

# MEMORANDUM



**To:** Park, Natural Areas, and Recreation Board  
**From:** Karen Emery, Director  
Jackie Rochefort, Park Planner  
David Phillips, Parks Operations Supervisor  
**Date:** January 21, 2010  
**Subject:** Witham Oaks Property

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## **Issue:**

The Board requested information regarding the property adjacent to Witham Oaks Natural Area at their December 17, 2009 meeting. A citizens group, known as the Friends of Witham Oaks, has requested Board support in their endeavor to purchase the adjacent property, which is up for auction in late January, 2010.

## **Background:**

In 1998, the City Council adopted a document entitled "Criteria and Process to Acquire and/or Protect Open Space". The document was created by the Open Space Advisory Commission (OSAC). In 1998, the OSAC was planning a bond measure for the City to acquire open space. To help them in this endeavor, they created the document to help select and prioritize lands to be acquired for open space. The open space criteria document outlines and describes the purpose of acquiring and protecting land, the types of land that are eligible for acquisition, and criteria for evaluating lands. The OSAC used the document extensively in their recommendation to purchase five properties that were on the 2000 open space bond measure.

The Witham Oaks property, formerly known as the Frager Property, was considered for purchase by the City during the 2000 open space bond measure. Originally, the entire 128.7 acres, from the terminus of Circle Boulevard to Harrison Boulevard, was considered for purchase. The land was market listed for \$1,248,487. When valued against other properties considered for bond measure acquisition, the City Council opted to purchase the 35 acre parcel at the northern most portion of the property. The cost of the land was \$16,500/acre and the purchase totaled \$577,500. At the time, the community expressed the desire for the City to purchase the most forested portion of the site. The 35 acre purchase, which became Witham Oaks Natural Area, is comprised primarily of Douglas-fir, White Oak, and Cherry.

The remaining 94.62 acres was purchased by Pahlisch and Matrix Development in 2005. The property was annexed into the City and slated for a planned development that would include 57.75 acres of single family homes and 36.87 acres of open space. The open space areas were composed of two vegetation types; the upland portion was oak woodland, with the lower portion being wetlands. The developer offered to donate the upland portion to the City. In discussions between City Staff and the developer, the

City made clear they could only accept a natural area donation if the area had been managed, with restoration efforts occurring over a five year period. It was determined that City Staff had neither the resources nor the financial ability to manage and restore the area. The upland portion of the property is adjacent to the Witham Oaks Natural Area. Since the time of annexation, the developer has declared bankruptcy and the land has gone to auction.

The Capital Improvement Plan (CIP) allows for the annual expenditure of \$50,000 for park land acquisition. The funding is available through System Development Charges (SDC's), which accumulate in a fund when development occurs. Due to the recent down fall in development, the SDC fund balance is very low. Therefore, funds to purchase park lands are not available. The City also has an open space fund known as the "Chip Ross" fund. This funding has been donated to the City with explicit instructions to use it for the acquisition of natural areas on south facing slopes in the "Timberhill" area. If the Board wanted to offer financial support to the Friends of Witham Oaks, there would be no funding available through the SDC fund or the Chip Ross Fund at this time.

**Discussion:**

The Friends of Witham Oaks are working towards raising funds to purchase the adjacent property to the City's Witham Natural Area. If they are successful, they intend to donate the property to a public agency, such as the City, Oregon State University, or Benton County. If they donate it to the City, there are some opportunities and constraints that would have to be considered:

Opportunities	Constraints
Expands existing City natural area	Increased operational costs
Central location with significant, protected vegetation	Financial burden to construct Circle Boulevard
Natural resource management potential	Would require funding a management plan
Citizen involvement and volunteerism	Could be developed to some extent due to annexation
Vegetative restoration potential in a number of habitat types	Restoration funding requirements could be extensive

If the Friends of Witham Oaks are successful in acquiring the property, and if they offered it as a donation to the City, the City Council would discuss if they wanted to accept the donation. If the site were donated to the City, there are some factors to consider. The property is adjacent to the Witham Oaks Natural Area and has some significant natural features. The upper portion is comprised of significant oak woodlands, and the lower portion is comprised of wetlands in poor condition. Although the oak woodlands are significant, there are a number of invasive species, as well as Douglas-fir, which are encroaching on the oaks. A management plan would be needed to determine how to best steward the property.

In 2005, City staff toured the wetlands with consultants from Salix Associates. In 2009, City staff again visited the wetlands to view current conditions. In both cases, it was determined that the wetlands are in very poor condition and have been neglected for over a decade. With its proximity to Harrison Boulevard, cars have entered the site for "joy-riding" activities. The site is primarily comprised of invasive species such as Reed Canary Grass and Hawthorne, as well as many pasture grasses. Management and restoration of the wetland area would take a significant amount of City staff time, resources, and funding. Initially, a management plan would have to be completed. From that point, permits would have to be acquired and removal of invasive species would have to occur. Planting, irrigation, and long-term maintenance would have to follow the initial restoration efforts. Monitoring reports would have to be completed on an annual basis. These efforts would be costly, but a cost estimate will not be available until the land has been thoroughly evaluated.

Acquisition of the property would be costly for other reasons besides management and restoration. During the 2000 open space bond measure, the City declared that open spaces and natural areas can not impede development. The extension of Circle Boulevard, from its terminus at the Witham Oaks Natural Area to Harrison Boulevard, is shown in the 1996 Corvallis Transportation Plan. It would be the responsibility of the adjacent property owner to fund the construction of the street. Similarly, when the Witham Oaks Natural Area was purchased in 2000, the extension of Circle Boulevard occurred. A cost for the extension of Circle Boulevard has not yet been determined.

The property is scheduled to be auctioned in January. If the property is obtained by a developer, it could be developed to City standards. With the Adoption of the Revised Land Development Code in December 2006, although the property is zoned as low density residential, there are many natural features on the property that would be required to be protected. Unless the developer donated the natural areas to a public agency, the protected areas would be on private property and may or may not be open to all citizens. If the land is purchased by or donated to a public agency, it would be in public ownership.

**Recommendation:**

No action needed. For informational purposes only.