



CITY OF HELENA
Zoning Commission
December 6, 2023 – 6:00 PM
Meeting Minutes
[Recording Available Here](#)

Members Present:

Rebecca Harbage (Chair), Kim Wilson (Vice-Chair), Alyssa Sorenson, Betsy Story,
Nicole Anderson

Staff Present:

Christopher Brink, Kyle Holland, Ellie Ray, Anne Pichette, April Sparks

(0:00:34) **Call to Order and Roll Call** – It was noted that a quorum was present with five members in attendance.

(0:02:32) **Minutes** – Minutes from the November 14, 2023 meeting were approved.

Regular Items

Item 1

Staff Presentation and Questions for Staff

(0:02:51) Kyle Holland, Planner II, gave a brief presentation on the conditional use permit application for an emergency shelter at 648 Jackson St.

(0:15:01) There was a question about the current use of the space being proposed for use under the conditional use permit. Mr. Holland explained that it is currently in use as a funeral home and that this use will not be in the space currently used by Our Place, and that Our Place is a separate and distinct entity from the shelter. There was another question about the financial investment necessary to retrofit the space. Mr. Holland deferred to the applicant on that question.

Applicant Presentation and Questions for Applicant

(0:16:48) Theresa Ortega, Executive Director of Good Samaritan Ministries, addressed the Commission regarding the proposed shelter including the how this proposal came to be, and plans for policies and procedures for the proposed shelter. Chair Harbage called for questions of the applicant.

(0:25:22) Ms. Anderson asked Ms. Ortega about why this specific location was chosen as opposed to a location closer to the [Good Samaritan Ministries] retail location given the perception of the density of unsheltered people in the downtown. Ms. Ortega explained that the location was chosen as it is within walking proximity to services potentially utilized by the clientele, which will largely have transportation



issues if the shelter was located outside of this area. Ms. Ortega also outlined some of the safety measures they are proposing for the shelter program.

- (0:29:41)** Vice-Chair Wilson asked if there is a strategy to address daytime impacts to local businesses. Ms. Ortega stated that both Good Samaritan and United Way have been reaching out to the neighboring businesses, Good Samaritan has an existing relationship with law enforcement, programming is available at Our Place, and more programming is being looked at. Vice-Chair Wilson followed up with a question about the services Our Place offers. Ms. Ortega explained that Our Place is resource recovery education and works with people that have both substance abuse and mental health needs addressing these needs via peer support and connects them with appropriate services when they are available.
- (0:34:11)** Ms. Sorenson asked if there was anticipated crossover between the current clientele of Our Place and the proposed shelter. Ms. Ortega stated there would potentially be crossover between the two. Ms. Ortega also took this opportunity to address several previous comments and let the Commission know that meals would still be available throughout the day at God's Love and the proposed shelter is to be a safe place to sleep, and the less activity going on, the less challenges during the day. Ms. Sorenson asked what the next step would be after a pilot. Ms. Ortega gave an overview of potential funding sources, and that success would be getting people into programs, and that the hope is to keep the proposed site available for the next winter season.
- (0:40:06)** Ms. Story asked what will happen with the space between the May 1st and October 1st. Ms. Ortega responded that they will look to open the next winter season. Vice-Chair Wilson asked about the budget for the shelter. Ms. Ortega listed some estimated costs, stating staffing would be the largest part of the budget. There were no more questions for the applicant and the process for public comment was discussed with it being decided proponents would speak first, and opponents following, with a limit of three minutes per person. Ms. Anderson asked one additional question of staff prior to public comment.

Public Comment and Commission Discussion

- (0:47:30)** Proponent public comment began. Twenty-four individual comments were presented in support of the application.
- (1:19:58)** Opponents of the proposal gave public comment. Nine individuals spoke in opposition to the proposal.
- (1:45:36)** At this time additional public comment both in support (four) and in opposition (two) were made, and several people who had already spoken were allowed to speak again.
- (2:03:56)** Public Comment was closed and the Commission was invited to ask any additional questions or voice any additional considerations prior to a motion.

Commission Discussion

- (2:04:26)** Ms. Anderson asked if a year was intentionally left out of one of the conditions. Mr. Holland explained that a CUP typically runs with the land until the use is abandoned or the conditions violated. Ms. Anderson suggested that a seasonal



restriction is not applicable based on Mr. Holland's answer. Mr. Holland explained that if the intention was to run a year-round facility the applicant would have to seek a new CUP. The proposed condition would simply allow the applicant to not need to seek an additional CUP to open the shelter again next winter.

- (2:06:00)** Vice-Chair Wilson asked if it is possible to have a time-limit on a CUP and then have a reconsideration after May 1st. Ms. Sorenson asked if there had been any discussion regarding the creation of a smoking zone as had been mentioned with the one commentor's concern over trespassing in his neighboring parking lot. Mr. Holland stated the building is essentially a 0' lot line building and while there is potential for a fenced space to be created in the Our Place parking lot, that is separate from this CUP.

Motion

- (2:08:33)** Vice-Chair Wilson moved to recommend approval of a resolution granting a conditional use permit to allow an emergency shelter use in the Downtown zoning district for a property legally described as the northeasterly half of Lots 14 and 19 and all of Lots 15, 16, 17 and 18 in Block 13 of the Chessman and Davis Central Addition to the City of Helena, Lewis and Clark County, Montana, AND the Northeasterly 62 ½ feet of land formerly designated and used as a public alley, running in a north-easterly and south-westerly direction across the northeasterly ½ of the lots 14 and 19 and all of lots 15, 16, 17 and 18 in Block 13 of the Chessman and Davis Central Addition to the City of Helena, Lewis and Clark County, Montana. If approved the recommended conditions are 1) The conditional use permit only applies to the portion of the building as shown in the submitted architectural plans; 2) Extending emergency shelter hours of operation beyond 4:00 PM to 9:00 AM will require a new conditional use permit application; 3) Extending emergency shelter operations beyond October 1st to May 1st will require a new conditional use permit application; 4) No personal items of shelter clientele other than bicycles stored in the provided bicycle racks are to be stored outside of the emergency shelter structure. All personal items must be stored within designated areas within the shelter building; 5) All newly installed exterior lighting shall be shielded and directed to minimize light trespass onto adjacent.
- (2:10:33)** Ms. Story seconded the motion. Chair Harbage called for discussion of the motion. Vice-Chair Wilson noted that he is a business owner in the downtown and given his observations he is concerned that this could aggravate an already bad situation, as well as the longevity of this plan and the potential long-term impacts to business owners and nearby residents in the downtown area. Vice-Chair Wilson noted that while this seems it won't solve the problem everyone is experiencing nor will denial of it relieve the issue of unsheltered residents, it may actually mitigate the impacts of the unhoused population. Vice-Chair Wilson voiced another concern that given the timeline of the application not all of the consequences may have been thought out or services lined up and proposed an amendment to his original motion. Vice-Chair Wilson moved to amend condition 3 as follows: 3) Extending Emergency Shelter Operation October 1st, 2023 until May 1st, 2024 will require a new conditional use permit application. Ms. Story seconded the amendment. Chair Harbage asked for discussion on the amended motion.
- (2:15:34)** Chair Harbage called for discussion. Ms. Anderson stated that she considered the amended motion as well, but she had concerns about being in the same situation



in a year and is concerned the amended recommendation won't solve the issue as well.

- (2:16:17)** Ms. Story agreed that they would likely be considering this again in a year, but did not feel she heard sufficient evidence one way or the other about the impacts of the conditional use of the 26 beds, and how that is going to impact the surrounding properties as much of the testimony is about existing impacts from Our Place. It's not clear if the impact of a 26-bed shelter will be beneficial or exacerbate the current situation.
- (2:17:10)** Ms. Sorenson stated her intent to vote in favor of the recommendation and felt that something needed to be done this winter. She stated that she could understand that the opponents want to take more time to find a different option. Ms. Sorenson also stated that it is either the staff recommendation or the amended option where there is at least something in place this winter, and her feeling that there is no more time to find another alternative, nothing else is ready. Ms. Sorenson also expressed her empathy for those already experiencing the negative impacts, as she herself has also experienced similar impacts, but ultimately, stated we need to take care of people and she would be voting in favor of a recommendation to approve.
- (2:18:49)** Vice-Chair Wilson added that it sounded like this was perhaps not a long, but a detailed process through the summer and fall to come up with this proposal, but felt the conversation was not over. He was hoping that if there were a term limit on the CUP that some concerns that were brought forward from the other side would be more completely addressed by the city in the next six months.
- (2:19:37)** Ms. Anderson stated her intent to not support the recommendation. She stated this was based upon the fact that the Zoning Commission was to make decisions based on land use and her belief that this is not an appropriate use for this piece of land.
- (2:20:08)** Chair Harbage stated that she had been on the Zoning Commission for a number of years and has seen change in that part of downtown including recent developments which have contributed to making the area inviting corridor to the downtown area. She also acknowledged that by living in the community there are a number of issues that are not going to go away whether this recommendation is approval or denial, as well as the fact that she shares concerns with those who expressed theirs including the concern of what we do with the homeless and unsheltered individuals in our community and the potential of saving a life by having this facility.
- (2:21:23)** Chair Harbage also pointed out that she was on the Zoning Commission during the effort to rezone the downtown and explained why this particular use was allowed under a conditional use permit. She acknowledged the public safety concerns brought forward but stated that she did not feel there was sufficient evidence to show approval of the CUP would not impact those concerns. Chair Harbage ultimately stated her support for the amended recommendation.
- (2:23:59)** Ms. Story stated this was a hard decision but was only voting on this because the question before the Zoning Commission is only concerned with the particular portion of the property and is not about Our Place with a lot of the testimony complaining about the conditions around Our Place, and a denial of the CUP



would not change the conditions as they are right now. Ms. Story stated her support for the recommended amended motion as it can be revisited in a year to see whether or not the approval has adversely impacted public health, safety, or general welfare or it's the same. Vice-Chair Wilson asked for confirmation from staff if the amendment was clear. Mr. Holland confirmed it.

(2:25:25) Chair Harbage called for a voice vote. The amended motion passed on a 4 to 1 vote. Chair Harbage, Vice-Chair Wilson, Ms. Sorenson, and Ms. Story voted in favor. Ms. Anderson voted against.

Member Communications / Proposals for next Agenda

(2:26:54) There was discussion about the next meeting scheduled for January 9, 2023. There was also discussion on how to proceed with additional work sessions relating to the proposed sign code updates.

Adjournment

(2:33:43) The meeting was adjourned.