



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



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

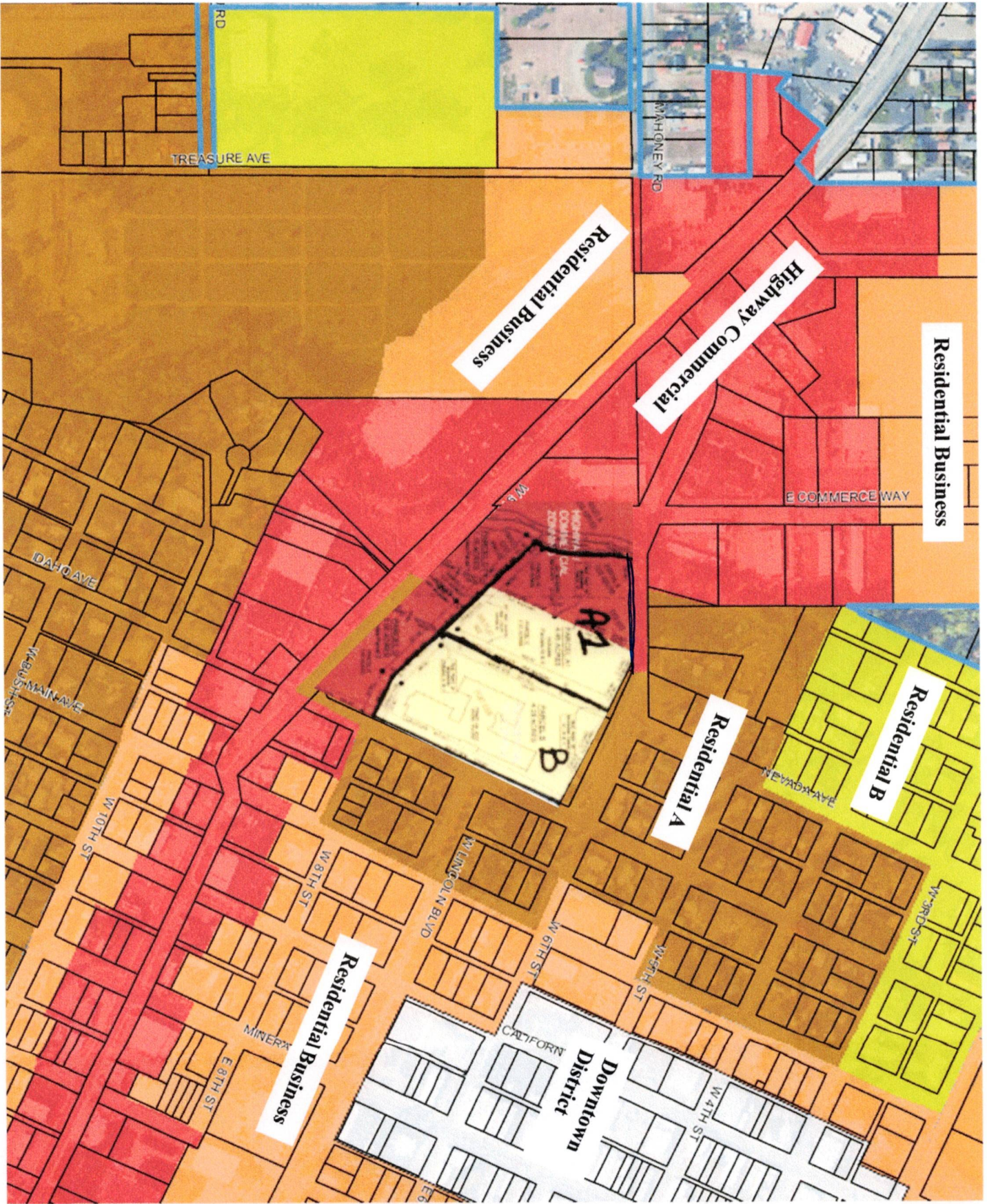
Applicants petition for rezoning.

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



Residential Business

Highway Commercial

Residential Business

Residential A

Residential B

Residential Business

Downtown District

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

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

o 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

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

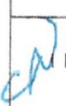
6. State the changed or changing conditions that make the annexation necessary:

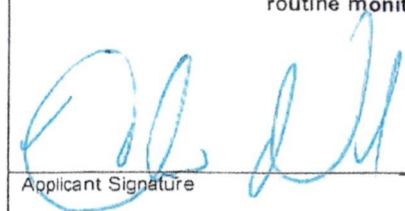
The property is progressing through engineering and site development planning to support opportunities for professional office space and higher-density residential uses that transition between HWY Commercial and Residential.

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.

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...G... I *""V
FOR: J. TIFFIN HALL PO BOX 2109, EUREKA, MONTANA 59917

QUITCLAIM DEED

FOR V<LTJE RECEIVED, Playa Duke Montan<!, LLC, of 200 South! 3th Street Suit,! io8., 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 ay 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.

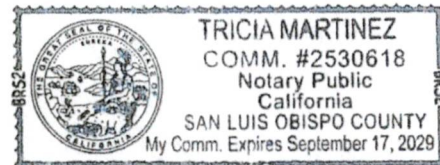
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

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.

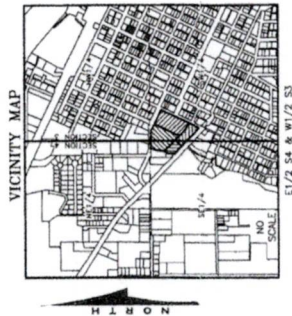
BOUNDARY LINE ADJUSTMENT

[illegible]

SHEET 1 OF 2

LIBBY, MONTANA
(606) 293-6354

BOUNDARY LINE ADJUSTMENT

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



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.