

# Strings tied to land donation for Fields Park

*Developer wants credits against future fees in return*

By Allan Classen

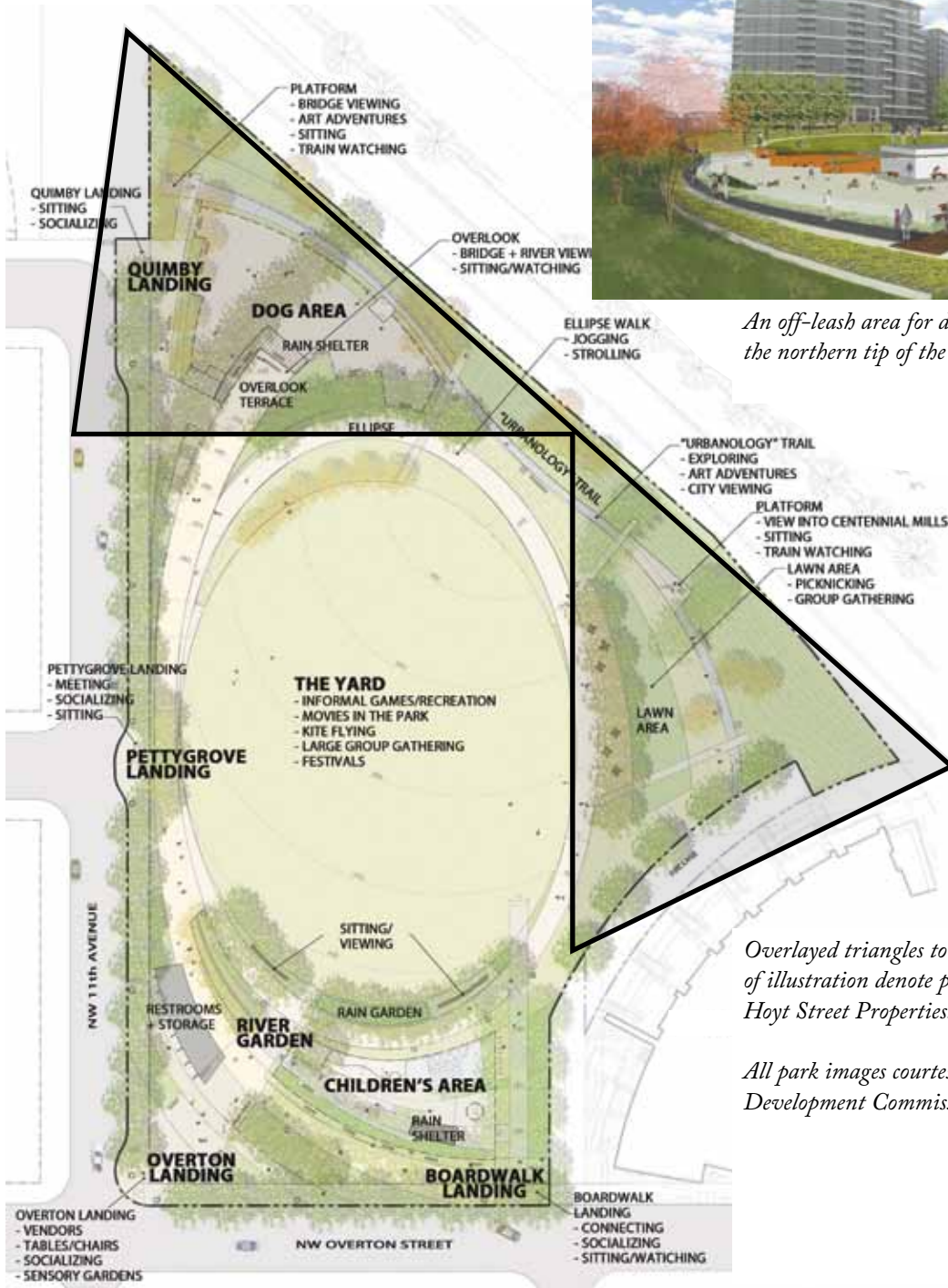
More than two years after construction was to begin, no one knows when work will start on Fields Park, the final and by far largest of three Pearl parks.

The project is hung up on negotiations between the city and Hoyt Street Properties (HSP), the development firm that in 1997 agreed to donate land for the parks in exchange for removal of the Lovejoy viaduct, provision of streetcar service and relaxation of zoning rules.

City Commissioner Nick Fish has stepped into the negotiations, but there is no word on what kind of settlement will be reached or when.

Things began going sideways a year after Hoyt Street President Homer Williams closed the 1997 deal with the city and Portland Development Commission. No one foresaw that within a year the Parks Bureau would institute system development charges (SDCs), a citywide system of fees on new construction to underwrite creation and maintenance of public parks. One estimate puts these charges at about \$2,800 per unit for typical Pearl buildings.

Hoyt Street Properties got full credit for the value of its land donated for Jamison Park, a credit it used against SDCs applied to the new buildings it was churning out



*An off-leash area for dogs is designated for the northern tip of the park.*

*Overlaid triangles to the top and right of illustration denote parcels controlled by Hoyt Street Properties.*

*All park images courtesy of Portland Development Commission.*



*Children's area would occupy the southern end of Fields Park.*

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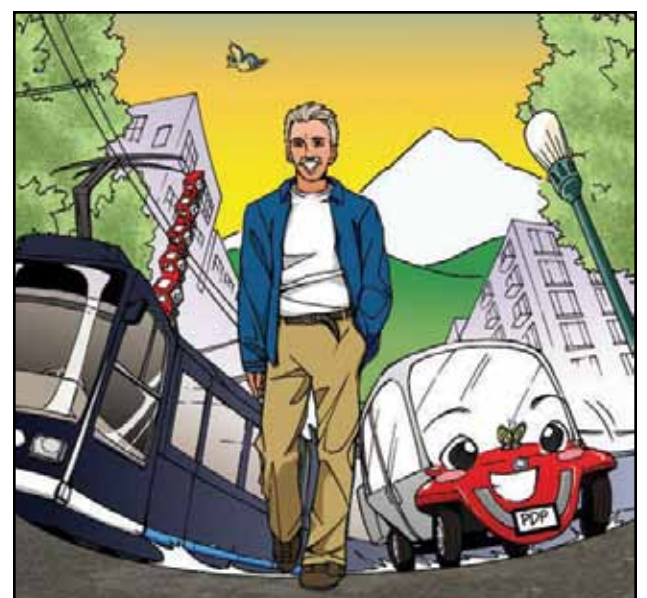
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at an astounding pace. By the time the city was ready to create Tanner Springs Park, the Parks Bureau had capped SDC credits to 25 percent of the value of the donation. HSP balked but ultimately accepted the new terms.

But circumstances have again changed regarding Fields Park, a three-acre park that includes one acre of land from HSP. New construction has slowed to a crawl, making potential benefits of SDC credits a more distant possibility.

Current HSP President Tiffany Sweitzer followed what she considered usual procedure from the first two parks and made no application for SDC credits as part of its land-donation offer.

"For some reason, Parks is saying, 'You never told us that,'" said Sweitzer. "Why would I tell anyone? That's the way we've always done it."

With this history and no building plans in sight, Sweitzer didn't see the need to make an official request to the SDC Credit Review Committee, a citizen/industry panel that determines whether donations of land or improvements meet the Parks Bureau's mission.

Now Parks Bureau Director Zari Santner refuses to guarantee any credits for the land transfer, insisting that HSP must first have a building application and then go before the committee. That process would put HSP in the position of surrendering land without knowing if it would get anything in return.

The city has also blanched at HSP's claim that the two triangular parcels it intends to give are worth the \$5.2 million it claims. Sweitzer said the figure came from an independent appraisal and seems realistic in that the value was \$7 million at the peak of the real estate market in 2007.

Riley Whitcomb, who directs the SDC program for the Parks Bureau, said the code requires a development proposal and permit number to apply for a credit.

"We can't circumvent the code," said Whitcomb. "People would cry foul."

He concedes, however, that Sweitzer was following a relaxed process that had been blessed by the bureau in the past.

"She is correct; the past two times we did," Whitcomb said.

Whatever the outcome of the current dispute, the SDC manager said Hoyt Street Properties is benefitting from its land donations. First as part of the 1997 deal that provided substantial infrastructure in and around HSP holdings and then because surrounding property values are

enhanced by the presence of a park.

And getting a 100 percent credit for the land given for Jamison Park hardly qualifies the transaction as a donation, he reasoned.

"The donation suddenly got conditional," said Whitcomb.

He could have been referring to the almost completed railroad quiet zone as well as the SDC dispute.

Sweitzer insisted that the city implement a railroad quiet zone before donating the park land. Special crossings have been constructed for the quiet zone, and only minor details remain. It will make it unnecessary for train operators to sound horns at each of the three grade crossings in the district, a source of many complaints by residents.

Patricia Gardner, planning chair of the Pearl District Neighborhood Association, said she doesn't know which side is right or who should give ground. The key for the neighborhood is getting the full, three-acre park built as planned.

Gardner said \$1 million has already been spent on Fields Park in developing the park design and engaging citizens, an investment that would be wasted if the park must be scaled down. Reducing the park's size might eliminate features considered vital to various sectors of the community or shrinking the central open area to the point that it no longer fulfills its mission as the one Pearl park providing for active recreation.

Reacting to the possibility of moving ahead without HSP's donation, she said, "I was very clear. I don't care who's wrong. The thing is, I don't want to go down to two acres. 'I don't care who the bad guys are. We've spent a \$1 million of urban renewal money, so, no, you're not making it smaller.'"

Sweitzer said Gardner is right to insist on a full-size park.

"This park has been designed as a three-acre park," said Sweitzer. "If the city wanted to raise this issue when they first began designing the park, [that would have been more appropriate]."

She doesn't understand why the bureau has made the process so difficult this time.

"All we're trying to do is donate land and get credits in return," she said.

Gardner has no objection to Hoyt Street Properties getting guaranteed credits for its land. On the other hand, PDNA board member John Hirsch said HSP has already received benefits for its acre of land as part of the 1997

## Loo decision on table

By Allan Classen

The Pearl District Neighborhood Association aims to resolve the Jamison Square restroom issue, once and for all, in July.

Last year, the association supported a Portland Loo at the southwest corner of the park; but opposition from adjacent condominium owners was intense, and that decision is being revisited.

Two PDNA meetings are scheduled this month. The first, Tuesday, July 6, will be a land-use committee meeting intended to outline all viable options for providing a public restroom in or across the street from the popular park.

Two days later, on Thursday, July 8, the PDNA board will deliberate and reach a decision.

PDNA planning chair Patricia Gardner, who has been blamed by residents of Tanner Place for not adequately involving neighbors in the original decision, said she does not want to debate past events.

Gardner described the July 6 meeting as a work session to develop a list of viable options. In addition to the Loo, there has been talk of building a permanent restroom in either Tanner Place or the Riverstone building. Portable restrooms have also been suggested. Not providing a restroom is also an option.

To make the list for consideration, she said proposals must have funding and meet design guidelines.

"If you don't like the Loo, what else you got?" she challenged.

Both meetings will be held at PremGroup, 351 NW 12<sup>th</sup> Ave., at 6 p.m.

accord. Resolving that question is irrelevant to Gardner, however, who said she is willing to take either side if it helps break the logjam.

For what it's worth, Sweitzer and Whitcomb both express optimism that a settlement will be reached.

"I'm not worried," said Sweitzer. "We'll get there."

"We are definitely making progress," said Whitcomb, referring to closed-door talks with Commissioner Fish.

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