

MINUTES OF THE MEETING
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
June 14, 2022

CALL TO ORDER

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Dave Bertelsen at 3:00 p.m. in the Commission Chambers at the Civic Center

ROLL CALL & ATTENDANCE

UPDATES CONCERNING PROCESS OF MEETINGS

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), the City of Great Falls and Planning Advisory Board/Zoning Commission are making every effort to meet the requirements of open meeting laws:

- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public participation is welcome in the following ways:
 - Attend in person. Please refrain from attending in person if you are not feeling well.
 - Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, June 14, 2022 to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

Planning Board Members present:

Dave Bertelsen, Chair

Tory Mills, Vice Chair

Kelly Buschmeyer

Pat Green

Samantha Kaupish

Chuck Pankratz

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Planning Board Members absent:

Lindsey Bullock

Planning Staff Members present:

Craig Raymond, Director Planning and Community Development

Tom Micuda, Deputy Director Planning and Community Development

Jamie Nygard, Sr. Administrative Assistant

Other Staff present:

David Dennis, Deputy City Attorney

Jeff Hindoien, City Attorney

Mr. Micuda affirmed a quorum of the Board was present.

MINUTES

Chair Dave Bertelsen asked if there were any comments or corrections to the minutes of the meeting held on May 24, 2022. Seeing none, the minutes were approved.

COMMISSION ACTIONS REQUIRING A PUBLIC HEARING

First United Methodist Church “Emergency Shelter” Conditional Use Permit at 610, 618, and 622 2nd Avenue North, Great Falls, MT

Craig Raymond, Director of Planning and Community Development, presented to the Commission. He stated that the applicant, Pastor Jeff Wakeley, First United Methodist Church, submitted an application to request a Conditional Use Permit to allow an “Emergency Shelter” at the subject property. Mr. Raymond stated that in 2021 the First United Methodist Church began using their property to serve the homeless or “needy” population through meal service. The

homeless ministry expanded to include the allowance of outdoor “camping” on the property. He stated that beginning in early 2022, the City began receiving complaints regarding public nuisances on the church property as a result of the homeless presence and activity including drug/alcohol abuse, harassment of citizens, assault, etc. After several of the complaints, the City started looking at the historical use of the property and checked to see if there were any permits for an “Emergency Shelter”. There were not any permits, so the City notified the First United Methodist Church to let them know that they would need to apply for a Conditional Use Permit that would need to be approved by the City Commission.

Mr. Raymond stated that the property zoning of C-4 allows applicants to request to consider a Conditional Use Permit to operate an “Emergency Shelter”. Conditional Use Permits require the analysis of the specifics of the application and the context of its surroundings and whether proposed mitigation measures adequately address anticipated impacts in comparison to the adopted “Basis of Decision” criteria found in OCCGF 17.16.36.040.

Mr. Raymond stated that the proposed site improvements by the applicant are a sight obscuring fence at an undetermined date, tents for the homeless, a Porta-Potty, and monitoring for safety.

Mr. Raymond presented a Site Plan, Aerial Map, Zoning Map, and Site Photos.

Mr. Raymond presented the Basis of Decision: On the surface, the applicant’s conditional use is consistent with the City’s Growth Policy because it provides housing and addresses homelessness in line with the following policies.

- Soc1.4.1: Work with the private sector and non-profits to increase housing opportunities in the City
- Soc1.4.5: Continue to support the development of accessible housing units for those with physical and mental challenges and special needs, including members of the community with disabilities, etc.
- Soc1.4.9: Continue to ensure that the City promotes equal opportunity housing and access to housing for all residents is in compliance with Federal and State requirements aimed at preventing housing discrimination.
- Soc1.4.15: Expand transitional housing with supportive services benefitting the homeless and special needs population in the City.

However, the specific provision of the proposed application falls short of providing legal forms of housing and significantly impacts the surrounding community, which is inconsistent with the following recommendations of the Growth Policy.

- Soc1.1.3: Support community-wide efforts in the City to reduce crime and expand crime prevention, public safety and education efforts, including neighborhood based efforts such as Neighborhood Watch.
- Soc1.1.4: Strategically improve public safety in the Downtown, as well as other city-wide “hotspots” throughout the City.

- Soc1.4.13: Protect the character, livability and affordability of existing neighborhoods by ensuring that infill development is compatible with existing neighborhoods.

There are other criteria for Conditional Uses that must be met including:

1. The establishment, maintenance or operation of the zoning and conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.
The applicant's request is detrimental:
 - The City has received complaints of defecation/urinating in plain view and on City Rights-of-Way (sidewalks)
 - Great Falls Police Department has received approximately 95 calls for service this year to day and 92 total last year and have written 46 citations this year to date and 77 total last year and have made 15 arrests this year to date and 6 total last year. Mr. Raymond stated that there was a call on the previous weekend for people burning furniture and the Great Falls Fire Rescue was called to put the fire out.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The applicant's request creates injury:
 - Based on formal nuisance complaints, surrounding land use and enjoyment is negatively impacted unnecessarily.
 - Blight has shown to decrease property values.

Mr. Raymond stated that the recommendation from Neighborhood Council #7 on June 13, 2022, was denial of the CUP, and was voted on unanimously. He stated that every member present was concerned about taking care of the homeless, but none of them felt like the approach that was being taken by First United Methodist Church was the right approach.

Mr. Raymond stated that the City also recommends denial of the CUP, but that the City has a long history of supporting homeless efforts. He stated that in the C-4 zoning district downtown, there are three facilities currently that the City supports, and the City has continual involvement in the Continuum of Care effort in association with the Community Development Block Grant and HOME program. He stated that the City thinks that it is possible to have a homeless shelter in the zoning district and encourages the community to get together and propose a plan that would work, but stated that the proposal, as it is presented, is not something that can be supported by the City, based on the Basis of Decision and Findings of Fact.

PETITIONER'S PRESENTATION

Pastor Jeff Wakeley of First United Methodist Church, stated that the original Conditional Use Permit did not include the present encampment. The present encampment has come about because there is a need. He stated that the church has been helping people in Great Falls since

1888. He stated that he agrees with everything that was presented and knows that it is not perfect. He stated that the homeless situation at the church started in 2021 and is the direct result of the COVID Pandemic and the effect that it has had on the houseless. He stated that it is not a homeless issue, that it is a houseless issue. There is not enough housing in Great Falls. When they were giving out lunches they began to notice that people would stick around. He stated that the rule on the property, is that you cannot drink and if you do, then you are thrown off of the property. People started to sleep on the property, so they allowed people to gather and use the property. He stated that the 95 police calls to the property is localized and if the homeless residents were not there, then it would be elsewhere throughout the city.

Pastor Wakeley stated that the original application for the Conditional Use Permit, was to allow people to sleep in the parking lot, and not the tents, but it got away from them, because the need is so great. It's a place for people to stay until they get a more permanent place.

Pastor Wakeley stated that in January 2022, he invited a group of community leaders to create an Adhoc committee to talk about homelessness with the goal of building another low barrier shelter. The group has now become Housed Great Falls. The church is hoping that they will take over the running of the encampment. He stated that the encampment started before the group formed. He stated that he did not want the tents there, but they are trying to make the best of it.

Pastor Wakeley stated that things have been screwed up since the City filed a lawsuit against them. He stated that they cannot put a fence up, because they do not want to aggravate the suit against them, so their goal has been to bring the encampment under more control. He stated that it is messy, but they are hoping that Housed Great Falls, which is a non-profit organization has recently been formed for find a more permanent solution for a homeless shelter, will be stepping up.

Pastor Wakeley stated that they have allowed the encampment at the church, because that is where the homeless are gathering. He stated that instead of going to the city and putting up a fight, they are trying to minister to all of the people in the community.

Pastor Wakeley stated that their plan is to put up a fence and add security. They will continue to serve the homeless and houseless community regardless if the Conditional Use Permit is approved or not, as they are a church and people matter. He stated that there is no place for low income people to go because there is no housing in Great Falls.

Pastor Wakeley stated that he would love to get more security from the Great Falls Police Department. He is hoping that the City will give them what they need to work on and they will try and do it better. He wants the City's support.

PUBLIC QUESTIONS

None.

BOARD QUESTIONS

None.

OPPONENTS

There were 26 opponents that spoke. The key points in the opponents' testimony are listed below. For a full accounting of the entire testimony, please access the meeting video at <https://greatfallsmt.net/boc-pabzc/planning-advisory-boardzoning-commission-june-14-2022>.

1. There are needles on the ground in parking lots and sidewalks where people walk.
2. People are defecating in parking lots and sidewalks
3. At Perkins, employees need to watch the front door 24 hours a day, and people used to be able to use their restrooms and they can't allow it anymore.
4. Houses and rentals are in the community but people need to work more.
5. It is an unsafe environment for residents and business owners.
6. It is a danger to local residents.
7. Substance abuse counseling and mental health counseling need to be made available.
8. Other churches serve food to the homeless.
9. Laws are being broken. There are reports of theft, trespassing, fighting, urinating, masturbating, people having sex, prostitutes, drug dealers, and beer and food theft at local businesses.
10. People are being spit on and punches thrown.
11. Employees around the area do not feel safe. They have had their cars vandalized and their license plates stolen.
12. Employees in the area cannot walk to work anymore.
13. There is a difference between helping and enabling.
14. Neighbors can no longer be in their front yards because people from the encampment come into their yards, have had gas syphoned, and people passed out in their yards.
15. There is a problem that needs to be addressed but downtown is not the place.
16. What is the strategy of the City, as setting up tents is not the answer?
17. Dairy Queen opened their lobby with great reluctance as people from the encampment come in to clean up in their restroom and employees are scared to empty garbage cans afraid of what they might find.
18. There are Help Wanted signs all over Great Falls.
19. The encampment is an eye sore.
20. There is significantly more crime.

21. There are squatters in abandoned houses and the neighbors are scared of living in their homes.
22. People can no longer walk to the library.
23. It is a lawless zone.
24. It is a risk to public health and safety.
25. People at the encampment are there to party and there are several fights there.
26. Pastor Wakeley does not want the police involved and gives out his phone number for people to call with issues.
27. There is zero accountability and zero security.
28. Great Falls deserves better and the people staying in the encampment deserve better.
29. There needs to be help for the people that want it.
30. The community needs a long term recovery center.

The overall consensus conveyed by the opponents was that they know that there is a need to address the homeless issue, but the downtown area of Great Falls is not the place for it, and the approach that the church is taking is not the answer.

PROPOSERS

There were 20 proponents that spoke. The key points in the proponents' testimony are listed below. For a full accounting of the entire testimony, please access the meeting video at <https://greatfallsmt.net/boc-pabzc/planning-advisory-boardzoning-commission-june-14-2022>.

1. There are disabled veterans living at the encampment that have nowhere else to go.
2. It is expensive to get into housing.
3. The homeless problem is not going to go away and is just going to get worse.
4. A police presence would help with the drinking and drug use in the church parking lot.
5. The encampment is a work in progress. They need time and input from the community.
6. Help is needed. It is a crisis situation.
7. The arrangement at the United Methodist Church is not permanent but it is necessary for now.
8. Homelessness is not a choice.
9. Discrimination against the homeless is unacceptable.
10. The homeless people are our community too.
11. Homeless people don't have the resources to get the help that they need. They can't get jobs because a lot of them do not have high school diplomas and clothes that are nice enough for work environments.
12. Homelessness is not a moral failing.
13. Services in Great Falls are lacking.
14. Homelessness has increased since the pandemic.
15. Ending homelessness is the responsibility of the government. Great Falls is behind the issue of homelessness instead of in front of it.
16. COVID aid was given to Great Falls to assist with the homelessness and so far it has not been used.

17. The “Emergency Shelter” is an emergency right now.
18. There is a housing crisis in Great Falls.
19. Everyone in the community deserves a place to stay.
20. The encampment will save the city’s resources as people will not be receiving trespassing tickets in city parks.
21. One encampment is a benefit as it is in one location so it is easier to support with services.
22. The encampment will give homeless people a space to call home and some dignity.
23. The city needs to collaborate with Housed Great Falls.
24. The homeless lack the resources to overcome their addictions.
25. First United Methodist Church is filling the vacuum left by the Rescue Mission and the City of Great Falls.
26. The encampment is encouraging people to face their problems, but not with cruelty or disrespect.
27. There is an organic home grown program seeking to improve the community for the benefit of both of its members and neighbors. It is seeking to build fences for security around the encampment, to establish laws and rules and to partner with services for nutrition and mental health.
28. The unhoused will not disappear when they leave the lot. They will spread to the city and jails where they become the cost of the community.
29. First United Methodist Church is not causing a Homelessness problem. The community has a problem and needs to come together to find a resolution.
30. The CARES Act Money was sent to Great Falls for homelessness.
31. Because of the encampment, people are getting educated about homelessness in Great Falls. It’s not the best situation, but it is the best that can be done right now.
32. The people at the encampment are human beings and need to be treated like it.
33. The Great Falls Rescue Mission is great for those that can participate.
34. Homelessness can be solved.
35. There are several members in the Community that are one paycheck away from being homeless.
36. What is the plan if the Conditional Use Permit does not get approved? No one else is stepping up like First United Methodist Church.
37. People are dying because of the cold winters and having no shelter.
38. Resources in Great Falls are overwhelmed.
39. First United Methodist Church is working on getting a fence put up.
40. There is a Facebook site for Housed Great Falls and they are open for suggestions and any help.

The overall consensus of the proponents was that there is a need in Great Falls and First United Methodist Church is trying to fulfill the need. It is not the best scenario, but the community needs to come together to help the homeless population. The local government needs to be involved.

BOARD DISCUSSION AND ACTION

Mr. Bertelsen stated that there was a lot of emotion in the Commission Chambers and a lot of people feel passionate about the homelessness issue. No one will ever be 100% happy. The bottom line is that the Conditional Use Permit does not meet the zoning rules. The partnership is a great idea. There is a downtown core that the community is trying to revitalize and create a good place for families to live and interact.

Mr. Pankratz asked if there was ever another Conditional Use Permit in the area for the same type of Permit. Mr. Raymond responded that there was for the Rescue Mission and the Cameron Center for enclosed structures. There has never been an approved Conditional Use Permit for an encampment.

Mr. Pankratz asked that if the Conditional Use Permit is denied, what action the City would take in regards to the current situation. Mr. Hindoien responded that there is a lawsuit for the land use that is not permitted in the C-4 zone.

MOTION: That the Zoning Commission recommend the City Commission deny the Conditional Use Permit as legally described in the Staff Report, and the accompanying Findings of Fact.

Made by: Mr. Mills

Second: Ms. Kaupish

VOTE: All in favor, the motion carried 6-0

COMMUNICATIONS

A request to amend the 2012 Downtown Urban Renewal Plan will be presented at the June 28, 2022 meeting.

PUBLIC QUESTIONS

A member of the community asked when the Conditional Use Permit recommendation will be going before the City Commission. Mr. Raymond responded that another public hearing is

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tentatively planned to be conducted on July 19, 2022 at 7:00 P.M. in the Commission Chambers at the Civic Center.

ADJOURNMENT

There being no further business, Chair Bertelsen adjourned the meeting at 6:02 p.m.

CHAIRMAN

SECRETARY