be in Lewis and Clark County, State of Montana. In case of conflict between the obligation imposed by the agreement and Montana law, then Montana law will control.

APPROVED FOR CITY OF COLUMBIA FALLS PLANNING BOARD:

By: _____
President

ATTEST FOR CITY OF COLUMBIA FALLS PLANNING BOARD:

By: _____

APPROVED FOR STATE OF MONTANA DEPARTMENT OF TRANSPORTATION:

By: _____
Director

APPROVED:

By:  _____
Administrator, Legal Division

Exhibit A

MDT NONDISCRIMINATION AND DISABILITY ACCOMMODATION NOTICE

Montana Department of Transportation ("MDT") is committed to conducting all of its business in an environment free from discrimination, harassment, and retaliation. In accordance with State and Federal law MDT prohibits any and all discrimination and protections are all inclusive (hereafter "protected classes") by its employees or anyone with whom MDT does business:

Federal protected classes

Race, color, national origin, sex, sexual orientation, gender identity, age, disability, & Limited English Proficiency

State protected classes

Race, color, national origin, parental/marital status, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, religion/creed, social origin or condition, genetic information, sex, sexual orientation, gender identification or expression, national origin, ancestry, age, disability mental or physical, political or religious affiliations or ideas, military service or veteran status

For the duration of this contract/agreement, the PARTY agrees as follows:

- (1) **Compliance with Regulations:** The PARTY (hereinafter includes consultant) will comply with all Acts and Regulations of the United States and the State of Montana relative to Non-Discrimination in Federally and State-assisted programs of the U.S. Department of Transportation and the State of Montana, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- (2) **Non-discrimination:**
 - a. The PARTY, with regard to the work performed by it during the contract, will not discriminate, directly or indirectly, on the grounds of any of the protected classes in the selection and retention of subcontractors, including procurements of materials and leases of equipment, employment, and all other activities being performed under this contract/agreement.
 - b. PARTY will provide notice to its employees and the members of the public that it serves that will include the following:
 - i. Statement that PARTY does not discriminate on the grounds of any protected classes.
 - ii. Statement that PARTY will provide employees and members of the public that it serves with reasonable accommodations for any known disability, upon request, pursuant to the Americans with Disabilities Act as Amended (ADA).
 - iii. Contact information for PARTY's representative tasked with handling non-discrimination complaints and providing reasonable accommodations under the ADA.
 - iv. Information on how to request information in alternative accessible formats.

- c. In accordance with Mont. Code Ann. § 49-3-207, PARTY will include a provision, in all of its hiring/subcontracting notices, that all hiring/subcontracting will be on the basis of merit and qualifications and that PARTY does not discriminate on the grounds of any protected class.

(3) Participation by Disadvantaged Business Enterprises (DBEs):

- a. If the PARTY receives federal financial assistance as part of this contract/agreement, the PARTY will make all reasonable efforts to utilize DBE firms certified by MDT for its subcontracting services. The list of all currently certified DBE firms is located on the MDT website at mdt.mt.gov/business/contracting/civil/dbe.shtml
- b. By signing this agreement the PARTY assures that:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

- c. PARTY must include the above assurance in each contract/agreement the PARTY enters.

(4) Solicitation for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation, made by the PARTY for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the PARTY of the PARTY's obligation under this contract/agreement and all Acts and Regulations of the United States and the State of Montana related to Non-Discrimination.

(5) Information and Reports: The PARTY will provide all information and reports required by the Acts, Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by MDT or relevant US DOT Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the PARTY will so certify to MDT or relevant US DOT Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

(6) Sanctions for Noncompliance: In the event of a PARTY's noncompliance with the Non-discrimination provisions of this contract/agreement, MDT will impose such sanctions as it or the relevant US DOT Administration may determine to be appropriate, including, but not limited to:

- a. Withholding payments to the PARTY under the contract/agreement until the PARTY complies; and/or
- b. Cancelling, terminating, or suspending the contract/agreement, in whole or in part.

(7) Pertinent Non-Discrimination Authorities:

During the performance of this contract/agreement, the PARTY, for itself, its assignees, and successor in interest, agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Federal

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airways Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration's Non-Discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).
- Executive Order 13672 prohibits discrimination in the civilian federal workforce on the basis of gender identity and in hiring by federal contractors on the basis of both sexual orientation and gender identity.

State

- Mont. Code Ann. § 49-3-205 Governmental services;
- Mont. Code Ann. § 49-3-206 Distribution of governmental funds;
- Mont. Code Ann. § 49-3-207 Nondiscrimination provision in all public contracts.

Incorporation of Provisions: The PARTY will include the provisions of paragraph one through seven in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and/or directives issued pursuant thereto. The PARTY will take action with respect to any subcontract or procurement as MDT or the relevant US DOT Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the PARTY becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the PARTY may request MDT to enter into any litigation to protect the interests of MDT. In addition, the PARTY may request the United States to enter into the litigation to protect the interests of the United States.



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Michael T. Tooley, Director
Steve Bullock, Governor

May 20, 2016

Susan Nicosia
City Manager/Planning and Zoning Administrator
City of Columbia Falls
City Hall
130 6th St. West
Columbia Falls, MT 59912

RECEIVED
MAY 23 2016
CITY OF COLUMBIA FALLS

Subject: Request for Signature-Memorandum of Agreement for Continuing Transportation Planning in the Columbia Falls Urban Area

Dear Ms. Nicosia,

Enclosed are two originals of the Memorandum of Agreement between the City of Columbia Falls and the Montana Department of Transportation (MDT) for Continuing Transportation Planning.

The agreement has been reviewed and signed by MDT for legal content. Please review the agreement and if acceptable, have the appropriate parties sign and date them where indicated. Return the signed agreements (2 originals) to the Statewide and Urban Planning Section for final signature. A fully executed original and a notice will be provided for your records once the signature process is final.

Should you have any questions, please contact me at 406.444.7653 or vcnich@mt.gov.

Sincerely,

Vicki Crnich
Statewide & Urban Planning Section

cc: File