

SMILE BOARD MEETING

WEDNESDAY, APRIL 16, 2014

SMILE Station

blog

procedural

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OFFICERS PRESENT: Gail Hoffnagle, President; Pat Hainley, Treasurer; Eric Norberg, Secretary

BOARD MEMBERS PRESENT: Ellen Burr; Nancy Walsh; Brian Posewitz; Michael Hayes; Bob Burkholder; Gerri Sue Lent; John Fyre

SMILE President Gail Hoffnagle called the meeting to order at 7:31 pm, and began by asking for introductions around the room. She then asked the Board members present to review the minutes of the March Board meeting. Adjournment noted to have taken place at 9:26 PM, rather than AM. Brian Posewitz moved the minutes be adopted as amended, Gerri Sue Lent seconded the motion, and the motion carried with one abstention.

Elizabeth Milner reported for the S.N.A.C. Committee, starting with a progress report on the Oaks Bottom Overlook prospective pocket park project plans; public input will continue. She mentioned an urban farming initiative; and, concerning the Sellwood Gap on the Springwater Trail, she said the public comment period ended on March 31 -- over 300 comments were received to combine with previous comments; public meetings to follow. A Heritage Tree walk is upcoming on April 27.

Brian Posewitz reported for the Transportation Committee. Complaints have been received about the hazards of crossing S.E. 17th south of Tacoma Street -- specifically at Marion and Umatilla Streets. He expects that to be an agenda item at the next Transportation Committee meeting. A 19th and Clatsop stop sign has been requested; it's the only unregulated intersection on 19th. As concerns the Portland-Milwaukie light rail project, questions have been raised about whether the park-and-ride lot at the Tacoma Street Station would be accessible to TriMet buses; he has discussed this with TriMet. There is, Brian added, controversy about the 19th Street bike boulevard plan.

Ellen Burr reported for the Land Use Committee about the RICAP "zoning tweaks" process being pursued by the City of Portland, which is proposing some pretty major changes in residential zoning rules to accommodate informal short-term home rentals by homeowners via "Air BnB", etc. She said this issue is a bigger one than RICAP should be dealing with, and she would like the Board to communicate that to the city. "It's an equity issue in several ways," she said. She read a proposed letter, incorporated into these minutes by reference, and Michael Hayes and Brian Posewitz felt the letter should end after the first

paragraph -- Brian moved that the SMILE Board send the letter, so modified, to the city; Michael Hayes seconded. The motion carried unanimously on a hand vote. President Hoffnagle will put the resulting letter on SMILE letterhead and send it.

Ellen next updated on the city initiative to downzone north Westmoreland. The comment deadline was last Friday, and as a result of comments the proposal has been modified as reflected on a new city proposed zoning-change map. She described the proposed changes, and will subsequently circulate the new map.

Next on the agenda was the request by neighbors of the new medical marijuana dispensary on S.E. Tacoma Street for a moratorium of up to one year on the new business. This request is directed to the Mayor's office, and SMILE has been asked to endorse the request. President Hoffnagle said she went to the neighbors' meeting with a representative of the Mayor's office, and commented that of the various city branches, the Police Bureau seems most concerned about these businesses. Miriam Erb, one of its neighbors, was also at this meeting.

Elaine Janiak told the Board that a "time out" is needed on this business because of "questions in the air about the law and zoning issues", adding "the moratorium does not have to be a year; it could be six months." Hoffnagle said that the Mayor's aide working on this issue is doing so based on expectations that recreational marijuana use could be passed by the voters as fully legal in Oregon in November, although it remains illegal on the federal level. She said the church across the street from the new dispensary wants to have a preschool; is that legally precluded by its proximity to the dispensary? The city concedes that that is a legitimate concern.

This moratorium must be applied for by May 1st; the city would prefer a six-month moratorium if there is to be any. John Fyre cited a League of Oregon Cities concern that the state has not dedicated enough staff to enforce the state rules for these dispensaries, and because of this the League of Oregon Cities favors a general moratorium.

President Hoffnagle asked for Board comments and opinions on the matter. Brian Posewitz said he favored the moratorium. Gerri Sue Lent said that the rules were made in Salem, where hearings allowed ample public input -- those now concerned by these rules should take their case to the legislature; she did not favor the moratorium. Michael Hayes said that it's a land use issue, and he favored the moratorium. A spectator asked what a moratorium would accomplish? Pat Hainley said he was concerned about the finances of the dispensary. Brian Posewitz responded to the spectator by saying a moratorium would allow public comment. John Fyre said the big issue is the siting of the dispensary; but Ellen Burr said the building has been commercially zoned

since 2005, so siting is not really an issue. Ellen continued that she didn't want to support a moratorium, but will, after research and thought.

There was further discussion; Michael Hayes pointed out the building is not handicapped-accessible, if that is an issue for those seeking treatment with medical marijuana there. A person in the audience said a conversation with a police officer had led to learning of his [or her] concerns about the risks of burglary at dispensaries, and at homes and businesses in the immediate vicinity. The pastor of the church across the street from the dispensary repeated the concern mentioned earlier by President Hoffnagle about the risk the law and dispensary pose to plans to open a preschool there.

Brian Posewitz moved that SMILE send a letter to the city supporting a one year moratorium on ALL medical marijuana dispensaries within the City of Portland, on grounds that there should be reasonable notice and opportunity to comment for nearby neighbors, and on grounds that these facilities may require special land-use considerations. Pat Hainley seconded the motion. In the discussion period, Eric Norberg wanted to explain his upcoming NO vote to this motion. He said he is opposed to any legalization of marijuana, is very skeptical that smoking marijuana has any therapeutic benefit over taking prescription medicine available at any pharmacy containing its active ingredient, and he will be voting NO in November on any further legalization of marijuana use. However, he said, the dispensary is already open, has met all requirements set by the state in legally operating, and has a business license from the city. A moratorium to close it for up to a year would not prevent it from opening and continuing its current operation at the end of the moratorium, and any change in its operation could only occur if the State Legislature makes a change in the law; so it seems the moratorium could accomplish nothing -- thus, he said, he thinks a moratorium under these circumstances would constitute harassment of a legally operating business, and therefore he would oppose the moratorium.

The question was called, and the vote taken. By hand count of Board members present, 8 yes, 2 no, no abstentions. The motion carried.

John Fyre moved the meeting be adjourned, and Bob Burkholder seconded the motion, which then carried with evident unanimity at 9:08 pm.