



City of Libby
Libby Montana
www.cityoflibby.com

PO Box 1428
952 E. Spruce Street
Libby MT, 59923
(406) 293-2731
Fax (406) 293-4090

REGULAR COUNCIL MEETING #1706
MONDAY, AUGUST 3, 2026 @ 7:00 PM
COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Mark Smith
- Roll Call
- Welcome/Announcements
- Approve minutes for Council Meeting #1704 dated July 6, 2026 and #1705 dated July 20, 2026.

REPORTS:

DEPARTMENT HEADS:

- City Administrator
- Streets
- Police
- Clerk/Treasurer

COUNCIL COMMITTEES:

- Budget
- Building
- Cemetery/Parks
- Fire
- Lights/Streets/Sidewalks
- Ordinance
- Water/Sewer
- Wildlife

OTHER BOARDS:

- Board of Health
- Planning/Zoning
- Shade Tree

PUBLIC COMMENT ON NON-AGENDA ITEMS: This is an opportunity for the public to offer comments related to issues that are not currently on the agenda that the council has jurisdiction over. Public comment is limited to 3 minutes.

NEW BUSINESS: The mayor will introduce each new agenda item with a description of the item and an explanation for the recommended action to be taken. Following council discussion on each item, there will be an opportunity for public comment. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

PUBLIC HEARING – ZONING CHANGES TO PARCEL A1 OF THE ASA WOOD PROPERTY:

The Libby City Council will accept public comment regarding Zoning changes to Parcel A1 of the Asa Wood property changing a portion to Highway Commercial from Residential A.

- Introduction.
- Council discussion/questions.
- Public comment.
- Adjournment.

1. Approve rezoning request – Parcel A1 of the Asa Wood Property.

PUBLIC HEARING – ZONING CHANGES TO PARCEL B OF THE ASA WOOD PROPERTY:

The Libby City Council will accept public comment regarding Zoning changes to Parcel B of the Asa Wood property changing from Residential A to Residential Business.

- Introduction.
- Council discussion/questions.
- Public comment.
- Adjournment.

2. Approve rezoning request – Parcel B of the Asa Wood Property.
3. Approve Volunteer Fire Department request for Community Development Funds
4. Approve Great West Engineering to prepare and submit a Montana DNRC Renewable Resource Grant and Loan Program Technical Narrative Grant application in the amount of \$30,000 to evaluate and plan improvements to the backup power and electrical systems at the City of Libby Wastewater Treatment Facility .
5. Approve all claims received to date.
6. Approve all business license applications received to date.
 - a. Above and Beyond Cleaning Service, 821 Louisiana Ave., Individual, Housekeeping, laundry, and cooking.
 - b. Burch Hayven Painting and Remodel, 228 White Ave., LLC, Painting and remodeling.
 - c. Dean the Detailer, 208 Colorado Ave., Individual, Mobile auto detailing.
 - d. Laurren Nirider, 530 N 62nd Ave., West Richland, WA., Individual, Housekeeping, laundry, grocery shopping, and meal prep.
 - e. McAllister Construction LLC., 18 Treasure View Dr., LLC, Construction – new build, commercial housing, decks, concrete, and roofs.
 - f. The Melting Point LLC, 651 Granite Ave, LLC., Mobile sales – ice cream, non-alcohol drinks, desserts, and nachos.
 - g. West Fork Massage, 521 California Ave, Individual, Massage therapy and Montana theme retail sales.
 - h. Wylee’s Frozen Treats, 1131 Florence Rd, Individual, Ice cream and Italian ice.

UNFINISHED BUSINESS: Each item will be introduced by the mayor (or assigned liaison) with a description of the item. Following council discussion on each item, there will be an opportunity for public comment. No action will be taken. Public comment is limited to 3 minutes concerning each item.

GENERAL COMMENTS FROM COUNCIL: Public comment will not be taken during this portion of the meeting

ADJOURNMENT:

The manner of Addressing Council:

- Each person, not a Council member, shall address the Council at the time designated in the agenda or as directed by the Council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, unless further time is granted by the Council, shall limit the address to the Council to three minutes.
- All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff with no personal remarks allowed.
- No person, other than the Council and the person having the floor, shall be permitted to enter any discussion either directly or through a member of the Council, without the permission of the Presiding Officer.
- Any person making personal, impertinent, or slanderous remarks or who shall become boisterous or disruptive during the council meeting shall be forthwith barred from further presentation to the council by the presiding officer unless permission to continue is granted by a majority vote of the council.

ATTENTION:

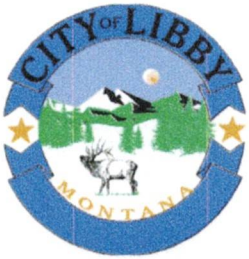
To access this meeting electronically with **ZOOM**,

Dial: 253-215-8782

Meeting ID: 4042719951

Password: 151041

Posted: 7/30/26



CITY OF LIBBY
952 E. SPRUCE | POST OFFICE BOX 1428
PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: www.cityoflibby.com

NOTICE OF PUBLIC HEARING

AUGUST 3, 2026 @ 7:00PM
COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Welcome

NEW BUSINESS: Each new agenda item will be introduced by the mayor (or assigned liaison) with a description of the item and explanation for the recommended action. Following council discussion on each item will be an opportunity for public comment prior to any action taken. **Public comment is limited to 3 minutes concerning the agenda item being discussed only.**

The Libby City Council will accept public comment regarding Zoning changes to Parcel A1 of the Asa Wood property changing a portion to Highway Commercial from Residential A.

GENERAL COMMENTS FROM COUNCIL:

ADJOURNMENT:

Notes:

The manner of Addressing Council:

- Each person, not a Council member shall address the Council, at the time designated in the agenda or as directed by the Council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, unless further time is granted by the Council, **shall limit the address to the Council to three minutes.**
- All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff with no personal remarks allowed.
- No person, other than the Council and the person having the floor, shall be permitted to enter any discussion either directly or through a member of the Council, without the permission of the Presiding Officer.
- Any person making personal, impertinent, or slanderous remarks or who shall become boisterous or disruptive during the council meeting shall be forthwith barred from further presentation to the council by the presiding officer unless permission to continue by granted by a majority vote of the council.

ATTENTION:

To access this meeting electronically with ZOOM,
Dial: 253-215-8782
Meeting ID: 4042719951
Password: 151041

Posted: 7/16/24

Public Notice

The City Council will be holding two Public Hearings on Monday, August 3rd, 2026, in the Council Chambers of City Hall during the 7:00 pm council meeting to consider rezoning Asa Wood property parcel B from Residential A to Residential Business and a portion of parcel A1 from Residential A to Highway Commercial.

For further information on the actions to be taken or to submit comments, contact the City Administrator at 293-1278, city.admin@cityoflibby.com, or stop by City Hall at 952 E. Spruce St.

Publish on July 17

This is an advertisement for a debt and any information obtained will be used for that purpose.

Dated this 30th day of June, 2026. Jason J. Henderson
Substitute Trustee 38 2nd Avenue East Dickinson, ND 58601
Telephone: 801-355-2886 Office
Hours: Mon.-Fri., 8AM-5PM
(MST) File No. MT23765

PUBLISHED IN The Western
News July 17, 24 & 31, 2026.
MNAXLP

NOTICE OF SALE BY SEALED BID

The Lincoln County Port Authority is accepting sealed bids for the sale of the following vehicle:

2023 Chevrolet Tahoe
Style: LL
Color: Silver
Odometer: Approximately 53,336 miles
VIN: 1GNSKMKD6PR284791

The vehicle may be inspected by appointment. For additional information or to schedule an inspection, contact Jennifer Brown at (406) 405-9338 or email jenbrown@libby.org

Sealed bids must be RECEIVED no later than 12:00 p.m. on August 14, 2026. Please include name, phone number, and bid amount.

Mail bids to:

Lincoln County Port Authority
P.O. Box 1071
Libby, MT 59923

Hand-delivered bids will be accepted by appointment. Contact Jennifer Brown at (406) 405-9338 to arrange delivery.

The outside of the envelope must be clearly marked:

"SEALED BID - TAHOE"

The vehicle is being sold AS IS, WHERE IS, with no warranties expressed or implied.

Bids will be opened on August 17, 2026, at the Lincoln County Port Authority Board Meeting at 512 California Ave. Libby, MT, at 3:30 p.m. or as soon thereafter as possible.

The Lincoln County Port Authority reserves the right to reject any or all bids, waive formalities, and accept the bid deemed to be in the best interest of the Lincoln County Port Authority. Sale is subject to a reserve.

DATED July 10, 2026.

TRICIAL BROOKS
Clerk of District Court

By s/Amanda Eckart
Deputy Clerk of Court

PUBLISHED IN The Western
News July 17, 24, 31 and August 7, 2026.

MNAXLP

Public Notice

The City Council will be holding two Public Hearings on Monday, August 3rd, 2026, in the Council Chambers of City Hall during the 7:00 pm council meeting to consider rezoning Asa Wood property parcel B from Residential A to Residential Business and a portion of parcel A1 from Residential A to Highway Commercial.

For further information on the actions to be taken or to submit comments, contact the City Administrator at 293-1278, city.admin@cityoflibby.com, or stop by City Hall at 952 E. Spruce St.

PUBLISHED IN The Western
News July 17, 2026.
MNAXLP

Chuck Wall
TURNAGE & WALL LAW
Attorneys at Law
312 First St. East
Polson, MT 59860
Telephone: 406-883-5367
ChuckWall@TurnageWallLaw.com

MONTANA NINETEENTH
JUDICIAL DISTRICT COURT,
LINCOLN COUNTY

IN THE MATTER OF THE
ESTATE OF:

JOHN EVERETT HYSLOP,
Deceased.

Cause No.: DP-27-2026-118

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed as PERSONAL REPRESENTATIVE of the above-entitled estate, and that the address of the PERSONAL REPRESENTATIVE is set forth below.

All creditors of the decedent having claims against the decedent's estate must present their claims within four (4) months after the date of the first publication of this Notice, or be forever barred as creditors of the decedent.

You have been diagnosed with an asbesto or it may be something you have been living diagnosed through a screening program or wondering how to obtain the recommended place far from home, making continued care your diagnosis for some time, you may face o provider, the closure of a medical facility, or a be closer to family. In any of these situations, ensure you continue receiving the care and su

The first step is to advocate for yourself fr While it is natural to feel emotional about a se information and staying focused on the facts c more effectively. Take the time to obtain all re persistence. These records may include physic pulmonary function tests, and other diagnosti general medical records from the past several asbestos-related disease. Many health conditio to a complete medical picture is valuable for o

Talk with your primary care provider about specialist, especially if your provider has limite Pulmonologists and Occupational Medicine p with these conditions, although experience lev research can be beneficial. Look for medical ce occupational and environmental exposure-rela support organizations maintain lists of experie would like a second opinion or confirmation o are often excellent resources. Before scheduling coverage, including any benefits available thro or VA healthcare programs. Confirming covera and allow you to focus on your care.

As you move forward, it is helpful to be aw related diseases can sometimes be associated w encounter differing perspectives or opinions. S medical information can help you make confid Fortunately, there is a wealth of information av journal articles discuss asbestos types, exposur considerations. While some articles may be hig and families who want to learn more. The more will be to participate in healthcare decisions an

If you find a medical article that seems part consider bringing a copy to your appointment. engaged patients and are open to discussing cre care. While every provider is different, sharing productive conversations and a deeper understa

Most importantly, remember that support a



City of Libby Libby Montana

www.cityoflibby.com

PO Box 1428
952 E. Spruce Street
Libby MT, 59923
(406) 293-2731
Fax (406) 293-4090

From: Samuel Sikes, City Administrator

21 July 2026

To: Mayor and Council Members

Subject: REZONING PARCEL A1 OF COS 5014RB

Attached is the complete packet for the August 3, 2026, Public Hearing and Council decision on the rezoning request from Ohno LLC for rezoning a portion of parcel A1 from Residential A to Highway Commercial.

ENCLOSURES

Map of parcels A1 and B with surrounding current zoning districts.

Advertisement Notice in Western News

Agenda for August 3, 2026, Public Hearing

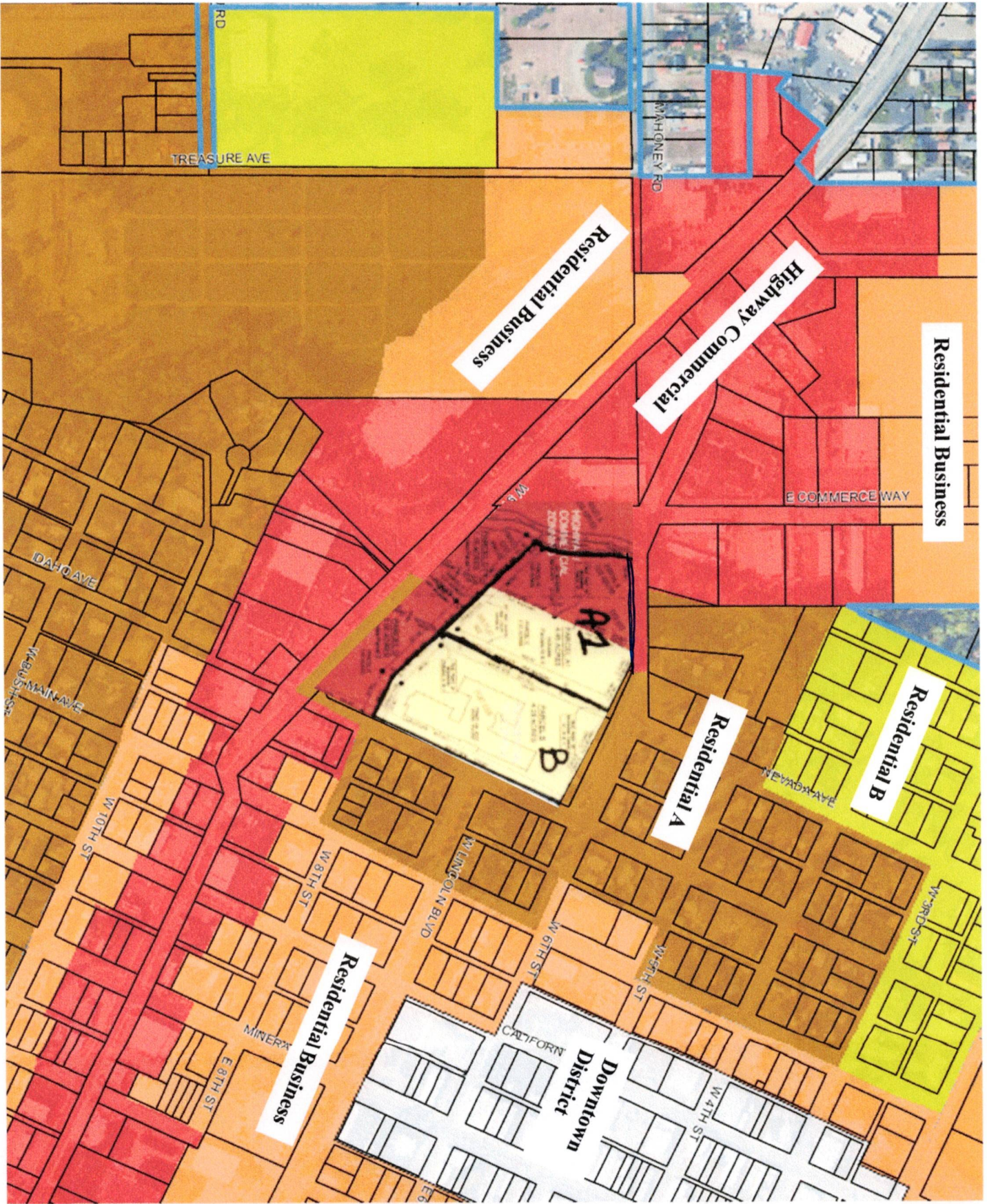
Applicants petition for rezoning.

City Administrator recommendation letter.

Zoning Commission recommendation letter.

The Public Hearing was properly advertised for August 3, 2026. The City Council Agenda for August 3rd will reflect that there will be a Public Hearing for Parcel A1 during the regular council meeting followed directly by a council decision. Please feel free to reach out with any questions or concerns.

Samuel Earl Sikes
City Administrator





CITY OF LIBBY

952 E. SPRUCE | POST OFFICE BOX 1428, LIBBY MT, 59923

PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: www.cityoflibby.com

PETITION FOR ANNEXATION AND INITIAL ZONING

Project Name | Property Address 600 West 8th Street, Libby, MT 59923
Flower Creek Development – Parcel A1

NAME OF APPLICANT | Applicant Phone
Ohno, LLC | 406.293.1053

Applicant Address | City, State, Zip
PO Box 1592, 108 J Effar Road | Libby, MT 59923

Applicant Email Address
cnoble@nobleexcavating.com

if not current owner, please attach a letter from the current owner authorizing the applicant to proceed with the application.

OWNER OF RECORD | Owner Phone
Ohno, LLC | 406.293.1053

Owner Address | City, State, Zip
PO Box 1592, 108 J Effar Road | Libby, MT 59923

Owner Email Address
cnoble@nobleexcavating.com

CONSULTANT (ARCHITECT/ENGINEER) | Phone
Andy Evensen, PE | 406-885-4064
Evensen Engineering & Consulting, Inc.

Address | City, State, Zip
3674 Foothill Road | Kalispell, MT 59901

Email Address
andy@eecivil.com

Address | City, State, Zip

Email Address

List ALL owners (any individual or other entity with an ownership interest in the property):

No other owners

Legal Description (please provide a full legal description for the property and attach a copy of the most recent deed):

See attached legal description and deed

Please initial here indicating that you have verified the description with the Lincoln County Clerk and Recorder and that the description provided is in a form acceptable to record at their office.

Description is verified. Deed is recorded. See attached Certificate of Survey

1. Land In project (acres) 2.23 acres
2. Current estimated market value 400,000.00
Estimated market value of proposed development at 50% build out \$850,000.00
Estimated market value of proposed development at 100% build out \$1,200,00.00

3. Is there a Rural Fire Dept RSID or Bond on this property? Yes _____ No x _____
If yes, remaining balance is: \$ _____

4. Present zoning of property Residential A

5. Proposed zoning of property HWY Commercial

6. State the changed or changing conditions that make the annexation necessary:

The property is progressing through engineering and site development planning to support opportunities for acceptable business opportunities, professional office space and higher-density residential uses that coordinate with the surrounding Highway Commercial district.

WILL THE PROPOSED ZONING DISTRICT ACCOMPLISH THE INTENT AND PURPOSE OF (attach separate sheet w/ answers):

See attached response.

- a. Promoting the Growth Policy
- b. Lessening congestion in the streets and providing safe access
- c. Promoting safety from fire, panic and other dangers
- d. Promoting the public interest, health, comfort, convenience, safety and general welfare
- e. Preventing the overcrowding of land
- f. Avoiding undue concentration of population
- g. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities
- h. Giving reasonable consideration to the character of the district
- i. Giving consideration to the peculiar suitability of the property for particular uses
- j. Protecting and conserving the value of buildings
- k. Encouraging the most appropriate use of land by assuring orderly growth

X I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the Kalispell City staff to be present on the property for routine monitoring and inspection during the approval and development process.


Applicant Signature

6/1/26
Date

HOW WILL THE PROPOSED ZONING DISTRICT ACCOMPLISH THE INTENT AND PURPOSE OF HIGHWAY COMMERCIAL ZONING:

To eliminate the split zoning and allow the 4.45-acre parcel to be regulated under a consistent zoning designation, this zoning request proposes rezoning the 2.23-acre Residential A portion of Parcel A1 to Highway Commercial. As a result, the entire 4.45-acre parcel would be zoned Highway Commercial.

The proposed zoning change will allow the subject 2.23 acres, which are part of a vacant and underutilized former school site, to move forward as a redevelopment opportunity that is more consistent with the property's location, access, and surrounding development pattern.

The rezoning request applies specifically to Parcel A1, but the evaluation of land use, access, and infrastructure has been coordinated with the nearby Highway 2 parcels shown on the attached Certificate of Survey. Engineering work is currently underway for access and utility improvements serving the subject parcels so that future development may proceed in an orderly manner and in compliance with applicable City requirements.

Any future development will remain subject to the Highway Commercial District standards, including permitted uses, setbacks, parking, loading and unloading, building design, construction requirements, and any required outside agency permits.

Responses to Application Narrative:

a. Promoting the Growth Policy.

The requested rezoning supports redevelopment of vacant and underutilized property, encourages infill and efficient land use, and creates a path for reuse of an existing site within the community. To the extent the January 2023 Growth Policy encourages redevelopment of vacant buildings and sites, investment in underutilized land, efficient land use, and provision of needed services, this request is consistent with those objectives.

Specific Growth Policy Citations:

- i. Promote redevelopment of and use of vacant buildings and sites. (E-6)
- ii. Opportunity to Increase number of workers in sectors currently lacking in the community such as health care (E-7).
- iii. Facilitate redevelopment and encourage development of blighted vacant or undeveloped land (L-1)

iv. Encourage infill and efficient land use (L-6)

b. Lessening congestion in the streets and providing safe access.

Ingress and egress to the property are designed in coordination with the newly permitted Highway 2 access and with a second connection through Nevada Avenue/ 6th Street. The dual access points, and coordinated infrastructure design will help distribute traffic safely and reduce the risk of concentrated congestion at a single point of entry. Any future site development is required to obtain public works/engineering approval.

The former elementary school use generated heavier traffic demands, including bus circulation and parent pickup activity. The existing 12-foot pickup lane, running along Idaho between Highway 2 and 6th Street, was developed to accommodate that historical use, and future redevelopment provides an opportunity to address traffic circulation in a manner more consistent with current site needs.

c. Promoting safety from fire, panic and other dangers.

Future development will comply with applicable zoning, building, fire, and public safety requirements. Site design will include required setbacks, emergency access, utility planning, and other code-compliant improvements.

The Highway Commercial District also requires all construction to comply with the city's adopted building code, limits building height to forty-five (45) feet, and requires additional design review for buildings with a proposed footprint of 20,000 square feet or more or with wall lengths exceeding 150 linear feet.

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

The requested zoning change promotes the public interest by creating a regulated redevelopment path for a vacant former school property that is no longer functioning in its prior use and is suited for orderly reuse. The Highway Commercial District allows commercial and compatible mixed-use opportunities that are not prohibited by the ordinance and that comply

with district standards. Multi-family development, if proposed, is treated as a conditional use and is allowed only when the first floor is restricted to commercial uses that are ancillary and complementary to residential use. This framework provides an opportunity for reinvestment, services, employment, and improved site conditions while retaining standards for parking, lighting, circulation, building design, and agency approvals.

e. Preventing the overcrowding of land.

The proposed zoning will not remove the requirement that future development comply with applicable setbacks, parking, building height, building design, loading, and site design standards. Development of the property will be limited by the dimensional and performance standards that apply to the Highway Commercial District, including setbacks that vary based on the placement of front-yard parking, the forty-five (45) foot height limit, paved and curbed parking requirements, and design review requirements for larger buildings.

f. Avoiding undue concentration of population.

The requested rezoning does not authorize an intensity of use beyond what is permitted by the zoning ordinance and later site-specific approvals. Multi-family development is conditional and must include first-floor commercial uses ancillary and complementary to the residential use, and it must satisfy applicable parking and site design standards. This structure helps avoid an undue concentration of population while allowing appropriate commercial or mixed-use redevelopment of the site.

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

Utility easements and roadway access are intended to be built to city standards, with the understanding that roads may be annexed by the City at a later date. Engineering (contracted by City Planner and Engineer) includes design for roadway improvements, sidewalks, street lighting, and city utilities to support future development. The Highway Commercial District further requires paved and curbed parking, rear loading/unloading facilities for new construction. These requirements will help ensure that

transportation and utility infrastructure are adequate for the property's future use.

h. Giving reasonable consideration to the character of the district.

The 2.23 acres were historically part of the elementary school campus. The school use required specialized traffic circulation patterns and on-site access conditions. The Highway Commercial District designation will better reflect current development trends and anticipate future growth patterns for both residential and commercial uses in the area.

Future development under this zoning will be expected to respect neighboring residential uses through appropriate building scale, setbacks, site design, landscaping, lighting, parking layout, signage, wall articulation where required, and overall visual compatibility. Any conditional use would require separate review and approval under the zoning ordinance.

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

The site, which is part of the shuttered school campus, includes vacant or underutilized land together with a shuttered school building.

Redevelopment of the 2.23 acres, supported by coordinated access and infrastructure planning, can be achieved more effectively than redevelopment of an isolated site with limited infrastructure coordination.

These site characteristics and planned infrastructure investments make the property suitable for commercial redevelopment and, where specifically approved, compatible mixed-use development consistent with the Highway Commercial District. The requested zoning recognizes the particular circumstances of the property while preserving compatibility safeguards for surrounding residential areas.

j. Protecting and conserving the value of buildings.

There is no building on the Parcel, however the demolition of the school building on the adjacent parcel was evaluated in connection with Brownfield review and cleanup planning with the Lincoln County Asbestos Resource Planning and DEQ.

The rezoning supports reinvestment in an underutilized property and helps avoid continued site decline. A regulated path for redevelopment can protect surrounding property values by replacing vacancy and uncertainty with planned improvement.

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

The requested rezoning encourages the most appropriate use of the land by allowing the property to transition from a site associated with a former institutional use to a district that better fits its present conditions and position for future redevelopment potential. The rezoning will allow planning for access, utilities, circulation, and site design to proceed in an orderly way and will ensure that future uses remain subject to the city's zoning, building, and permitting requirements. This supports orderly growth, coordinated infrastructure, and compatibility with the surrounding area.

After recording, please return to:
Law Office of J. Tiffin Hall, PLLC
P.O. Box 2109
Eureka, MT 59917
(406) 297-7026

320940 BOOK: 414 RECORDS PAGE: 902 Pages: 2
STATE OF MONTANA LINCOLN COUNTY
RECORDED: 05/15/2026 10:10 KOI: DEED
CORRINA BROWN CLERK AND RECORDER
FEE: \$30.00 BY: Janice Jones, Deputy
FOR: J. TIFFIN HALL PO BOX 2109, EUREKA, MONTANA 59917

QUITCLAIM DEED

FOR VALUE RECEIVED, Playa Dulce Montana, LLC, of 200 South 13th Street Suite 208, Grover Beach, CA 93433 ("Grantor"), does hereby convey, release, remise and forever quitclaim unto Ohno, LLC of 140 Antler Ridge Road, Libby, MT 59923 ("Grantee"), all interest it may have in the following described property in Lincoln County, Montana:

See Attached Exhibit "A"

SUBJECT TO covenants, restrictions, provisions, easements and encumbrances of record.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee.

DATED this 4th day of April, 2026.

PLAYA DULCE MONTANA, LLC

[Signature]
Darren Smith, Manager

STATE OF CALIFORNIA)

County of San Luis Obispo : ss.
)

On this 4 day of April, 2026, before me, the undersigned Notary Public for the State of California, personally appeared Darren Smith, Manager of Playa Dulce Montana, LLC, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



[Signature]
Printed Name: Tricia Martinez
Notary Public for the State of California
Residing at San Luis Obispo
My Commission Expires: 09-17-2029

EXHIBIT A

Tract 1:

An irregular tract of land, lying in the city of Libby, Montana, Lincoln County, NE1/4 NE1/4 SE1/4, Section 4 and NW1/4 NW1/4 SW1/4, Section 3, T.30N., R.31W., P.M., MT., and more particularly described as follows:
Commencing at the intersection of "6th Street" and "Nevada Avenue", a 3/4 inch diameter steel rod; Thence along the centerline of "Nevada Avenue" S25°01'20"W, 30.00 feet to an unmarked computed point and the TRUE POINT OF BEGINNING; Thence continuing along said centerline S25°01'20"W, 547.76 feet to an unmarked computed point, being the intersection of "Nevada Avenue" and "8th Street"; Thence along the centerline of "8th Street" N46°00'27"W, 103.76 feet to an unmarked computed point; Thence continuing along said centerline the following two courses: Thence N46°00'27"W, 9510 feet to an unmarked computed point; Thence N46°00'27"W, 18986 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON, 70400LS, lying at the top of the bank of Flower Creek; Thence N46°00'27"W, 40.00 feet to an unmarked computed point lying in the middle of Flower Creek; Thence along the middle of said creek the following three courses: Thence N25°37'53"E, 34.66 feet to an unmarked computed point; Thence N22°24'12"E, 98.87 feet to an unmarked computed point lying on the southerly right-of-way limit of "6th Street"; Thence along said right-of-way limit N89°30'20"E, 23.28 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON, 70400LS, being the top of the bank of Flower Creek; Thence continuing along said right-of-way limit the following four courses: Thence N89°30'10"E, 104.91 feet to a 1/2 inch diameter uncapped rebar; Thence N89°47'11"E, 161.22 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON, 70400LS; Thence S64°55'41"E, 12.43 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON, 70400LS; Thence S64°58'00"E, 156.00 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON, 70400LS lying on the westerly right-of-way limit of "Nevada Avenue"; Thence S64°58'00"E, 32.00 feet to an unmarked computed point and the TRUE POINT OF BEGINNING, containing 4.45 acres. Subject to and together with all appurtenant easements of record.

Parcel A1 of Certificate of Survey No. 501420

Comments to the Attached Survey

Parcel A1: Zoning on Parcel A1 is split between the following:

- 2.22 acres is currently zone HWY Commercial. No zoning change is requested here.
- A zoning change is requested for the remaining acreage, 2.23 acers, to establish continuous zoning within the Parcel Residential A - to HWY Commercial.

BOUNDARY LINE ADJUSTMENT

PARCELS A & C COS No. 4951RB. PLAT No. 656. AND PLAT No. 2206 in the

FOR: NOBIE INVESTMENT PROPERTIES, LLC & PLAYA DULCE MONTANA, LLC

[illegible][illegible][illegible][illegible][illegible][illegible]

SECTION 3. 120N, R.31W, P.M.T., and more particularly described as follows:
Commencing at the southwest corner, Parcel C, USGS No. 49319B, a 5/8 inch diameter rebar with plastic cap marked SAGANOS, 70400L3, lying on the northeasterly right-of-way line of US highway 2, the TRUE POINT OF BEGINNING, thence S 89° 55' 00" E, 180.00 feet to a 5/8 inch diameter rebar with plastic cap marked SAGANOS, 70400L3, lying on the northeasterly right-of-way line of US highway 2, the TRUE POINT OF BEGINNING, thence S 47° 59' 33" W, 180.00 feet to a 5/8 inch diameter rebar with plastic cap marked SAGANOS, 70400L3, lying on the northeasterly right-of-way line of US highway 2, thence along said right-of-way line N 44° 00' 27" W, 33.10 feet to a 5/8 inch diameter rebar with plastic cap marked SAGANOS, 70400L3 and the TRUE POINT OF BEGINNING, thence S 89° 55' 00" E, 180.00 feet to the starting point. The above described parcel shall become part of and be conveyed on a separate tract of land.

[illegible]

CERTIFICATE OF SURVEY

BOUNDARY LINE ADJUSTMENT

PARCELS A & C, COS No. 49518B, PLAT No. 656, and PLAT No. 2206 in the
NE1/4 SE1/4, SECTION 4 and NW1/4 SW1/4, SECTION 3, T.30N., R.31W., P.M.M.T., LINCOLN COUNTY, MONTANA
FOR: NOBLE INVESTMENT PROPERTIES, LLC & PLAYA DULCE MONTANA, LLC DATE: FEBRUARY, 2024

PURPOSE OF SURVEY AND OWNER'S EXEMPTION CERTIFICATION

We, Noble Investment Properties, LLC, Boise, Idaho, and Playa Dulce Montana, LLC, Bozeman, Montana, hereby certify that the purpose of this survey is to adjust the boundary lines between adjoining properties. I further certify that the survey was made in accordance with the provisions of the Montana Surveying Act, Chapter 76, Part 1, MCA, and that the survey was made in accordance with the provisions of the Montana Surveying Act, Chapter 76, Part 1, MCA, and that the survey was made in accordance with the provisions of the Montana Surveying Act, Chapter 76, Part 1, MCA.

2-22-2024
3-1-24
Noble Investment Properties, LLC, Representative
Playa Dulce Montana, LLC, Representative

ACKNOWLEDGMENT

The foregoing Exemptions were subscribed and acknowledged before me a Notary Public for the State of Montana

by Noble Investment Properties, LLC, Representative, Chris Noble, on this 22nd day of February, 2024, in and for the County of Lincoln, State of Montana.

I have presented to me my hand and affixed my notarial seal on this 22nd day of February, 2024, in and for the County of Lincoln, State of Montana.

ACKNOWLEDGMENT

The foregoing Exemptions were subscribed and acknowledged before me a Notary Public for the State of Montana

by Playa Dulce Montana, LLC, Representative, on this 22nd day of February, 2024, in and for the County of Lincoln, State of Montana.

I have presented to me my hand and affixed my notarial seal on this 22nd day of February, 2024, in and for the County of Lincoln, State of Montana.

reading in the presence of the Commission expires 6-22-2026

BASIS OF BEARING
The basis of bearing for this survey is 160°09'37"W between the northeast corner of COS No. 2837 and the southeast corner of COS No. 2837, a found 5/8 inch diameter uncaped rebar as derived from a survey grade Trimble R10-2 GNSS system established to true North. Angular variation between this survey and COS No. 2837 is 0°15'10".

METHOD OF SURVEY
The survey was made by the System used to tie previously set controlling corners and road alignments by Dean Williamson, April, 2023.

HISTORY OF SURVEYS
1955 - Plat No. 2206, In C. Miller, 4025
1971 - COS No. 573, Jack Noremson, 34425
1971 - COS No. 573, Jack Noremson, 34425
1984 - COS No. 2837, Refinement Survey, Kenneth E. Davis, 49755
2023 - COS No. 49518B, Boundary Line Adjustment, Byron Sanderson, 70400LS

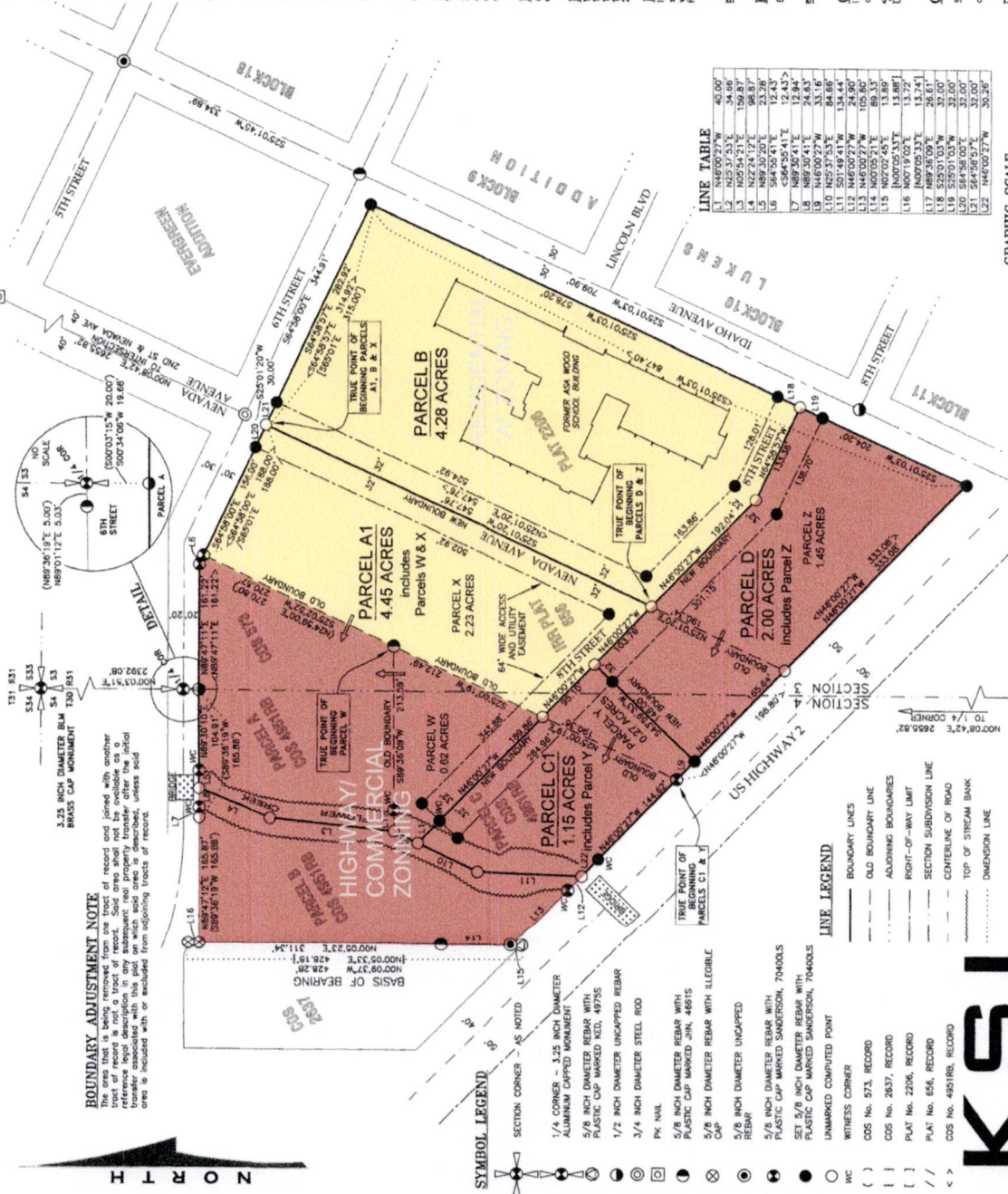
LAND SURVEYOR'S CERTIFICATION
I hereby certify that I am a Registered Land Surveyor in the State of Montana, that the survey shown on this "Certificate of Survey" has been prepared under my supervision and in accordance with the provisions of the Montana Surveying Act, Chapter 76, Part 1, MCA, and the Lincoln County Regulations adopted pursuant thereto.

Byron Sanderson, PLS, 200051112, State of Montana, No. 70400LS
Examining Land Surveyor's Certification
Dated this 22nd day of March, 2024, at Bozeman, Montana.
Steven Boyer, PLS, 200051112, State of Montana, No. 70400LS

COUNTY TREASURER'S CERTIFICATION
I hereby certify that all real property taxes and special assessments assessed and levied on the parcel shown herein are paid pursuant to Section 76-3-207(3), MCA, and the Lincoln County Regulations adopted pursuant thereto.

Selena Carls, Treasurer, 200051112, State of Montana, No. 70400LS
Clerk and Recorder's Certification
State of Montana, County of Lincoln, filed this 22nd day of March, 2024, A.D. at Bozeman, Montana.
Cecilia D. Dwyer, Clerk and Recorder, 200051112, State of Montana, No. 70400LS

CERTIFICATE OF SURVEY No. 5014 RB
SHEET 1 OF 2



BOUNDARY ADJUSTMENT NOTE
The area shown on this map is a true and correct representation of the land as surveyed and adjusted. The survey was made in accordance with the provisions of the Montana Surveying Act, Chapter 76, Part 1, MCA, and that the survey was made in accordance with the provisions of the Montana Surveying Act, Chapter 76, Part 1, MCA.

LINE LEGEND

- BOUNDARY LINE
- ADJOINING BOUNDARIES
- RIGHT-OF-WAY LIMIT
- SECTION SUBDIVISION LINE
- CENTERLINE OF ROAD
- TOP OF STREAM BANK
- DIMENSION LINE

SYMBOL LEGEND

- SECTION CORNER - AS NOTED
- 1/4 CORNER - 3.25 INCH DIAMETER ALUMINUM CAPPED MONUMENT
- 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED JIN, 49755
- 1/2 INCH DIAMETER UNCAPED REBAR
- 3/4 INCH DIAMETER STEEL ROD
- PK. NAIL
- 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED JIN, 49755
- 5/8 INCH DIAMETER UNCAPED REBAR
- 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED SANDERSON, 70400LS
- 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED SANDERSON, 70400LS
- UNMARKED COMPUTED POINT
- WITNESS CORNER
- COS No. 573, RECORD
- COS No. 2837, RECORD
- PLAT No. 2206, RECORD
- COS No. 656, RECORD
- COS No. 49518B, RECORD

GRAPHIC SCALE

0 50 100 200 400 FEET

5/8 INCH DIAMETER UNCAPED REBAR
INTERSECTION OF SPRUCE ST AND MAIN ST.

KSI
LAND SURVEYING - AERIAL DATA COLLECTION - GEOSPATIAL CONTROL
LIBBY, MONTANA (406)793-4354



City of Libby Libby Montana

www.cityoflibby.com

PO Box 1428
952 E. Spruce Street
Libby MT, 59923
(406) 293-2731
Fax (406) 293-4090

To: Zoning Commission

11 June 2026

From: Samuel Sikes, City Administrator

Subject: ZONING RECOMMENDATION ICO: FLOWER CREEK DEVELOPMENT LOT A1

I have reviewed the request from Ohno LLC, Chris Noble, to re-zone a portion of the Parcel A1 of the Flower Creek Development, commonly known as the "Asa Wood" property, from Residence A District to Highway Commercial District, and recommend approval of the zoning change to the zoning commission and will also be recommending the change to the city council.

Background: Lot A1 of the "Asa Wood" property has been historically utilized as school property within the Residence A District and, since the school was constructed, numerous changes in the city zoning ordinances were adopted. In 2020 the city adopted a new Highway Commercial District to accommodate business opportunities that tend to be more auto orientated and in 2024 the city altered the zoning code to ensure that Residential Business District designations were in place to create a buffer between fully commercial and fully residential districts. In 2023 the city adopted a Growth Policy to provide guidance for Libby's future growth that, as stated on page 71, "supports and participates in economic and community development efforts to build and maintain a strong, diverse economy through new and expanded business opportunities."

In 2024 Chris Noble made lot line adjustments to the existing "Asa Wood" property that ensured the land abutting Highway 2 met city standards by being zoned as Highway Commercial District. During adjustment, Parcel A1 was created that ended up being comprised of two separate zoning districts which complicates future development because the "identity" of the property is in question.

Conclusion: The requested zoning change conforms with current city zoning code and creates community development opportunities as stated in the goals of the Growth Policy that would be unavailable under the Residence A zoning. The zoning change would simplify development of the property and would conform to the adjacent properties to the West that extends from Highway 2 going North up Commerce Way all the way through to the former bowling alley property. Code compliance will be maintained with multiple safeguards such as any building permit requiring a floodplain permit prior to any construction, any building permit requiring the setbacks and parking requirements, and storm water being required to be maintained on the property. The only issue remaining after making this zoning change would be to create a Residential Business District buffer between the fully commercial and fully residential districts as recommended by city code adopted by the city council. For these reasons, I recommend approving the zoning change.

Samuel Sikes
City Administrator



City of Libby

952 E. SPRUCE | POST OFFICE BOX 1428

LIBBY, MT. 59923 | Phone 406-293-2731 | Fax 406-293-4090 | Website:

www.cityoflibby.org

MEMO

DATE: July 20, 2026
TO: Council Members
FROM: Kristin Smith, Chair, Zoning Commission
RE: Recommendation for rezoning property described as Parcel A1 of COS 5014RB

REQUEST FOR ACTION – PUBLIC HEARING

August 3, 2026

At a special meeting on Monday June 13th, the Zoning Commission, with all members present, reviewed the request submitted by Ohno, LLC to rezone a portion of the Asa Wood school property, known as Parcel A1 of Certificate of Survey 5014RB.

Members of the Public in Attendance: Peggy Williams, Barb Desch, Dolan Norman and Alene Basham.

The Asa Wood school property has been privately held for several years and is undergoing redevelopment, albeit not in a publicly planned manner. A new building has been constructed; a new road is being built to connect Nevada Ave. to US Highway 2; and the old elementary school has been demolished.

The specific parcel in question (A1) was created via *boundary line adjustment* and in doing so, created a parcel with split zoning. Half of the 4.45-acre parcel is zoned Highway Commercial. The other half is zoned Residential A.

The commission discussed the pros and cons of the request and in a 4-2 vote, recommends City Council *deny* the zoning request based on the following:

- In the Highway Commercial District, there are not very many prohibited uses; and some conditional uses that would likely not be appropriate. Once the property is zoned, all manner of use can be permitted on the property (see attached district text).
- The property is not contiguous to the Highway, which is intended to be auto oriented.
- The city has no guarantee that what will be built will be residential apartments or a senior living center – both uses that have been repeatedly identified as a need by the city and developer.

- The property can change hands without any stipulations.
- Residential Business might be more appropriate as it will accommodate more dense housing opportunities and any business (senior living center) that may want to locate in Residential Business district must be approved by Council and is subject to the Conditional Use review criteria and process.
- However, there is a gap in the City's zoning code for this kind of property and mix of uses and perhaps thinking outside the box is in order (see attached alternatives).

The applicant's representative, Tina Oliphant, was in attendance to answer questions. The applicants do not have an overall development plan to envision the build-out and anticipated mix of uses and are seeking the change for marketing purposes.

RECOMMENDATION

The Zoning Commission recommends City Council *deny* the request to re-zone half the property described as Parcel A1 of COS 5014RB from Residential A to Highway Commercial and remand it back to the Zoning Commission for consideration of a more suitable zoning district.

We encourage council to read all the materials thoroughly for a robust discussion of this request on this property and its importance for appropriate infill development at the center of our community.

ATTACHMENTS

- Highway Commercial District
- Williams Comment
- Nelson Comment
- DRAFT alternatives for a transitional district.

Chapter 17.25 - HIGHWAY COMMERCIAL DISTRICT

Sections:

17.25.010 - Nonconforming rights (aka grandfather clause).

A pre-existing condition that causes nonconformance to these regulations (17.24 Downtown Business District) is considered grandfathered. Refer to 17.33 of the Libby Municipal Code.

(Ord. No. 1962, 7-20-2020)

17.25.020 - Intent.

This district is marked by the edges of the city on Highway 2 which represent the gateway to the community and should present a welcoming entrance. The purpose and intent of this district is to accommodate business opportunities that tend to be more auto-oriented than the downtown core, with an emphasis on safety (both vehicular and pedestrian) and aesthetics.

(Ord. No. 1962, 7-20-2020)

17.25.030 - Use.

Prohibited:

- A. Single-family (including manufactured and mobile homes), duplex, and tri-plex residential uses.
- B. Mobile, manufactured homes sales.
- C. Cell/wireless towers.
- D. Cemeteries.
- E. Crematoriums.
- F. Commercial storage units as primary use.
- G. Correctional facilities.
- H. Fuels storage, bulk.
- I. Inpatient or emergency health care facilities (excluding urgent care facilities).
- J. Kennels.

Conditional:

- A.

Multi-family. Multi-family structures are permitted in the Highway Commercial District only when the first floor is restricted to commercial uses ancillary and complementary to residential uses, i.e., coffee shops, restaurant, laundry, salons, etc.

B. Auto Repair. Auto repair facilities are permitted in the Highway Commercial District when the following conditions are met:

1. Areas for the temporary parking of cars waiting service shall be located in the rear of the building. When the rear of the building is not available, the parking area shall be screened at seventy percent (70%) opacity.
2. Service bays shall be designed so as to approach from the side of the building; or when located on a corner lot, from the lower classification street.

C. ~~Adult Use or Medical Marijuana Dispensary.~~

1. Window signs on marijuana dispensaries are limited to a maximum window sign coverage of twenty percent (20%) of the window area, and otherwise no window shall be covered or made opaque in any way. No security bars, metal screens, grates, or other visible security devices other than door locks and recessed or otherwise discrete security cameras are permitted on the storefront exterior unless required by state law.
2. Marijuana dispensaries must have a building façade that visually blends in with the design, style, and appearance of adjacent storefronts, including signage, security measures, and lighting, and must be reviewed and approved by the zoning commission when required.

(Ord. No. 1962, 7-20-2020; Ord. No. 2002, § 2, 5-16-2022)

17.25.040 - Setbacks (minimum).

Twenty-five (25) feet where parking is not designed for the front of the building.

Forty (40) feet where one row of parking is designed in the front of the building.

Sixty (60) feet where two rows of parking are designed in the front of the building.

On corner lots, the setback shall meet the minimum sight distance requirements as depicted in Chapter 12.40.060.

(Ord. No. 1962, 7-20-2020)

17.25.050 - Footprint.

Buildings with a proposed footprint equal to or greater than twenty thousand (20,000) square feet shall be subject to design review with the planning board at a public hearing. In addition, buildings containing more than one hundred fifty (150) linear feet of wall shall be designed with features to break up the wall

such as alcoves, atria, gables, etc.

(Ord. No. 1962, 7-20-2020)

17.25.060 - Height.

No buildings shall exceed forty-five (45) feet.

(Ord. No. 1962, 7-20-2020)

17.25.070 - Parking.

Parking lots must be paved, curbed and designed in accordance with the most current edition of the city's design and construction standards.

- A. Newly constructed buildings shall be provided with permanently maintained, on-site automobile parking facilities as described in this subsection, by Table A. Such parking facilities shall be made permanently available and maintained for parking purposes.
- B. Handicapped parking shall be provided in accordance with the city's adopted building code.

Table A	
Use	Parking Requirement (s.f. = square feet; gfa = gross floor area)
Retail or personal services	1 per 300 s.f. gfa
Manufacturing uses, research testing and processing, assembling, all industries	1 space per 2 employees on a maximum shift, but not less than 1 space for every 800 s.f. gfa
Office, medical (including but not limited to doctors, dentists, chiropractors, acupuncturists, animal hospitals and veterinarians, but not including retail medical supply where examinations are not performed)	1 per 150 s.f. gfa

Banks, financial institutions and professional offices	1 per 400 s.f. gfa
Offices not providing customer services	1 space per 4 employees, but not less than 1 per 400 s.f. gfa
Libraries, museums and art galleries	1 per 500 s.f. gfa
Mortuaries	1 per 75 s.f. gfa used for assembly
Auditoriums, theaters, churches or other places of assembly	1 per 5 seats or 40 s.f. gfa used for assembly purposes, whichever is greater
Bowling Alleys	6 spaces per alley
Golf Course	3 spaces per hole of main course
Private clubs, lodges and special centers, athletic club and similar recreational facilities	1 space per 8 seats; plus 1 space for every 100 square feet of assembly space without 1 space per 8 seats
Stadiums, special arenas and similar open assemblies	1 space per 8 seats; plus 1 space for every 100 square feet of assembly space without seats
Restaurants: Drive-in	1 space per 80 square feet of gross floor area, (minimum 10 spaces)
Restaurants: All other food and beverage establishments	A. If less than 4,000 square feet of floor area, 1 space per 100 square feet of gross floor area B. If more than 4,000 square feet of floor area, 40 spaces, plus 1 space per 200 square feet of gross floor area in excess of 4,000 square feet

Daycare	1 space per 8 adults and supervised children
Elementary and junior high schools	1 space per employee and faculty member, but not less than the assembly facility area requirement of 1 space per 4 seats
High schools and colleges	1 space for every 25 students; plus 1 space for each employee and faculty member, but not less than the assembly facility area requirement of 1 space per 4 seats
Self-service storage facility	A minimum of 3 spaces accessible at all times
Bed and breakfast	2 spaces for the resident family or manager, 1 space per room rented and 1 space for each 2 outside employees per maximum shift
Hotels, motels and cabins	1 space per guestroom or suite; plus 1 space for every 2 employees per maximum shift
Service stations	3 spaces per service bay
Multi-family dwelling	2 spaces per dwelling unit, plus 1 guest space for each 3 units
Elderly housing projects (where 90 percent of the units are occupied by persons 60 years of age or over)	1 space per dwelling or lodging unit

C. Stall Size.

1. All parking stalls must be striped.
- 2.

A minimum of seventy percent (70%) of the required parking stalls shall have a minimum length and width of nineteen (19) feet and nine feet, respectively, except that any space adjacent to a wall shall have a minimum width of 9.5 feet.

D. Mixed-use Occupancies and Joint Use of Parking.

1. The total on-site parking spaces required on any property when more than one class of use is proposed (for either the same property or within the same occupancy) shall be equal to the sum of the spaces required in this title for each of such separate classes of use.
2. A conditional use permit may be granted to reduce the required parking for mixed-use occupancies (i.e., a joint use of parking), based upon submission of enforceable documents guaranteeing that the uses will be operating during mutually exclusive hours, and upon such other circumstances or criteria as the planning board, or city council on appeal, may require.
3. The planning board or city council shall consider the following when evaluating joint use parking applications:
 - a. The nature and location within the development of the proposed uses, as well as their size compared to that of the overall development.
 - b. Assurances as to the non-overlapping nature of the non-retail and retail peak-activity periods.
 - c. The provision of peak-hour parking beyond the property boundaries.
 - d. The location and adequacy of the parking in the particular portion of the development wherein joint use of parking is proposed.

(Ord. No. 1962, 7-20-2020)

17.25.075 - Loading/unloading.

- A. In the construction of any building in the district, satisfactory facilities must be provided for loading and unloading at the rear entrance.
- B. New curb-cuts on Highway 2 must be permitted by MDT.

(Ord. No. 1962, 7-20-2020)

Editor's note— Ord. No. 1962, adopted July 20, 2020, set out provisions intended for use as § 17.25.070. For purposes of classification, and at the editor's discretion, these provisions have been included as § 17.25.075.

17.25.080 - Construction.

All construction shall be in accordance with the city's adopted building code.

(Ord. No. 1962, 7-20-2020)

17.25.090 - Other permits.

Applicants must have approval from all other relevant agencies as pertains to the particular use, i.e., environmental health, Secretary of State, Department of Revenue, Montana Department of Transportation, etc.

(Ord. No. 1962, 7-20-2020)

17.25.100 - Signs.

Reserved.

(Ord. No. 1962, 7-20-2020)

17.25.110 - Vacant lots.

Vacant lots may be used for lawns, gardens, tennis courts, playgrounds and other recreational facilities, or paved parking lots; and shall be maintained and kept free of weeds.

(Ord. No. 1962, 7-20-2020)

Editor's note— Ord. No. 1962, adopted July 20, 2020, set out provisions intended for use as § 17.25.150. For purposes of classification, and at the editor's discretion, these provisions have been included as § 17.25.110.

Peggy Williams, 1103 Utah Avenue.

This body needs to consider a separate zoning district for the Asa Wood property taking into consideration the unique potential of both the established residential neighborhoods and commercial development in which it sits. Rather than trying to force this property into an existing zoning classification that was never designed for a site with these unique characteristics, recognize the opportunity to create a framework that better serves everyone involved.

None of the existing zoning districts fit the unique characteristics and development potential of the property. The surrounding residents, the wider community and the property developer deserve better than trying to fit a square peg into a round hole.

As for setting a precedent, that should be viewed as a positive outcome. Should another large parcel present itself, in the future, that property too deserves a look at its best use based on its unique fit in the community. Zoning is a guidance and should be fluid enough to benefit developers and community.

You only get one opportunity to get this right. The developer deserves to benefit from his investment. The community deserves a well thought out zoning district that addresses the unique opportunities this property presents.

You only get one opportunity to get this right. Both the developer and community will lose if you get it wrong. Both will bear the consequences for decades to come.

Concerns regarding rezoning the Asa Wood Property Lot A1 to Highway Commercial - Jennifer Nelson – City of Libby Zoning Committee member

Point 1: This parcel does not conform to Highway Commercial intent which is stated below:

“This district is marked by the edges of the city on Highway 2 which represent the gateway to the community and should present a welcoming entrance. The purpose and intent of this district is to accommodate business opportunities that tend to be more auto-oriented than the downtown core, with an emphasis on safety (both vehicular and pedestrian) and aesthetics.”

Lot A1 is internal to the city **not contiguous to the highway corridor** and therefore does not meet the intent of highway commercial. It lies directly across 6th Street from Residential A to the north and commercial development on this lot will not be buffered in any way but instead will interface directly with Residential A zoning. Commercial development here will have undesirable impacts to residential homeowners including increased traffic, commercial lighting, noise and signage. Additional related impacts include safety concerns and lower property values.

Point 2: No control over what commercial businesses will be built. According to the developer he has no plans for the development of lot 1A, and he is requesting rezoning in order to **increase sale potential**. If rezoned to Highway Commercial this will allow for **uses that are not compatible with residential areas** including gas stations, hotels, storage units, professional buildings. If rezoned the city and local residents will not have any say in how the land is developed. **Highway commercial zoning is the least restrictive of all zoning in the city.** As noted above commercial lighting, signage, noise and traffic will impact residents. Additionally, residential views could be blocked by high buildings and fumes from restaurants, gas stations, dry cleaners and other types of businesses.

Point 3: Increased traffic from auto-oriented businesses and associated safety concerns for drivers, cyclists and pedestrians. By definition Highway commercial is auto oriented. This includes drive-thru restaurants, banks, coffee shops, etc, businesses that can generate constant traffic. If rezoned to Highway Commercial, traffic will increase on 6th Street and Highway 2. Currently the 6th Street bridge is considered unsafe due to its narrowness and limited sight distance. The bridge belongs to the county, so the city doesn't have control over its use and maintenance. In addition to increased use over the bridge, traffic will also increase on 6th Street to the east impacting traffic flows, including already identified congestion areas, the school bus stop on 6th and Idaho, the post office drive-thru at 6th and Main, and the intersection at 6th and Hwy 37 N (California Ave) which currently suffers from congestion from high volume highway traffic and drive-thru banking traffic from Glacier Bank. This intersection has also been the location of many accidents.

Many cyclists and pedestrians use 6th Street to access the west end of Libby avoiding the fast and turning traffic on Hwy 2. Increased traffic on 6th street would reduce safety for these users as well. Commercial development will also likely increase traffic on the north ends of Nevada and Idaho through residential areas funneling more traffic to 2nd Street and Hwy 37 N intersection which is already a problem.

Point 4: Need for more Highway Commercial property is unwarranted. Currently there are several pieces of property that are under development, sitting vacant or underutilized in the Highway Commercial corridor, several owned by the same developer requesting the zoning change for the Asa Wood properties. The need just isn't there for more commercial property. What is needed is housing, including senior housing.

Point 5: Libby's Growth Policy requires preservation of environmental functions of surface water and management of stormwater pg 83. The streamside zone and the known floodplain in the area needs to be considered prior to rezoning as a portion of the parcel will likely not be able to be developed or development could have negative impacts to the riparian area and the natural environment. This area floods with some regularity. Increased hard surface interception as a result of building and paving, reduced absorption and natural slope can override stormwater designs during heavy rains and floods and could very likely impact properties to the north, including directing flood water toward the lower elevation residential areas closer to the Kootenai River.

Point 6: Libby's Growth Policy supports the development of a variety of housing opportunities to meet different needs pg 73. There are limited areas within the city to develop new housing. Between the two lots that were previously Asa Wood school, there are almost 9 acres of raw land that are ideally situated for additional housing. Approximately ½ of those acres are in Parcel 1A. In addition to a variety of housing, the growth policy also addresses lack of housing, housing density, and affordable housing.

The growth policy also states as goals to **maintain the aesthetics of the traditional neighborhoods of central Libby and encourage new housing development on vacant sites, particularly within walking distance of downtown, to provide more efficient use of the land.**

Point 7: Libby's Growth Policy supports future development that reflects an efficient mix of land uses while preserving existing neighborhoods, pg 81. Including identifying, planning, zoning and, where necessary, partnering with developers to extend adequate services to infill development sites. The city is not required to grant a zoning change because the developer wants it or needs it for a better return on investment. The developer purchased the land in question in May of 2026, aware of the current zoning. The city needs to consider what is best for its residents when considering zoning changes, not what is best for the landowner.

Commercial property is available along the Highway Commercial corridor, and a brand-new light industrial park is being developed by the same developer south of town. Commercial property is not lacking in and around Libby.

Numerous conversations have surrounded the need for senior housing, affordable housing and multiple family dwellings in Libby. No other buildable site in Libby provides access to services as does the former Asa Wood School site. Within three blocks of the property, there is walkable access to banking, groceries and other shopping, physical therapy and fitness gym, the local library and post office, the courthouse, places of worship, cinema, hair and nail salons, laundromat, parks, restaurants and bars. This location is ideal to help meet the walkability goal that is also part of the growth policy.

Growth policy data show that 52% of the population of Libby is 45 years of age or older. People 65 years and older represent 23% of the population and has shown a 3% increase in the last decade. Libby is a town of retirees. The city has the opportunity to influence the development of this property to provide necessary housing for seniors. Providing a senior living option improves the available housing stock in two ways – providing new housing and getting the homes of people that are ready to downsize out into the housing market for new buyers.

With both former Asa Wood parcels 1A and B, the city currently may have the opportunity to partner with the developer to create needed housing, without negative impacts to current residences. This was discussed at the last zoning board meeting and this avenue needs to be explored before commercializing our residential areas and eliminating opportunities for needed housing takes place. Other town and cities have done this to provide facilities and services for their residents when need arise. We know that Immanuel Lutheran Living has expressed interest in having a facility in Libby. As was requested in the past, such a facility could be approved through a conditional use permit.

MEMORANDUM: Proposal for a New "Transition" Zoning District

TO: City of Libby Zoning Commission

FROM: Jaden Ueland

DATE: April 1, 2026

RE: Establishing a "Professional Office & Residential Transition" (PRT) District

1. THE CHALLENGE: The "Zoning Gap"

Libby currently lacks a "middle-ground" zone between high-density **Commercial** (retail/noise/traffic) and low-density **Residential A** (single-family homes). When large, unique parcels become available—such as former institutional or industrial sites—forcing them into existing zones often leads to "spot zoning" or developments that don't fit the neighborhood.

2. THE PROPOSAL: The PRT District (General Applicability)

I am proposing we draft a new district for our zoning toolbox: the **Professional Office & Residential Transition (PRT) District**. This would be a "floating zone" that could be applied to any large parcel (2+ acres) that sits as a buffer between residential areas and busier corridors.

3. CORE USES (The "Professional Campus" Model)

The goal is to attract high-value, low-impact tenants that operate primarily during daylight hours:

- **Professional Services:** Law firms, accounting, engineering, and architects.
- **Healthcare:** Dentist offices, eye doctors, physical therapy, and medical clinics.
- **Creative Spaces:** Art studios, photography, and "maker spaces."
- **Housing Solutions:** Multi-family apartments and Senior/Assisted Living facilities.

4. WHY THIS WORKS FOR LIBBY (The "Big Picture")

- **Economic Growth:** It prioritizes "white-collar" jobs and healthcare services identified as needs in the **2023 Growth Policy**.
- **Neighborhood Protection:** By prohibiting loud retail, 24-hour gas stations, and outdoor storage, we protect the property values of surrounding homeowners.
- **Infill Strategy:** It encourages the redevelopment of empty "brownfield" or "institutional" sites inside city limits rather than pushing growth into the outskirts.

5. "GOOD NEIGHBOR" STANDARDS (Built-in Rules)

Any property rezoned to **PRT** would automatically be held to higher design standards:

- **Landscaped Buffers:** Minimum 20-foot "green strip" wherever the zone touches a residential lot.
- **Architectural Harmony:** Buildings must use "residential-scale" materials (stone, wood-look, gabled roofs) to blend in.
- **Dark Sky Lighting:** Mandatory downward-shielded lighting to prevent light pollution for neighbors.
- **Low-Profile Signage:** No tall pole signs; only ground-level "monument" signs (max 5-6ft).

6. LEGAL STANDING

By creating the **PRT District** as a general ordinance, we avoid "Contract Zoning." We are providing a clear, predictable path for *any* developer who wants to build high-quality, professional mixed-use projects in Libby.

Discussion Goal: *To direct staff to draft language for a PRT District that balances professional economic development with neighborhood character.*

BOARD STRATEGY: PROPOSED MODELS FOR A "TRANSITION" DISTRICT

TO: Libby Zoning Commission FROM: Jaden Ueland

MODEL 1: The Office Park & Residential Transition (OP-RT)

The Concept: A "Professional Campus" designed specifically for clean, quiet business uses that border residential backyards.

- **Why it works for Libby:** It solves the "Identity Crisis" of large lots. Neighbors often fear "Commercial" zoning because it implies neon signs and late-night traffic. This zone uses the **Residential** label in its name to signal a commitment to the neighborhood's quiet character.
 - **What it Includes:**
 - **The "Unity of Title" Rule:** This is the anchor. It mandates that the entire parcel (e.g., 7 acres) must be developed under one cohesive management plan. This prevents the land from being "sliced and diced" into tiny, mismatched lots that could eventually house low-quality uses.
 - **Daytime-Only Activity:** Focuses on appointment-based businesses (Dentists, Eye Doctors, Lawyers) that operate 8 AM–5 PM.
 - **The "Pitch":** *"We aren't creating a strip mall; we are creating a quiet professional park that 'goes to sleep' at 5:00 PM just like the rest of the neighborhood."*
-

MODEL 2: The Planned Development District (PDD)

The Concept: A negotiated "Contract-Style" zone where the Board and the Private Owner agree on a custom Master Site Plan.

- **Why it works for Libby:** It gives the Board **Ultimate Control**. Instead of giving a developer a "blank check" of rights, the developer must show exactly where every building, parking spot, and tree will go *before* the zone is granted.
- **What it Includes:**
 - **Custom Layouts:** It allows for a "Mixed-Use" design where higher-density Assisted Living or Apartments are placed in the center, using the Professional Offices as a "noise shield" against the main road.
 - **Negotiated Public Benefits:** In exchange for the rezoning, the Board can require the owner to include "Community Wins," such as a paved walking path connecting to city sidewalks or specific "Lodge-Style" architecture.
- **The "Pitch":** *"This model lets us say 'Yes' to the jobs and housing Libby needs while keeping our hands on the steering wheel of the design."*

MODEL 3: The Infill Employment District (IED)

The Concept: A zone dedicated to "Clean Employment" and "Live-Work" spaces to grow Libby's tax base from the inside out.

- **Why it works for Libby:** It directly fulfills the **2023 Growth Policy**. Libby needs "White Collar" jobs (Healthcare, Tech, Creative). This zone creates a "District of General Applicability" that can be used for any old industrial or institutional site in town, showing the state that Libby is pro-business and pro-infill.
 - **What it Includes:**
 - **The "Professional Only" List:** Strictly limits uses to Healthcare, Legal, Tech, and Art Studios. It explicitly **prohibits** outdoor storage, auto repair, and high-traffic retail.
 - **Live-Work Integration:** Allows for apartments to be built on the same site as the offices, providing "Workforce Housing" for the very professionals working in the buildings.
 - **The "Pitch":** *"This is an economic engine. We are turning empty dirt into a high-value workplace that brings professionals—and their tax dollars—into the city limits."*
-

MANDATORY "GOOD NEIGHBOR" STANDARDS (The Fine Print)

Regardless of which model we choose, the following "Teeth" should be written into the law:

1. **20ft Green Buffers:** Mandatory landscaping/fencing whenever a business lot touches a residential lot.
 2. **Dark Sky Compliance:** All parking lot lights must be "fully shielded" and point downward.
 3. **Monument Signage:** No tall "lollipop" signs; only ground-level signs (max 6ft) made of wood or stone.
 4. **Underground Utilities:** All new infrastructure must be buried to maintain the neighborhood's aesthetics.
-

Response to the Planning Committee's Recommendation to Deny Ohno, LLC's Zoning Change Request

Property	2.23-acre portion of Parcel A1 (Certificate of Survey 5014RB)
Application	Request to rezone from Residential A to Highway Commercial
Date	August 3, 2026

The following comments respond to the Libby Planning Committee's July 20, 2026 memorandum and supporting materials recommending denial of Ohno, LLC's request to rezone approximately 2.23 acres of Parcel A1 in the Flower Creek Development from Residential A to Highway Commercial. See attached map.

1. The request extends existing Highway Commercial zoning; it does not create a new commercial island.

Parcel A1 contains approximately 2.22 acres of Highway Commercial zoning and 2.23 acres of Residential A zoning. The request would eliminate the split zoning that divides a single redevelopment parcel. This parcel configuration was created to establish lots and provide access from the newly permitted Nevada Avenue, supporting coordinated future development.

The absence of direct U.S. Highway 2 frontage for the 2.23-acre portion should not be controlling. Parcel A1 should be evaluated as a whole, considering its existing Highway Commercial frontage, relationship to adjoining development, access, infrastructure, surrounding uses, and redevelopment suitability. The surrounding development includes 11 lots on Sixth Street and Commerce Way that likewise do not front Highway 2. See attached map.

Applying one zoning district across Parcel A1 would promote orderly development by allowing access, utilities, parking, drainage, and internal circulation to be planned together.

2. Parcel B now provides much of the transition the Committee identified as necessary.

Parcel B has been approved for Residential Business zoning, materially changing the land-use pattern surrounding Parcel A1. Residential Business provides an intermediate designation between more intensive development and nearby residential areas. The configuration of Parcels A1 and B was developed around the newly permitted Nevada Avenue, which separates the two parcels.

3. Highway Commercial zoning does not provide unrestricted development authority.

The Highway Commercial District identifies prohibited uses and subjects certain uses, including multifamily development, automobile repair, and marijuana dispensaries, to conditional review. For multifamily development, "first-floor uses are restricted to those uses that are ancillary and complementary to the residential use." The district also establishes minimum setbacks, a 45-foot maximum building height, paved parking and loading standards, design review for buildings of 20,000 square feet or more, and other applicable agency approvals.

Approval of a zoning change does not approve a building, driveway, parking layout, lighting plan, stormwater system, grading plan, or final use. Each of those elements remains subject to permitting, engineering, fire, stormwater, and other applicable agency review.

4. A committed buyer or final site plan is not required to evaluate a zoning request.

Zoning decisions establish the long-term range of appropriate uses for property; they do not require a committed or guaranteed immediate end user.

No available zoning designation can guarantee senior housing, apartments, or any other preferred use by the Committee. The relevant question is whether Highway Commercial is an appropriate long-term designation for the entire parcel, considering its split zoning, access, infrastructure, surrounding districts, and redevelopment role.

5. Traffic and access concerns should be evaluated using technical evidence.

Concerns regarding the Sixth Street bridge, Nevada Avenue, Glacier Bank traffic, pedestrian and bicycle safety, and reported accidents merit review. However, the Committee's discussions did not cite traffic counts, crash data, or a traffic analysis. In a subsequent conversation, the manager of Glacier Bank, whose location had been identified as a traffic concern, reported no known traffic problems or incident issues associated with the location. This anecdotal information does not replace technical analysis; it underscores the importance of relying on objective evidence rather than unsupported assumptions.

Traffic and access impacts should be evaluated by qualified professionals using the actual access plan and a reasonable development scenario. Any identified impacts can then be addressed through specific improvements as part of future development review.

Under subdivision regulations, streets and sidewalks are evaluated by the City Planner before subdivision approval. Required sidewalks would improve pedestrian safety and provide a more defined route through the area. The former elementary school generated concentrated traffic from bus circulation and parent pickup and drop-off activity. Future redevelopment provides an opportunity to design access and circulation consistent with current site conditions and applicable standards.

6. Floodplain, drainage, and stormwater requirements remain subject to separate review.

A zoning change does not approve grading, paving, building placement, drainage facilities, or landscaping. Any applicable floodplain, riparian, stormwater, or drainage requirements would continue to apply whether the property is zoned Residential A, Highway Commercial, or another designation.

7. The Growth Policy should be considered as a whole.

Housing supply and neighborhood protection are important. As detailed in the application, the Growth Policy also supports redevelopment of vacant and underutilized sites, infill development, efficient land use, and extension of services to infill locations.

Existing development review standards, including access controls, setbacks, buffering, lighting, parking, drainage, and site-design requirements, can protect nearby residences while allowing viable reuse of a large, vacant former school property that historically generated concentrated traffic.

8. A possible future transition district is not a currently adopted zoning alternative.

A future zoning district intended to address gaps in the current zoning framework may warrant separate consideration, but it has not been adopted. It has no final use list, dimensional standards, design standards, adoption schedule, or assurance that Parcel A1 would qualify.

The City Council should evaluate the request under the City's adopted zoning framework, not deny it in anticipation of a hypothetical future district for this 2.23-acre area.

9. The applicant's other holdings and investment objectives are not land-use findings.

Other properties owned by the applicant, acquisition timing, marketing objectives, and return on investment do not determine Parcel A1's suitability for Highway Commercial zoning. The decision should rest on the parcel's characteristics and applicable land-use criteria.

Conclusion

The requested zoning change would unify Highway Commercial zoning across a single redevelopment parcel. Residential Business zoning on Parcel B provides an intermediate transition, while existing development review standards continue to govern access, traffic, drainage, lighting, buffering, parking, and site design.

Accordingly, Ohno, LLC respectfully requests that the City Council evaluate and approve the application under the City's currently adopted zoning framework.

Comments on the Attached Map

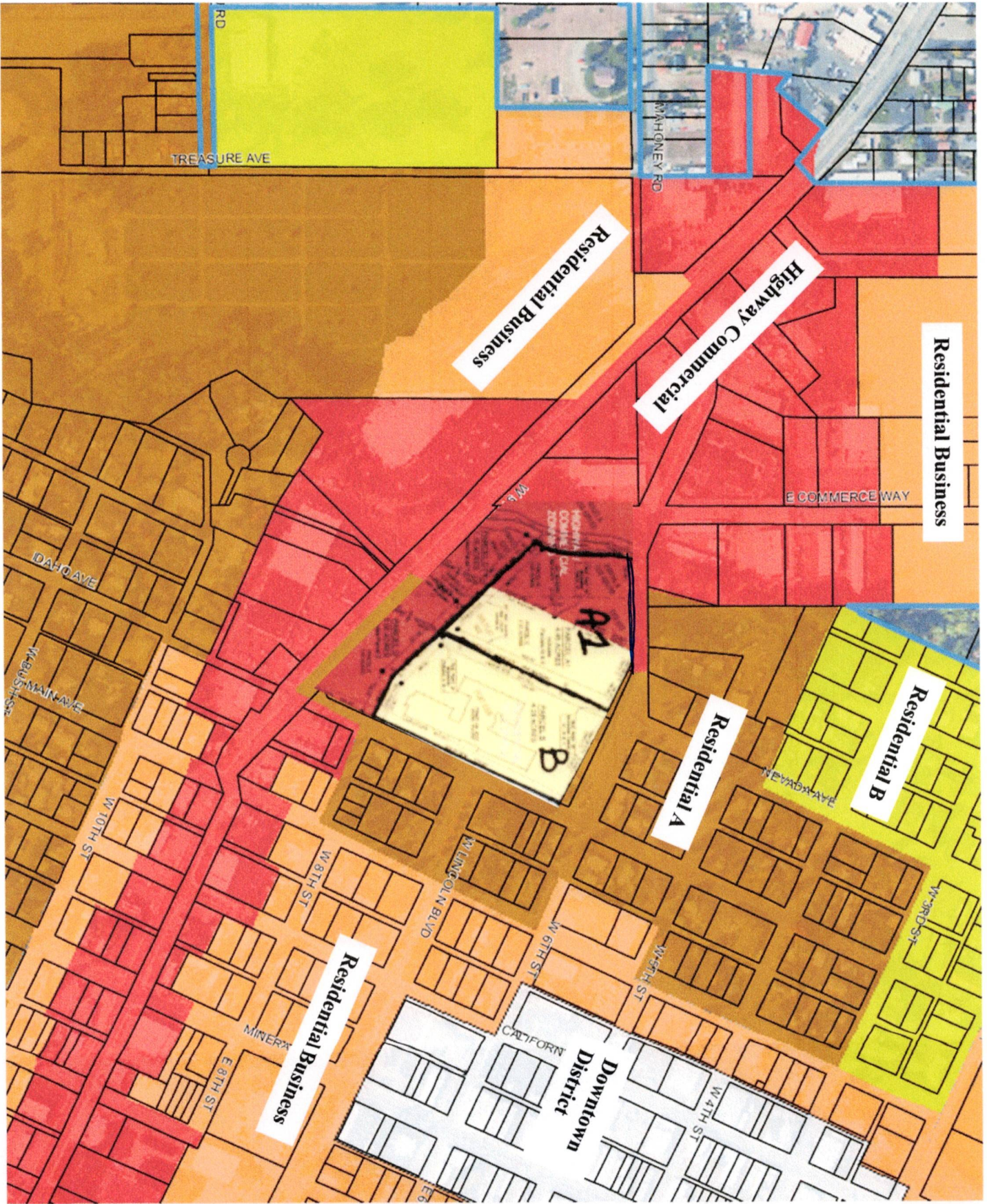
The map reflects the zoning of contiguous and nearby properties, as identified by the City Manager.

The requested zoning change is consistent with the zoning of multiple nearby lots, including properties along Sixth Street and Commerce Way.

The subject properties are shaded pale yellow.

Parcel B: The pale-yellow area identified as Parcel B was initially approved by the Planning Committee and City Council for Residential Business zoning.

Parcel A1: An application was submitted to rezone approximately 2.23 acres of the 4.45-acre parcel from Residential A to Highway Commercial. The Planning Committee subsequently recommended denial of the request.



Residential Business

Highway Commercial

Residential Business

Residential B

Residential A

Residential Business

Downtown District

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

DAHO AVE

NEVADA AVE

W 10TH ST

W 8TH ST

W 6TH ST

W 4TH ST

CALIFORNIA

MINERVA

E 8TH ST

W 3RD ST

W 5TH ST

W 6TH ST

W 6TH ST

W 8TH ST

W 10TH ST

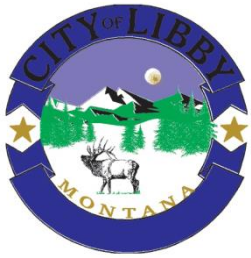
DAHO AVE

NEVADA AVE

TREASURE AVE

E COMMERCE WAY

</



CITY OF LIBBY
952 E. SPRUCE | POST OFFICE BOX 1428
PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: www.cityoflibby.com

NOTICE OF PUBLIC HEARING

AUGUST 3, 2026 @ 7:00PM
COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Welcome

NEW BUSINESS: Each new agenda item will be introduced by the mayor (or assigned liaison) with a description of the item and explanation for the recommended action. Following council discussion on each item will be an opportunity for public comment prior to any action taken. **Public comment is limited to 3 minutes concerning the agenda item being discussed only.**

The Libby City Council will accept public comment regarding Zoning changes to Parcel B of the Asa Wood property changing from Residential A to Residential Business.

GENERAL COMMENTS FROM COUNCIL:

ADJOURNMENT:

Notes:

The manner of Addressing Council:

- Each person, not a Council member shall address the Council at the time designated in the agenda or as directed by the Council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, unless further time is granted by the Council, **shall limit the address to the Council to three minutes.**
- All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff with no personal remarks allowed.
- No person, other than the Council and the person having the floor, shall be permitted to enter any discussion either directly or through a member of the Council, without the permission of the Presiding Officer.
- Any person making personal, impertinent, or slanderous remarks or who shall become boisterous or disruptive during the council meeting shall be forthwith barred from further presentation to the council by the presiding officer unless permission to continue by granted by a majority vote of the council.

ATTENTION:

To access this meeting electronically with ZOOM,
Dial: 253-215-8782
Meeting ID: 4042719951
Password: 151041

Posted: 7/16/24

Public Notice

The City Council will be holding two Public Hearings on Monday, August 3rd, 2026, in the Council Chambers of City Hall during the 7:00 pm council meeting to consider rezoning Asa Wood property parcel B from Residential A to Residential Business and a portion of parcel A1 from Residential A to Highway Commercial.

For further information on the actions to be taken or to submit comments, contact the City Administrator at 293-1278, city.admin@cityoflibby.com, or stop by City Hall at 952 E. Spruce St.

Publish on July 17

This is an advertisement for a debt and any information obtained will be used for that purpose.

Dated this 30th day of June, 2026. Jason J. Henderson Substitute Trustee 38 2nd Avenue East Dickinson, ND 58601 Telephone: 801-355-2886 Office Hours: Mon.-Fri., 8AM-5PM (MST) File No. MT23765

PUBLISHED IN The Western News July 17, 24 & 31, 2026. MNAXLP

NOTICE OF SALE BY SEALED BID

The Lincoln County Port Authority is accepting sealed bids for the sale of the following vehicle:

2023 Chevrolet Tahoe
Style: LL
Color: Silver
Odometer: Approximately 53,336 miles
VIN: 1GNSKMKD6PR284791

The vehicle may be inspected by appointment. For additional information or to schedule an inspection, contact Jennifer Brown at (406) 405-9338 or email jenbrown@libby.org

Sealed bids must be RECEIVED no later than 12:00 p.m. on August 14, 2026. Please include name, phone number, and bid amount.

Mail bids to:

Lincoln County Port Authority
P.O. Box 1071
Libby, MT 59923

Hand-delivered bids will be accepted by appointment. Contact Jennifer Brown at (406) 405-9338 to arrange delivery.

The outside of the envelope must be clearly marked:

"SEALED BID - TAHOE"

The vehicle is being sold AS IS, WHERE IS, with no warranties expressed or implied.

Bids will be opened on August 17, 2026, at the Lincoln County Port Authority Board Meeting at 512 California Ave. Libby, MT, at 3:30 p.m. or as soon thereafter as possible.

The Lincoln County Port Authority reserves the right to reject any or all bids, waive formalities, and accept the bid deemed to be in the best interest of the Lincoln County Port Authority. Sale is subject to a reserve.

DATED July 10, 2026.

TRICIA BROOKS
Clerk of District Court

By s/Amanda Eckart
Deputy Clerk of Court

PUBLISHED IN The Western News July 17, 24, 31 and August 7, 2026. MNAXLP

Public Notice

The City Council will be holding two Public Hearings on Monday, August 3rd, 2026, in the Council Chambers of City Hall during the 7:00 pm council meeting to consider rezoning Asa Wood property parcel B from Residential A to Residential Business and a portion of parcel A1 from Residential A to Highway Commercial.

For further information on the actions to be taken or to submit comments, contact the City Administrator at 293-1278, city.admin@cityoflibby.com, or stop by City Hall at 952 E. Spruce St.

PUBLISHED IN The Western News July 17, 2026. MNAXLP

Chuck Wall
TURNAGE & WALL LAW
Attorneys at Law
312 First St. East
Polson, MT 59860
Telephone: 406-883-5367
ChuckWall@TurnageWallLaw.com

MONTANA NINETEENTH
JUDICIAL DISTRICT COURT,
LINCOLN COUNTY

IN THE MATTER OF THE
ESTATE OF:

JOHN EVERETT HYSLOP,
Deceased.

Cause No.: DP-27-2026-118

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed as PERSONAL REPRESENTATIVE of the above-entitled estate, and that the address of the PERSONAL REPRESENTATIVE is set forth below.

All creditors of the decedent having claims against the decedent's estate must present their claims within four (4) months after the date of the first publication of this Notice, or be forever barred as creditors of the decedent.

You have been diagnosed with an asbesto or it may be something you have been living diagnosed through a screening program or wondering how to obtain the recommended place far from home, making continued care your diagnosis for some time, you may face o provider, the closure of a medical facility, or a be closer to family. In any of these situations, ensure you continue receiving the care and su

The first step is to advocate for yourself from While it is natural to feel emotional about a se information and staying focused on the facts o more effectively. Take the time to obtain all re persistence. These records may include physic pulmonary function tests, and other diagnosti general medical records from the past several asbestos-related disease. Many health conditio

To a complete medical picture is valuable for o Talk with your primary care provider about specialist, especially if your provider has limite Pulmonologists and Occupational Medicine p with these conditions, although experience lev research can be beneficial. Look for medical ce occupational and environmental exposure-rela support organizations maintain lists of experie would like a second opinion or confirmation o are often excellent resources. Before scheduling coverage, including any benefits available thro or VA healthcare programs. Confirming covera and allow you to focus on your care.

As you move forward, it is helpful to be aw related diseases can sometimes be associated w encounter differing perspectives or opinions. S medical information can help you make confid Fortunately, there is a wealth of information av journal articles discuss asbestos types, exposur considerations. While some articles may be hig and families who want to learn more. The more will be to participate in healthcare decisions an

If you find a medical article that seems part consider bringing a copy to your appointment. engaged patients and are open to discussing cre care. While every provider is different, sharing productive conversations and a deeper understa

Most importantly, remember that support a



City of Libby Libby Montana

www.cityoflibby.com

PO Box 1428
952 E. Spruce Street
Libby MT, 59923
(406) 293-2731
Fax (406) 293-4090

From: Samuel Sikes, City Administrator

21 July 2026

To: Mayor and Council Members

Subject: REZONING OF PARCEL B OF COS 5014RB

Attached is the complete packet for the August 3, 2026, Public Hearing and Council decision on the rezoning request from Ohno LLC for rezoning parcel B from Residential A to Residential Business.

ENCLOSURES

Map of parcels A1 and B with surrounding current zoning districts.

Email chain concerning rezoning.

Advertisement Notice in Western News

Agenda for August 3, 2026, Public Hearing

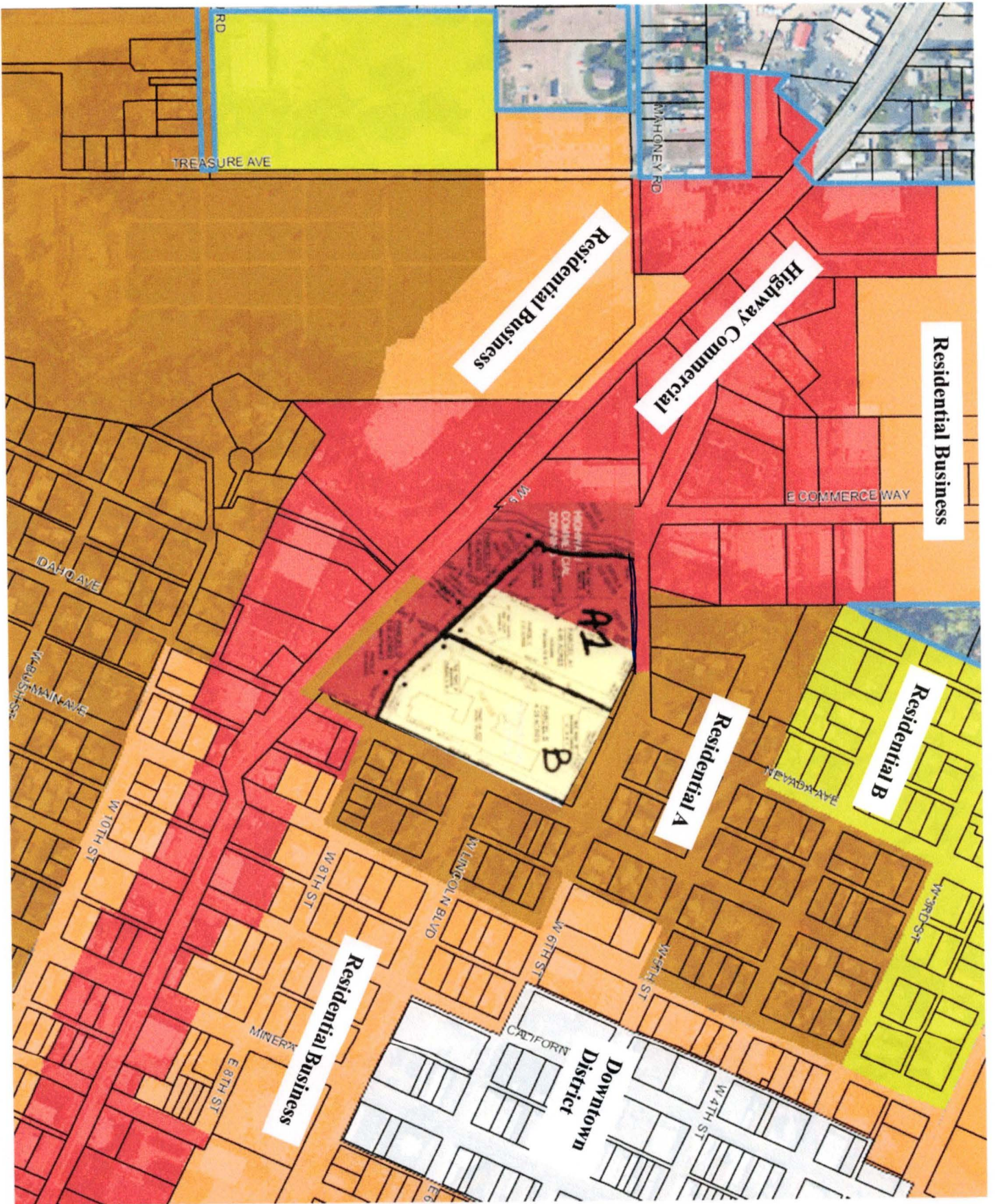
Applicants petition for rezoning.

City Administrator recommendation letter.

Zoning Commission recommendation letter.

A Public Hearing for the rezoning was advertised for August 3, 2026. The City Council Agenda for August 3rd will reflect that there will be a Public Hearing for Parcel B during the regular council meeting followed directly by a council decision. The rezoning of Parcel B was approved by the city council on July 6, 2026. However, it was discovered after the fact, that city code requires a public hearing to be held prior to making a decision. With this information, and in consultation with the city attorney, it was decided that the best practice would be to hold a public hearing and once again vote on the property. Please reach out with any questions or concerns.

Samuel Earl Sikes
City Administrator



From: city.admin@cityoflibby.com
To: city.admin@cityoflibby.com
Subject: FW: Rezoning of Asa Wood properties - failure to hold public hearings
Date: Tuesday, July 21, 2026 3:07:41 PM

From: Dean Chisholm
Sent: Friday, July 10, 2026 11:13 AM
To: Jennifer Nelson
Cc: Samuel Sikes, Hugh Taylor
Subject: Re: Rezoning of Asa Wood properties - failure to hold public hearings

Hi all,

It seem like noticing it up for a hearing before the council will do the trick.

Thanks,

Dean

Dean Chisholm
dean@chisholmlawfirm.com
Chisholm & Chisholm, PC
PO BOX 2034
Columbia Falls, MT 59912-2034
406-892-4356

On Jul 9, 2026, at 2:05 PM, Jennifer Nelson wrote:

Hi Sam,

Because I have made the very same mistake, I am responding to your email. MCA Title 76 Chapter 25 only applies to municipalities over 5,000 people. That information can be found in the first section 76-25-105 which I have attached below which is part of the Montana Land Use Planning Act. I believe in the case of Libby Title 76 Chapter 2 is still the MCA for cities under 5000 people. But I am not sure of that and that is why we have an attorney, right? At least our ordinance is clear.

Jennifer

Applicability And Compliance

76-25-105. Applicability and compliance. (1) A municipality with a population at or exceeding 5,000 located within a county with a population at or exceeding 70,000 in the most recent decennial census shall comply with the provisions of this chapter.

(2) (a) Except as provided in subsection (2)(b), any municipality that meets the population thresholds of subsection (1) on May 17, 2023, shall comply with the provisions of this chapter within 3 years of May 17, 2023.

(b) A municipality that has adopted a growth policy within 5 years prior to May 17, 2023, shall comply with the provisions of this chapter within 5 years of the date that the growth policy was adopted or within the deadline established in subsection (2)(a), whichever occurs later.

(c) A municipality that meets the population thresholds of subsection (1) on any decennial census completed after May 17, 2023, shall comply with the provisions of this chapter by December 31 of the third year after the date of the decennial census.

(3) (a) A local government that is not required to comply with the provisions of this chapter may decide to comply with the provisions of this chapter by an affirmative vote of the local governing body. After an affirmative vote, the governing body shall comply with the provisions of this chapter by December 31 of the fifth year after the date of the vote.

(b) A local government that votes pursuant to subsection (3)(a) to comply with the provisions of this chapter may subsequently decide to not comply with the provisions of this chapter by an affirmative vote.

(4) A local government that complies with this chapter is not subject to any provision of Title 76, chapters 1, 2, 3, or 8.

History: En. Sec. 5, Ch. 500, L. 2023.

From: city.admin@cityoflibby.com **Sent:** Wednesday, July 8, 2026 2:59 PM

To: 'Libby - Hugh Taylor' <mayor@cityoflibby.com>; 'Dean Chisholm' <dean@chisholmlawfirm.com>

Cc: 'Mark Andreasen' 'Gail 'Bobbi McCanse' 'Jaden Ueland' 'Kristin Smith' Jennifer Nelson ; 'Gary Beach'

Subject: RE: Rezoning of Asa Wood properties - failure to hold public hearings

Hugh and Dean,

I went over the MCAs and city ordinances, see attached, and make the following conclusions and recommendation.

I find that MCA 76-25-304 requires that a planning commission provide public notice and participation, accept, consider, and respond to public comment, make a preliminary determination, etc. MCA 76-25-106 listed under providing public

notice and participation, requires a “public meeting after effective notice.” I find that the commission met this requirement.

I find that MCA 76-25-304 requires that the governing body shall consider each zoning regulation, map, or amendment that the planning commission recommends to the governing body. The MCA, states that the governing body may adopt, adopt with revisions the governing body considers appropriate, or reject the zoning after providing public notice and participation in accordance with [76-25-106](#), among other requirements. Again, the public notice for the city council is a “public meeting after effective notice.” I find that the city council met this requirement.

I find that city ordinances contain different rules from the MCAs that are more stringent . City ordinance 17.37.030 requires that the planning board hold a public meeting prior to making a recommendation; which was met by the commission. City ordinance 17.37.040 requires that a public hearing be held by the city council with a minimum of 15-days’ notice prior to the meeting. I find that the city did not meet this requirement.

Libby’s past and best practices is to follow the zoning ordinances; in this case requiring a public hearing with the proper 15-day advertisement period. This process was followed when lot line adjustments were previously made on the same “Asa Wood” property.

In sticking with Libby’s best practices, I recommend that a public hearing be held on the rezoning of parcel B with a new resolution being adopted following the city’s ordinances. I recommend this to be transparent with our residents and to adhere to city policy. Since parcel A1 will be going through the same process, with the public hearing and proper notice, Noble excavating will be minimally affected. In other words, I recommend we run the rezoning process concurrently with both parcels A1 and B to ensure that we get this right. I also recommend that Dean be brought in to give his legal opinion on the matter at hand.

Respectfully submitted,

Samuel Sikes

City Administrator

952 E. Spruce St./PO Box 1428

Libby MT, 59923

Office: (406) 293-2731 x 4102

Cell: (406)293-1278

city.admin@cityoflibby.com

From: Kristin Smith

Sent: Wednesday, July 8, 2026 12:10 PM

To: Jennifer Nelson <

Cc: 'Mark Andreasen' >; 'Gail Burger' >; 'Bobbi McCanse' >; 'Jaden Ueland' >; 'Mayor' <mayor@cityoflibby.com>; 'City Administrator' <city.admin@cityoflibby.com>

Subject: Re: Rezoning of Asa Wood properties - failure to hold public hearings

76-2 Part 3 does not appear to require the Zoning Commission to hold a public hearing, only that one be held before changes are made.

Kristin Smith, Chair
Planning Board / Zoning Commission
City of Libby

On 2026-07-08 12:04, Jennifer Nelson wrote:

Sam checked the Highway Commercial that we did in '24 on the same property. The council did conduct a public hearing. So between a public meeting at Zoning and public hearing at council, that one is probably okay.

From: Jennifer Nelson

Sent: Wednesday, July 8, 2026 11:23 AM

To: 'Kristin Smith' >; Mark Andreasen <

Cc: 'Gail Burger' <'Bobbi McCanse'>; 'Jaden Ueland' <Mayor <mayor@cityoflibby.com>; City Administrator <city.admin@cityoflibby.com>

Subject: RE: Rezoning of Asa Wood properties - failure to hold public hearings

It is confusing, because the MCA says hearing for both, but the ordinance does say "meeting" . Maybe Dean could weigh-in on this matter? Sounds like a legal question.

Jennifer

From: Kristin Smith >

Sent: Wednesday, July 8, 2026 11:18 AM

To: Mark Andreasen <

Cc: Jennifer Nelson >; 'Gail Burger' <'Bobbi McCanse' <'Jaden Ueland' >; Mayor <mayor@cityoflibby.com>; City Administrator <city.admin@cityoflibby.com>

Subject: Re: Rezoning of Asa Wood properties - failure to hold public hearings

Actually, it appears the Zoning Commission (the chapter refers to the Planning

Board) only needs to hold a public meeting - which we did, duly noticed. City Council holds the public hearing for zoning changes.

-K

Kristin Smith, Chair
Planning Board / Zoning Commission
City of Libby

On 2026-07-07 21:04, Mark Andreasen wrote:

Very good, Jennifer.

This is a positive step for rezoning Parcel A. I've attached a map of Lot A with boundary lines that align with our proposed rezoning, using Flower Creek as the east-west dividing line. The area west of Flower Creek would remain Highway Commercial, while the area east of Flower Creek would be rezoned Residential Business.

I agree that public input is important, as several residences may be affected by this change. With a public meeting planned, I feel we should hold off on making a formal recommendation until we've gathered all necessary feedback and ensured we've covered all our bases. Once that process is complete, we'll be in a better position to make a well-supported recommendation to council.

Mark
At Large Zoning Commission Member

From: Jennifer Nelson <>
Sent: Tuesday, July 7, 2026 4:19 PM
To: 'Mark Andreasen' <>; 'Gail Burger' <>; 'Bobbi McCanse' <'Jaden Ueland' <>; 'Kristin Smith' <>; 'Hugh Taylor)' <'Sam Sikes' <
<city.admin@cityoflibby.com>; 'deputy admin' <>; Dean Chisholm <>
Subject: Rezoning of Asa Wood properties - failure to hold public hearings

Hello All,

It has been discovered that we have neglected to follow state law and city ordinance regard the rezoning request of the Asa Wood

properties. The zoning commission is required to hold a public hearing regarding the rezoning prior to voting and making a recommendation to the city. This omission followed through to the city council's adoption of the zoning commission's recommendation at last night's council meeting. State law and city ordinance requires that two separate public meeting be posted and held. The zoning commission must have a public hearing prior to voting and, likewise, the City Council is required to hold a public hearing to allow the public to voice support or opposition prior to deciding to make any changes to zoning. Below is the link to the city ordinance that addresses the procedure.

https://library.municode.com/mt/libby/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.37AMCH

Not sure how this gets corrected, but there must be a mechanism. I think the important thing is that we recognize and acknowledge the failure and move forward to make it right.

Jennifer Nelson

Zoning Commission member



CITY OF LIBBY

952 E SPRUCE | POST OFFICE BOX 1428, LIBBY MT, 59923

PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: www.cityoflibby.com

PETITION FOR ANNEXATION AND INITIAL ZONING

Project Name
Flower Creek Development- Parcel B

Property Address 600 West 8th Street, Libby, MT 59923

NAME OF APPLICANT
Ohno, LLC

Applicant Phone
406.293.1053

Applicant Address
PO Box 1592, 108 J Effar Road

City, State, Zip
Libby, MT 59923

Applicant Email Address
cnoble@nobleexcavating.com

If not current owner, please attach a letter from the current owner authorizing the applicant to proceed with the application.

OWNER OF RECORD
Ohno, LLC

Owner Phone
406.293.1053

Owner Address
PO Box 1592, 108 J Effar Road

City, State, Zip
Libby, MT 59923

Owner Email Address
cnoble@nobleexcavating.com

CONSULTANT (ARCHITECT/ENGINEER)
Andy Evensen, PE
Evensen Engineering & Consulting, Inc.

Phone
406-885-4064

Address
3674 Foothill Road

City, State, Zip
Kalispell, MT 59901

Email Address
andy@eecivil.com

Address

City, State, Zip

Email Address

List **ALL** owners (any individual or other entity with an ownership interest in the property):

No other owners

Legal Description (please provide a full legal description for the property and attach a copy of the most recent deed):

See attached legal description and deed

Please initial here indicating that you have verified the description with the Lincoln County Clerk and Recorder and that the description provided is in a form acceptable to record at their office.

1. Land in project (acres) 4.28 acres
2. Current estimated market value 900,000.00
Estimated market value of proposed development at 50% build out \$1,40,000.00
Estimated market value of proposed development at 100% build out \$1,800,00.00

3. Is there a Rural Fire Dept RSID or Bond on this property? Yes ___ No x
If yes, remaining balance is: \$ _____

4. Present zoning of property Residential A
5. Proposed zoning of property Residential Business

6. State the changed or changing conditions that make the annexation necessary:

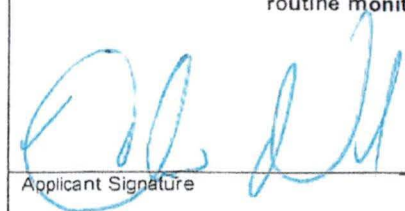
The property is progressing through engineering and site development planning to support opportunities for professional office space and higher-density residential uses that transition between HWY Commercial and Residential.

WILL THE PROPOSED ZONING DISTRICT ACCOMPLISH THE INTENT AND PURPOSE OF (attach separate sheet w/ answers):

See attached

- a. Promoting the Growth Policy
- b. Lessening congestion in the streets and providing safe access
- c. Promoting safety from fire, panic and other dangers
- d. Promoting the public interest, health, comfort, convenience, safety and general welfare
- e. Preventing the overcrowding of land
- f. Avoiding undue concentration of population
- g. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities
- h. Giving reasonable consideration to the character of the district
- i. Giving consideration to the peculiar suitability of the property for particular uses
- j. Protecting and conserving the value of buildings
- k. Encouraging the most appropriate use of land by assuring orderly growth

 I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the Kalispell City staff to be present on the property for routine monitoring and inspection during the approval and development process.


Applicant Signature

6/1/2026
Date

HOW WILL THE PROPOSED ZONING DISTRICT ACCOMPLISH THE INTENT AND PURPOSE OF RESIDENTIAL BUSINESS ZONING:

The requested change in zoning from Residence A to Residential Business District for the 4.28-acre subject property, identified as Parcel B, will allow the site — including vacant and underutilized areas and the shuttered school building — to advance as a redevelopment opportunity that is more responsive to current needs and more consistent with neighboring development patterns. The requested district is intended as a transition between residential areas and more active corridors by allowing residential uses and, where separately approved, low-impact non-retail business uses that remain compatible with nearby residential properties.

Engineering work is under way for access and utilities serving the subject parcel so that future development can proceed in an orderly manner and in compliance with applicable city requirements.

Responses to Application Narrative:

a. Promoting the Growth Policy.

The requested rezoning supports redevelopment of vacant and underutilized property, encourages infill and efficient land use, and creates a path for reuse of an existing site within the community. To the extent the January 2023 Growth Policy encourages redevelopment of vacant buildings and sites, investment in underutilized land, efficient land use, and provision of needed services, this request is consistent with those objectives.

Specific Growth Policy Citations:

- i. Promote redevelopment of and use of vacant buildings and sites. (E-6)
- ii. Opportunity to Increase number of workers in sectors currently lacking in the community such as health care (E-7).
- iii. Facilitate redevelopment and encourage development of blighted vacant or undeveloped land (L-1)
- iv. Encourage infill and efficient land use (L-6)

b. Lessening congestion in the streets and providing safe access.

Ingress and egress to the property are designed in coordination with the newly permitted Highway 2 access and with a second connection through Nevada Avenue/ 6th Street. The dual access points, and coordinated infrastructure design will help distribute traffic safely and reduce the risk of concentrated congestion at a single point of entry. Any future site development is required to obtain public works/engineering approval.

The former elementary school use generated heavier traffic demands, including bus circulation and parent pickup activity. The existing 12-foot pickup lane, running along Idaho between Highway 2 and 6th Street, was developed to accommodate that

historical use, and future redevelopment provides an opportunity to address traffic circulation in a manner more consistent with current site needs.

c. Promoting safety from fire, panic and other dangers

Future development of the property will comply with applicable zoning, building, fire, and public safety requirements. Site design will include required setbacks, emergency access, and utility planning, and all construction will be required to comply with the city's adopted building code and other applicable development standards.

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

The requested zoning change promotes the public interest by creating a reasonable transition district for a property that is no longer functioning in its prior use and is suited for orderly redevelopment. The Residential Business District allows residential uses and opportunities for compatible low-impact, non-retail business uses only where separately approved, which helps protect nearby residential properties while also supporting reinvestment, services, and employment opportunities. Parking, lighting, traffic circulation, and other site improvements will be required to comply with city standards.

e. Preventing the overcrowding of land.

The proposed zoning will not remove the requirement that future development comply with applicable lot, setback, parking, building, and site design standards. Development of the property will be limited by the dimensional and performance standards that apply to the district, and any future use will be subject to review for compliance with those standards.

f. Avoiding undue concentration of population

The requested rezoning does not authorize an intensity of use beyond what is permitted by the zoning ordinance and later site-specific approvals. Residential development, if proposed, will remain subject to applicable zoning and building requirements, and any business use in the district must be separately reviewed and approved as a low-impact, non-retail use. This structure helps avoid undue concentration of population or activity while allowing appropriate reuse of the site.

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

Utility easements and the road access must be built to city standards, with the understanding that roads may be annexed by the City at a later date. Engineering reviewed by the City of Libby and the contracted City Planner and Engineer includes design for roadway improvements, sidewalks, street lighting, and city utilities to support

future development. These improvements will help ensure that transportation and utility infrastructure are adequate for the property's future use.

h. Giving reasonable consideration to the character of the district

The property has historically contained an elementary school, which created traffic circulation patterns and on-site access improvements different from a typical single-family residential lot. The requested Residential Business District is appropriate because it is intended to serve as a transition between residential areas and more active areas, rather than as a purely commercial district and serve . Future development under this zoning will be expected to respect neighboring residential uses through appropriate building scale, site design, landscaping, lighting, parking layout, signage, and visual compatibility. Any future business use would require separate approval and would be evaluated with special consideration given to visual impact on neighboring residential uses.

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

The site includes vacant or underutilized land together with a shuttered school building, and is situated in a location where coordinated access and infrastructure planning can support redevelopment more effectively than an isolated site with limited infrastructure coordination. These site characteristics and infrastructure investment make the property suitable for a transition district that can accommodate residential use and, where specifically approved, low-impact non-retail business uses. The requested zoning therefore recognizes the particular circumstances of property history while still preserving compatibility safeguards for surrounding residential areas.

j. Protecting and conserving the value of buildings.

The existing building has been evaluated in connection with Brownfield review and cleanup efforts, and redevelopment included the lawful disposition of the structure. The requested rezoning supports reinvestment in a currently underutilized property and helps prevent continued decline of the site. Redevelopment of vacant land and reuse or lawful disposition of the existing building can protect surrounding property values by replacing long-term vacancy and uncertainty with a regulated path for improvement.

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

The requested rezoning encourages the most appropriate use of the land by allowing the property to transition from a site associated with a former institutional use to a district that better fits its present conditions and position for future redevelopment potential. The rezoning will allow planning for access, utilities, circulation, and site design to proceed in an orderly way and will ensure that future uses remain subject to the city's zoning, building, and permitting requirements. This supports orderly growth, coordinated infrastructure, and compatibility with the surrounding area.

After recording, please return to:
Law Office of J. Tiffin Hall
P.O. Box 2109
Eureka, MT 59917
(406) 297-7026

319102 BOOK: 413 RECORDS PAGE: 320 Pages: 2
STATE OF MONTANA LINCOLN COUNTY
RECORDED: 01/05/2026 11:12 KOI: DEED
CORRINA BROWN CLERK AND RECORDER
FEE: \$30.00 BY: J. Tiffin Hall
FOR: J. TIFFIN HALL PO BOX 2109, EUREKA, MONTANA 59917

QUITCLAIM DEED

FOR VFLTJE RECEIVED, Playa Duke Montana, LLC, of 200 South 3rd Street Suite 108, Grover Beach, CA 93433 ("Grantor"), does hereby convey, release, remise and forever quitclaim unto Ohno, LLC of 140 Antler Ridge Road, Libby, MT 59923 ("Grantee"), all interest it may have in the following described property in Lincoln County, Montana:

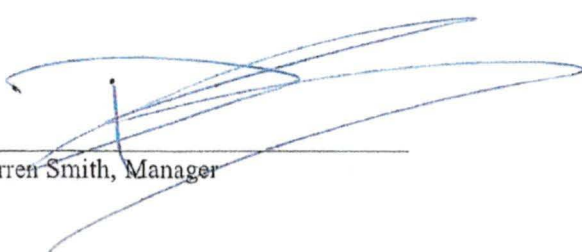
An irregular tract of land, lying in the city limits of Libby, Montana, Lincoln County, NW1/4 NW1/4SW1/4, Section 3, T30N, R31W, P.M.M., MT and more particularly described as Parcel B of COS No. 5014RB.

SUBJECT TO covenants, restrictions, provisions, easements and encumbrances of record.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee.

DATED this 1st day of December, 2025.

PLAYA DULCE MONTANA, LLC



Darren Smith, Manager

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Luis Obispo)

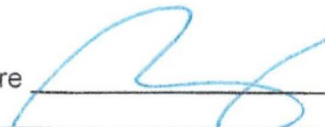
On 12-26-2025 before me, Tricia Martinez, Notary Public
(insert name and title of the officer)

personally appeared Darren Smith,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

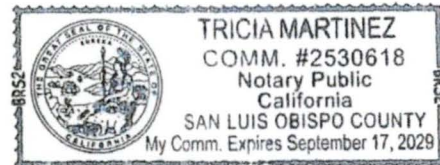
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



Comments to the Attached Survey

Parcel B:

The request is to rezone the 4.28 acres from Residential A to Residential Business.

CERTIFICATE OF SURVEY

BOUNDARY LINE ADJUSTMENT

PARCELS A & C, COS No. 4951RB, PLAT No. 656, AND PLAT No. 2206 in the
NE1/4 SE1/4, SECTION 4 and NW1/4 SW1/4, SECTION 3, T.30N., R.31W., P.M., MT., LINCOLN COUNTY, MONTANA
FOR: NOBLE INVESTMENT PROPERTIES, LLC & PLAYA DULCE MONTANA, LLC DATE: FEBRUARY, 2024

BOUNDARY ADJUSTMENT NOTE

The area that is being removed from one tract of record and joined with another tract of record is not a tract of record. Said area shall not be available as a reference legal description in any subsequent real property transfer after the initial transfer associated with this plat on which said area is described, unless said area is included with or excluded from adjoining tracts of record.

SYMBOL LEGEND

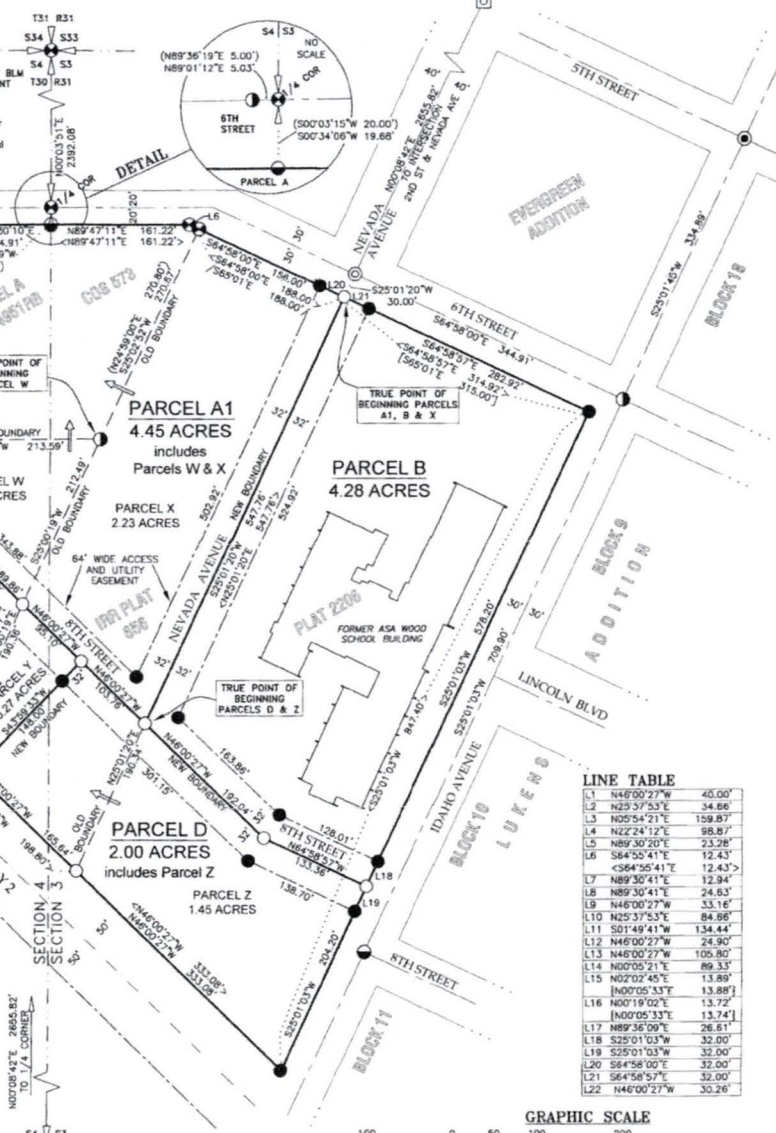
- SECTION CORNER AS NOTED
- 1/4 CORNER - 3.25 INCH DIAMETER ALUMINUM CAPPED MONUMENT
- 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED KED, 49755
- 1/2 INCH DIAMETER UNCAPPED REBAR
- 3/4 INCH DIAMETER STEEL ROD
- PK NAIL
- 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED JHN, 48615
- 5/8 INCH DIAMETER REBAR WITH ILLEGIBLE CAP
- 5/8 INCH DIAMETER UNCAPPED REBAR
- 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED SANDERSON, 70400LS
- SET 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED SANDERSON, 70400LS
- UNMARKED COMPUTED POINT
- WC WITNESS CORNER
- () COS No. 573, RECORD
- [] COS No. 2637, RECORD
- [] PLAT No. 2206, RECORD
- // PLAT No. 656, RECORD
- <> COS No. 4951RB, RECORD
- BOUNDARY LINES
- OLD BOUNDARY LINE
- ADJOINING BOUNDARIES
- RIGHT-OF-WAY LIMIT
- SECTION SUBDIVISION LINE
- CENTERLINE OF ROAD
- TOP OF STREAM BANK
- DIMENSION LINE

LINE LEGEND

- BOUNDARY LINES
- OLD BOUNDARY LINE
- ADJOINING BOUNDARIES
- RIGHT-OF-WAY LIMIT
- SECTION SUBDIVISION LINE
- CENTERLINE OF ROAD
- TOP OF STREAM BANK
- DIMENSION LINE

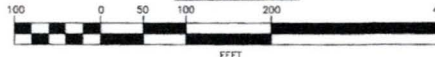
KSI

LAND SURVEYING - AERIAL DATA COLLECTION - GEOSPATIAL CONTROL
LIBBY, MONTANA (406)293-4354



LINE TABLE	
L1	N46°00'27"W 40.00'
L2	N25°37'53"E 34.86'
L3	N05°54'21"E 159.87'
L4	N22°24'12"E 98.87'
L5	N89°30'20"E 23.28'
L6	S64°55'41"E 12.43'
L7	S84°55'41"E 12.43'
L8	N89°30'41"E 12.94'
L9	N89°30'41"E 24.63'
L10	N46°00'27"W 33.16'
L11	N25°37'53"E 84.86'
L12	S01°49'41"W 134.44'
L13	N46°00'27"W 24.90'
L14	N46°00'27"W 105.80'
L15	N07°05'21"E 89.33'
L16	N07°05'21"E 13.88'
L17	N07°05'21"E 13.72'
L18	N07°05'21"E 13.74'
L19	N89°30'20"E 26.61'
L20	N25°37'53"E 32.00'
L21	S25°01'03"W 32.00'
L22	S64°58'00"E 32.00'
L23	N46°00'27"W 30.26'

GRAPHIC SCALE



PURPOSE OF SURVEY AND OWNER'S EXEMPTION

CERTIFICATION
We, Noble Investment Properties, LLC, Representative, & Playa Dulce Montana, LLC, Representative, record owners, hereby certify that the purpose of this survey is the relocation of common boundaries pursuant to MCA 76-3-207(a): "divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties". I further certify that Parcels A1, B, C1, and D are exempt from annotation review by the Department of Environmental Quality pursuant to ARM 17.36.605(2)(b): "a parcel that has a previous approval issued under Title 76, chapter 4, part 1, MCA, if: (i) no facilities other than those previously approved exist or will be constructed on the parcel, and (ii) the division of land will not cause approved facilities to operate in violation of the conditions of approval, in violation of 76-4-130, MCA."

By Noble Investment Properties, LLC, Representative 2-22-2024
By Playa Dulce Montana, LLC, Representative 3-1-24

ACKNOWLEDGMENT

The foregoing Exemptions were subscribed and acknowledged before me a Notary Public for the State of Montana County of Lincoln by Noble Investment Properties, LLC, Representative, Chris Noble, member on this 22nd day of February, 2024, in witness whereof, I have hereunto set my hand and affixed my notarial seal. Shirley M. Wolcott Notary Public for the State of Montana My Commission Expires September 17, 2027

ACKNOWLEDGMENT

The foregoing Exemptions were subscribed and acknowledged before me a Notary Public for the State of California County of San Luis Obispo by Playa Dulce Montana, LLC, Representative on this 1st day of March, 2024, in witness whereof, I have hereunto set my hand and affixed my notarial seal. Armando Grande My Commission Expires 6-22-2026

BASIS OF BEARING

The basis of bearing for this survey is N00°09'37"W between the northeast corner of COS No. 2637, a found 5/8 inch diameter rebar with plastic cap marked DAVIS, 49755 and the southeast corner of COS No. 2637, a found 5/8 inch diameter rebar with plastic cap marked DAVIS, 49755, as derived from a survey grade Trimble R10-2 GNSS system calibrated to True North. Angular variation between this survey and COS No. 2637 is 0°15'10".

METHOD OF SURVEY

A Trimble R10 Model 2 GNSS System was used to tie previously set controlling corners and road alignments by Cole Williamson, April, 2023.

HISTORY OF SURVEYS

1955 - Plat No. 2206, Ira G. Miller, 4025
1960 - Plat No. 656, Jack Nineman, 534ES
1977 - COS No. 573, Boundary Location for Conveyance, Jack H. Nineman, 46615
1998 - COS No. 2637, Retraction Survey, Kenneth E. Davis, 49755
2023 - COS No. 4951RB, Boundary Line Adjustment, Byron Sanderson, 70400LS

LAND SURVEYOR'S CERTIFICATION

I hereby certify that I am a Registered Land Surveyor in the State of Montana, that the survey shown on this "Certificate of Survey" has been prepared under my supervision and in accordance with the Montana Code Annotated, Sections 76-3-101 through 76-3-625, and the Lincoln County Regulations adopted pursuant thereto.

By Byron Sanderson, PLS 20700LS 2-22-24
Byron Sanderson, PLS 20700LS
EXAMINING LAND SURVEYOR'S CERTIFICATION
Examined this 22nd day of MARCH, 2024, A.D.
By Steven E. Boyer, PLS 20700LS
Steven E. Boyer, PLS 20700LS, Lincoln County Examining Land Surveyor

COUNTY TREASURER'S CERTIFICATION

I hereby certify that all real property taxes and special assessments assessed and levied on the parcel shown herein are paid pursuant to Section 76-3-207(3), MCA.
By Sedaris Carlsberg 3-8-2024
Lincoln County Treasurer

CLERK AND RECORDER'S CERTIFICATION

State of Montana, County of Lincoln, filed this 22 day of March, 2024, A.D. at 8:52 o'clock
By Cecilia Brown
Lincoln County Clerk and Recorder

CERTIFICATE OF SURVEY No. 501480

SHEET 1 OF 2

BOUNDARY LINE ADJUSTMENT

VICINITY MAP

HOUSTON

NO SCALE

[illegible][illegible]

CERTIFICATE OF SURVEY

BOUNDARY LINE ADJUSTMENT

PARCELS A & C, COS No. 4951RB, PLAT No. 656, AND PLAT No. 2206 in the
NE1/4 SE1/4, SECTION 4 and NW1/4 SW1/4, SECTION 3, T.30N., R.31W., P.M., MT., LINCOLN COUNTY, MONTANA
FOR: NOBLE INVESTMENT PROPERTIES, LLC & PLAYA DULCE MONTANA, LLC DATE: FEBRUARY, 2024

BOUNDARY ADJUSTMENT NOTE

The area that is being removed from one tract of record and joined with another tract of record is not a tract of record. Said area shall not be available as a reference legal description in any subsequent real property transfer after the initial transfer associated with this plat on which said area is described, unless said area is included with or excluded from adjoining tracts of record.

SYMBOL LEGEND

- SECTION CORNER - AS NOTED
- 1/4 CORNER - 3.25 INCH DIAMETER ALUMINUM CAPPED MONUMENT
- 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED KED, 4975S
- 1/2 INCH DIAMETER UNCAPPED REBAR
- 3/4 INCH DIAMETER STEEL ROD
- PK NAIL
- 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED JHN, 4661S
- 5/8 INCH DIAMETER REBAR WITH ILLEGIBLE CAP
- 5/8 INCH DIAMETER UNCAPPED REBAR
- 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED SANDERSON, 70400LS
- SET 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED SANDERSON, 70400LS
- UNMARKED COMPUTED POINT
- WC WITNESS CORNER
- () COS No. 573, RECORD
- [] COS No. 2637, RECORD
- [] PLAT No. 2206, RECORD
- // PLAT No. 656, RECORD
- < > COS No. 4951RB, RECORD

LINE LEGEND

- BOUNDARY LINES
- OLD BOUNDARY LINE
- ADJOINING BOUNDARIES
- RIGHT-OF-WAY LIMIT
- SECTION SUBDIVISION LINE
- CENTERLINE OF ROAD
- TOP OF STREAM BANK
- DIMENSION LINE

PURPOSE OF SURVEY AND OWNER'S EXEMPTION CERTIFICATION

We, Noble Investment Properties, LLC Representative, & Playa Dulce Montana, LLC Representative, record owners, hereby certify that the purpose of this survey is the relocation of common boundaries pursuant to MCA 76-3-207(a): "divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties". I further certify that Parcels A1, B, C1, and D are exempt from examination review by the Department of Environmental Quality pursuant to ARM 17.36.605(2)(b): a parcel that has a previous approval issued under Title 76, chapter 4, part 1, MCA, if: (i) no facilities other than those previously approved exist or will be constructed on the parcel, and (ii) the division of land will not cause approved facilities to develop beyond the conditions of approval, in violation of 76-4-120, MCA.

John M. Member 2-22-2024
Noble Investment Properties, LLC, Representative
John M. Member 3-1-24
Playa Dulce Montana, LLC, Representative

ACKNOWLEDGMENT

The foregoing Exemptions were subscribed and acknowledged before me a Notary Public for the State of Montana County of Lincoln by Noble Investment Properties, LLC, Representative, Chris Noble member on this 22nd day of February, 2024, in witness whereof, I have hereunto set my hand and affixed my notarial seal.

ACKNOWLEDGMENT

The foregoing Exemptions were subscribed and acknowledged before me a Notary Public for the State of California County of San Luis Obispo by Playa Dulce Montana, LLC, Representative, San Luis Obispo on this 1st day of March, 2024, in witness whereof, I have hereunto set my hand and affixed my notarial seal.

BASIS OF BEARING

The basis of bearing for this survey is N00°09'23"W between the northeast corner of COS No. 2637, a found 5/8 inch diameter rebar with plastic cap marked DAVIS, 4975S and the southeast corner of COS No. 2637, a found 5/8 inch diameter rebar with plastic cap marked DAVIS, 4975S, as derived from a survey grade Trimble R10-2 GNSS system calibrated to True North. Angular variation between this survey and COS No. 2637 is 0°15'10".

METHOD OF SURVEY

A Trimble R10 Model 2 GNSS System was used to tie previously set controlling corners and road alignments by Colin Williamson, April, 2023.

HISTORY OF SURVEYS

- 1955 - Plat No. 2206, Ira C. Miller, 402S
- 1960 - Plat No. 656, Jack Nimmerson, 534ES
- 1977 - COS No. 573, Boundary Location for Conveyance, Jack H. Nimmerson, 4661S
- 1998 - COS No. 2637, Retracement Survey, Kenneth E. Davis, 4975S
- 2023 - COS No. 4951RB, Boundary Line Adjustment, Byron Sanderson, 70400LS

LAND SURVEYOR'S CERTIFICATION

I hereby certify that I am a Registered Land Surveyor in the State of Montana, that the survey shown on this "Certificate of Survey" has been prepared under my supervision and in accordance with the Montana Code Annotated, Sections 76-3-101 through 76-3-625, and the Lincoln County Regulations adopted pursuant thereto.

Byron Sanderson 2-22-24
Byron Sanderson, PLS, 70400LS
EXAMINING LAND SURVEYOR'S CERTIFICATION
Examined by *Byron Sanderson* 2024 A.D.
Steven A. Boyer, PLS, 70400LS, Lincoln County Examining Land Surveyor

COUNTY TREASURER'S CERTIFICATION

I hereby certify that all real property taxes and special assessments assessed and levied on the parcel shown hereon are paid pursuant to Section 76-3-207(3), MCA.

Sandra Carlsberg 3-8-2024
Lincoln County Treasurer

CLERK AND RECORDER'S CERTIFICATION

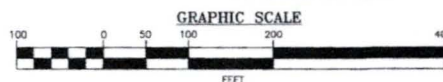
State of Montana, County of Lincoln, filed this 22 day of March, 2024 A.D. at 8:52 o'clock
Caroline Brown
Lincoln County Clerk and Recorder by *Caroline Brown* Deputy

CERTIFICATE OF SURVEY No. 501430

SHEET 1 OF 2

KSI

LAND SURVEYING - AERIAL DATA COLLECTION - GEOSPATIAL CONTROL
LIBBY, MONTANA (406)293-4354





City of Libby Libby Montana

www.cityoflibby.com

PO Box 1428
952 E. Spruce Street
Libby MT, 59923
(406) 293-2731
Fax (406) 293-4090

To: Zoning Commission

11 Mar 2026

From: Samuel Sikes, City Administrator

Subject: ZONING RECOMMENDATION ICO: FLOWER CREEK DEVELOPMENT LOT B

I have reviewed the request from Ohno LLC, Chris Noble, concerning re-zoning Parcel B of the Flower Creek Development, commonly known as the "Asa Wood" property, from Residence A District to Residential Business District, and recommend approval of the zoning change.

Background: Lot B of the "Asa Wood" property has been historically utilized as school property within the Residence A District and, since the school was constructed, numerous changes in the city zoning ordinances were adopted. In 2020 the city adopted a new Highway Commercial District to accommodate business opportunities that tend to be more auto orientated and in 2024 the city altered the zoning code to ensure that Residential Business District designations were in place to create a buffer between fully commercial and fully residential districts. In 2023 the city adopted a Growth Policy to provide guidance for Libby's future growth that, as stated on page 71, "supports and participates in economic and community development efforts to build and maintain a strong, diverse economy through new and expanded business opportunities."

In 2024 Chris Noble made lot line adjustments to the existing "Asa Wood" property that ensured the land abutting Highway 2 met city standards by being zoned as Highway Commercial District. During adjustments, Parcel A1 was created that ended up being comprised of two separate zoning districts, Highway Commercial and Residence A, and Parcel B was created that remained zoned as Residence A District. These parcels, as currently zoned, lack a buffer between fully commercial and fully residential districts as recommended by city code and adopted by the city council.

Conclusion: The requested zoning change conforms with current city zoning code and creates the recommended buffer between the Highway Commercial and Residential zoning districts. Safeguards are in place to ensure that development within Parcel B would conform to city code such as; the Board of Adjustment is required to approve any business within the district, building permits require a floodplain permit on portions of the property where required, and stormwater is required to be maintained on the property. For these reasons, I recommend approving the zoning change.

Samuel Sikes
City Administrator



City of Libby

952 E. SPRUCE | POST OFFICE BOX 1428

LIBBY, MT. 59923 | Phone 406-293-2731 | Fax 406-293-4090 | Website:

www.cityoflibby.org

MEMO

DATE: July 1, 2026
TO: Council Members
FROM: Kristin Smith, Chair, Zoning Commission
RE: Recommendation to rezone property described at Parcel B of COS 5014RB

REQUEST FOR ACTION

At its regularly scheduled meeting on Monday June 22, the Zoning Commission, with all members except Gail Burger present, reviewed the request submitted by Ohno, LLC to rezone a portion of the Asa Wood school property, known as Parcel B of Certificate of Survey 5014RB.

Generally, the Asa Wood school property has been privately held for several years now and is undergoing redevelopment. A new building has been constructed, a new road is being built to connect Nevada Ave. to US Highway 2; and on the specific parcel in question, the old elementary school has been demolished.

The commission discussed the pros and cons of the request and came to the conclusion that the parcel in question was appropriate for the rezone based on several factors:

- Idaho Street is wide, offering space between Residential A across the street
- Portions of the overall property are zoned Highway Commercial which make the Residential Business zone for Parcel B a transition zone for modestly intense uses between fully residential and fully commercial.
- Residential Business will accommodate more dense housing opportunities
- A business that may want to locate in Residential Business district must be approved by Council and are subject to the Conditional Use review criteria and process.

The applicant's representative, Tina Oliphant, was in attendance to answer questions. The commission's primary concern was the speculative nature of the request. The applicants do not have an overall development plan to envision the build out and anticipated mix of uses.

RECOMMENDATION

The Zoning Commission recommends City Council re-zone the property described as Parcel B of COS 5014RB from Residential A to Residential Business.

Response to the Planning Committee's Recommendation to Deny Ohno, LLC's Zoning Change Request

Property	2.23-acre portion of Parcel A1 (Certificate of Survey 5014RB)
Application	Request to rezone from Residential A to Highway Commercial
Date	August 3, 2026

The following comments respond to the Libby Planning Committee's July 20, 2026 memorandum and supporting materials recommending denial of Ohno, LLC's request to rezone approximately 2.23 acres of Parcel A1 in the Flower Creek Development from Residential A to Highway Commercial. See attached map.

1. The request extends existing Highway Commercial zoning; it does not create a new commercial island.

Parcel A1 contains approximately 2.22 acres of Highway Commercial zoning and 2.23 acres of Residential A zoning. The request would eliminate the split zoning that divides a single redevelopment parcel. This parcel configuration was created to establish lots and provide access from the newly permitted Nevada Avenue, supporting coordinated future development.

The absence of direct U.S. Highway 2 frontage for the 2.23-acre portion should not be controlling. Parcel A1 should be evaluated as a whole, considering its existing Highway Commercial frontage, relationship to adjoining development, access, infrastructure, surrounding uses, and redevelopment suitability. The surrounding development includes 11 lots on Sixth Street and Commerce Way that likewise do not front Highway 2. See attached map.

Applying one zoning district across Parcel A1 would promote orderly development by allowing access, utilities, parking, drainage, and internal circulation to be planned together.

2. Parcel B now provides much of the transition the Committee identified as necessary.

Parcel B has been approved for Residential Business zoning, materially changing the land-use pattern surrounding Parcel A1. Residential Business provides an intermediate designation between more intensive development and nearby residential areas. The configuration of Parcels A1 and B was developed around the newly permitted Nevada Avenue, which separates the two parcels.

3. Highway Commercial zoning does not provide unrestricted development authority.

The Highway Commercial District identifies prohibited uses and subjects certain uses, including multifamily development, automobile repair, and marijuana dispensaries, to conditional review. For multifamily development, "first-floor uses are restricted to those uses that are ancillary and complementary to the residential use." The district also establishes minimum setbacks, a 45-foot maximum building height, paved parking and loading standards, design review for buildings of 20,000 square feet or more, and other applicable agency approvals.

Approval of a zoning change does not approve a building, driveway, parking layout, lighting plan, stormwater system, grading plan, or final use. Each of those elements remains subject to permitting, engineering, fire, stormwater, and other applicable agency review.

4. A committed buyer or final site plan is not required to evaluate a zoning request.

Zoning decisions establish the long-term range of appropriate uses for property; they do not require a committed or guaranteed immediate end user.

No available zoning designation can guarantee senior housing, apartments, or any other preferred use by the Committee. The relevant question is whether Highway Commercial is an appropriate long-term designation for the entire parcel, considering its split zoning, access, infrastructure, surrounding districts, and redevelopment role.

5. Traffic and access concerns should be evaluated using technical evidence.

Concerns regarding the Sixth Street bridge, Nevada Avenue, Glacier Bank traffic, pedestrian and bicycle safety, and reported accidents merit review. However, the Committee's discussions did not cite traffic counts, crash data, or a traffic analysis. In a subsequent conversation, the manager of Glacier Bank, whose location had been identified as a traffic concern, reported no known traffic problems or incident issues associated with the location. This anecdotal information does not replace technical analysis; it underscores the importance of relying on objective evidence rather than unsupported assumptions.

Traffic and access impacts should be evaluated by qualified professionals using the actual access plan and a reasonable development scenario. Any identified impacts can then be addressed through specific improvements as part of future development review.

Under subdivision regulations, streets and sidewalks are evaluated by the City Planner before subdivision approval. Required sidewalks would improve pedestrian safety and provide a more defined route through the area. The former elementary school generated concentrated traffic from bus circulation and parent pickup and drop-off activity. Future redevelopment provides an opportunity to design access and circulation consistent with current site conditions and applicable standards.

6. Floodplain, drainage, and stormwater requirements remain subject to separate review.

A zoning change does not approve grading, paving, building placement, drainage facilities, or landscaping. Any applicable floodplain, riparian, stormwater, or drainage requirements would continue to apply whether the property is zoned Residential A, Highway Commercial, or another designation.

7. The Growth Policy should be considered as a whole.

Housing supply and neighborhood protection are important. As detailed in the application, the Growth Policy also supports redevelopment of vacant and underutilized sites, infill development, efficient land use, and extension of services to infill locations.

Existing development review standards, including access controls, setbacks, buffering, lighting, parking, drainage, and site-design requirements, can protect nearby residences while allowing viable reuse of a large, vacant former school property that historically generated concentrated traffic.

8. A possible future transition district is not a currently adopted zoning alternative.

A future zoning district intended to address gaps in the current zoning framework may warrant separate consideration, but it has not been adopted. It has no final use list, dimensional standards, design standards, adoption schedule, or assurance that Parcel A1 would qualify.

The City Council should evaluate the request under the City's adopted zoning framework, not deny it in anticipation of a hypothetical future district for this 2.23-acre area.

9. The applicant's other holdings and investment objectives are not land-use findings.

Other properties owned by the applicant, acquisition timing, marketing objectives, and return on investment do not determine Parcel A1's suitability for Highway Commercial zoning. The decision should rest on the parcel's characteristics and applicable land-use criteria.

Conclusion

The requested zoning change would unify Highway Commercial zoning across a single redevelopment parcel. Residential Business zoning on Parcel B provides an intermediate transition, while existing development review standards continue to govern access, traffic, drainage, lighting, buffering, parking, and site design.

Accordingly, Ohno, LLC respectfully requests that the City Council evaluate and approve the application under the City's currently adopted zoning framework.

Comments on the Attached Map

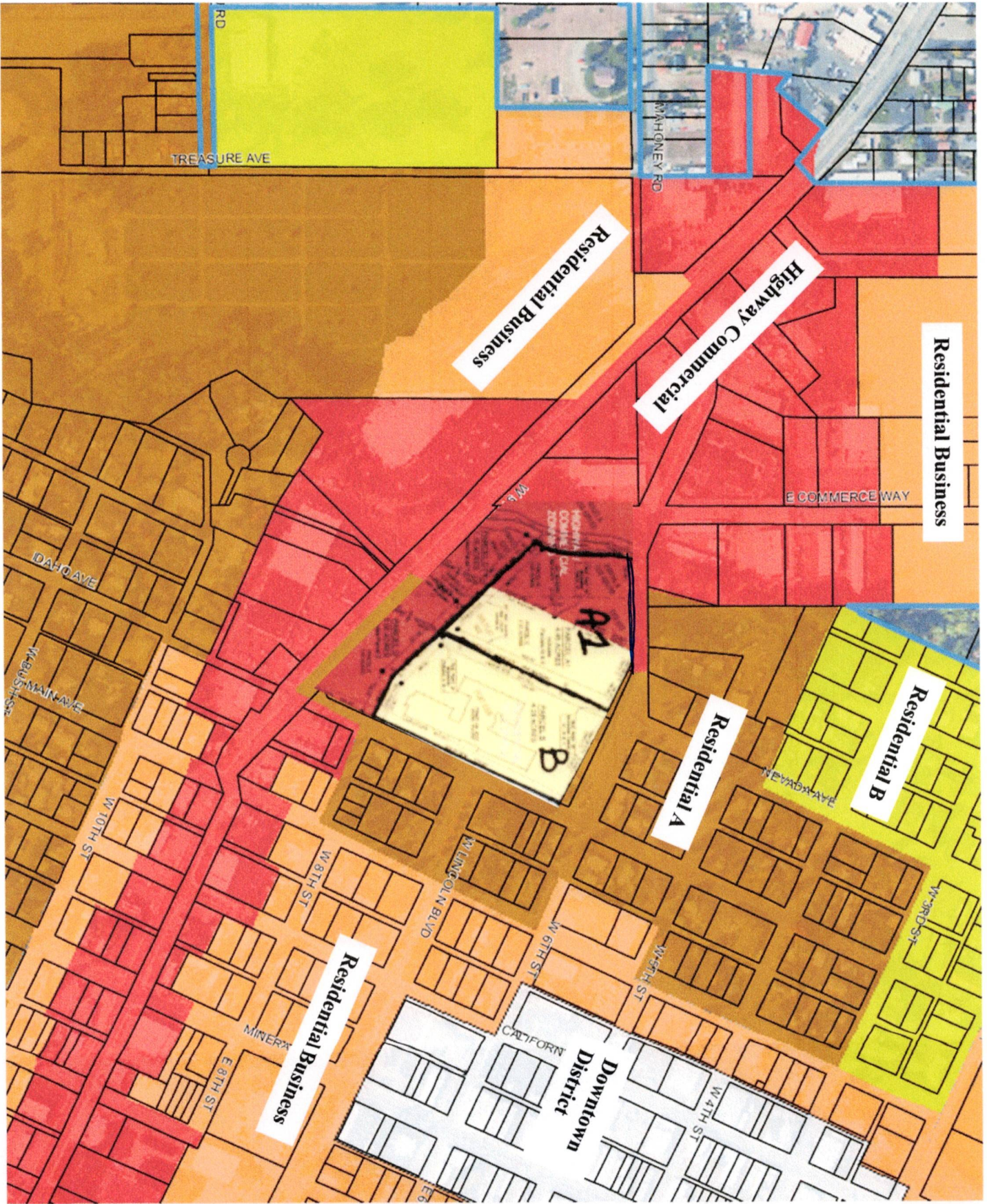
The map reflects the zoning of contiguous and nearby properties, as identified by the City Manager.

The requested zoning change is consistent with the zoning of multiple nearby lots, including properties along Sixth Street and Commerce Way.

The subject properties are shaded pale yellow.

Parcel B: The pale-yellow area identified as Parcel B was initially approved by the Planning Committee and City Council for Residential Business zoning.

Parcel A1: An application was submitted to rezone approximately 2.23 acres of the 4.45-acre parcel from Residential A to Highway Commercial. The Planning Committee subsequently recommended denial of the request.



City of Libby
Community Development Fund
Application

Application Date: 7/21/2020

Received by the City: _____

APPLICANT INFORMATION

Project Owner:

Is this a business? ☐ Sole Prop. ☐ Corporation ☐ LLC ☐ LLP ☐ Partnership

☒ Other Local Government - Volunteer Fire Dept.

If business:

Legal Business
Name _____

Year Business
Started _____

Mailing Address: _____

Physical Address: _____

Tax ID _____

Phone No.: _____

406-283-1883

Are you current on all Payroll, Income and Property Taxes?

☐ Yes ☒ No

Is your business registered with the Secretary of State?

☒ Yes ☐ No

Is your business qualified to do business in Montana?

☒ Yes ☐ No

Is the business or any members a defendant in a suit or legal action?

☐ Yes ☒ No

Has the business or any members gone through bankruptcy or has a judgment against them?

☐ Yes ☒ No

GRANT REQUEST

Short Description of the Project:

Libby Volunteer Fire Department is going to build a 30' x 34' Vintage Fire apparatus display storage building in order to preserve and display our retired 1932 Chevy and 1954 Mack trucks. We will be erecting this building in the Firemans park location that was approved by City Council on July 20th 2026. We are requesting funds from this organization to assist with providing partial funding for materials only. All labor for this project will be donated. Additional funding will be available from private donors and potential fund raisers.

Total Project Cost:

\$46,000
 \$18,000 slab - Donated by Noble
 28,000 Building materials
 10,000 Donated by Bob Pival
 10-15,000 Economic development
 All labor donated by LVFD

Amount Requested from Community Fund:

\$10,000 initially
 with a potential additional amount of \$5,000 if needed

Use of Grant Request:

Building materials - lumber, metal roofing

Everything that I/we have stated in this application is correct to the best of my/our knowledge. I/We understand that you will retain this application whether or not my/our request is approved.

Applicant Signature

Date

Applicant Signature

Date

City of Libby

From: deputy.admin@cityoflibby.com
Sent: Wednesday, July 29, 2026 9:45 AM
To: 'Clerk Treasurer'; city.admin@cityoflibby.com; Libby - Hugh Taylor
Subject: Please add to Mondays Council Agenda

Please add to Monday's agenda

Agenda Item

Authorize Great West Engineering to Prepare and Submit a Montana DNRC Renewable Resource Grant and Loan Program Technical Narrative Grant Application in the Amount of \$30,000

Proposed Project

Evaluate deficiencies in the backup power system and electrical infrastructure at the City of Libby Wastewater Treatment Facility.

Background and Need

Recent extended power outages have exposed significant limitations in the wastewater treatment facility's emergency power system.

The existing backup generator control panel is outdated, replacement parts are increasingly difficult to obtain, and the system should be evaluated for upgrades to current standards.

During a power outage, the existing generator supplies power to approximately 50 percent of the treatment facility. Several critical systems necessary to maintain treatment operations and protect the facility's microbial processes during an extended outage are not currently connected to emergency power.

Proposed Scope of Work

Great West Engineering would evaluate the existing generator, control panel, electrical distribution system, and local power infrastructure and develop recommendations for providing reliable backup power to all critical wastewater treatment systems.

The completed technical narrative would:

- Identify deficiencies in the existing emergency power system.
- Evaluate generator, control panel, and electrical infrastructure upgrade options.
- Develop preliminary cost estimates and recommended improvements.
- Supplement the City's existing Wastewater Preliminary Engineering Report.
- Support future state and federal funding applications for design and construction.

Recommended Motion

Move to authorize Great West Engineering to prepare and submit a Montana DNRC Renewable Resource Grant and Loan Program Technical Narrative Grant application for up to \$30,000 to evaluate and plan improvements to the backup power and electrical systems at the City of Libby Wastewater Treatment Facility.

Gary Beach

Deputy City Administrator - City of Libby

deputy.admin@cityoflibby.com

406(871)-9292 - Cell

406(293)-2731 - Office

