

# Council Business Meeting

September 4, 2018

<b>Agenda Item</b>	Approval and Acceptance of Donated Services to Ashland Parks and Recreation	
<b>From</b>	Libby VanWyhe	Nature Center Manager
<b>Contact</b>	<a href="mailto:Libby.vanwyhe@ashland.or.us">Libby.vanwyhe@ashland.or.us</a> 541-552-2474	

## **SUMMARY**

Approval is being requested to accept a donation of services from Clouser Drilling to Ashland Parks and Recreation for drilling a well in preparation for the construction of the North Mountain Park Nature Play Area.

## **POLICIES, PLANS & GOALS SUPPORTED**

Council Policy on Acceptance of Donations to the City. (attached pages 10 and 11)

## **PREVIOUS COUNCIL ACTION**

None

## **BACKGROUND AND ADDITIONAL INFORMATION**

The North Mountain Park Nature Play Area is a Capital Improvement Project approved by the Parks and Recreation Commission. (See attachment pages 1, 2 and 3.) Clouser Drilling Inc. has offered to support this project, by drilling a groundwater well on park property. They propose to use their crews and equipment to provide this work as a donation to the project. The estimated value of this gift (service and materials) is \$10,455. Their estimate (attached page 4) outlines the scope of work.

While the Nature Play Area is a Commission priority, the project is dependent on fundraising efforts, donations and partnerships, like this one. This project and proposed donation meet the approval criteria set forth in the Council Policy on Acceptance of Donations to the City.

- According to Jackson Soil and Water Conservation District and Water Master, Shavon Haynes, the groundwater use for the water pump feature would fall under a groundwater exemption for domestic or commercial use. Refer to the Oregon Well Handbook (attachment 5 and 6).
- The interactive water feature and ground water pump will not be regulated by the Oregon Health Authority and will not need to be licensed by Jackson County. See attached email from Paul Reeves of OHA (attachment 7).
- Derek Severson has signed a Land Use Compatibility Statement for the project (attachment 8 and 9). Bill Molnar expressed that because the project will require some soil excavation, we should initiate a Physical Constraints Review Permit once the designs for the Nature Play Area are complete.
- This Capital Improvement Project has been approved by the Parks and Recreation Commission, and they have asked that I seek funding opportunities. While the playground is a Commission priority, the project is dependent on fundraising efforts and partnerships like this one.
- Parks and Recreation will incur minimal costs as a result of this donation.
- Although the well is not likely to be “removed” in favor of another City project, it could be capped and/or decommissioned if the Nature Play Area were ever closed.
- The well is not being placed in a public right-of-way.

- The Nature Play Area will enhance the recreational and educational value of an existing park and will not detract from current scenic or architectural values.
- As it is an enhancement to an existing Park property, the well will become the property of APRC.

**FISCAL IMPACTS**

Parks and Recreation will incur no initial costs, aside from the staff time to schedule the work and check in with Clouser representatives on the day of drilling. The only ongoing costs will be for water quality testing. The Nature Center staff will take water samples at regular intervals and send them to Neilson Research Corporation for analysis. This analysis will cost the Nature Center budget approximately \$250 per year and is included in our maintenance estimates for the project as a whole.

**STAFF RECOMMENDATION**

Staff requests approval of this proposed donation, so that the donated work may occur this month.

**ACTIONS, OPTIONS & POTENTIAL MOTIONS**

I move to approve the acceptance of a donation of services from Clouser Drilling to Ashland Parks and Recreation Commission.

**REFERENCES & ATTACHMENTS**

- Page 1: Nature Play Area Concept Sketch
- Page 2: Nature Play Area Design
- Page 3: Images of similar play structures at other Nature Play Areas
- Page 4: Clouser Drilling Estimate
- Page 5&6: Oregon Health Authority Well Handbook - domestic or commercial exemption
- Page 7: Email communication from Oregon Health Authority
- Page 8&9: Land Use Compatibility Statement
- Page 10&11: Council Policy on Acceptance of Donations to the City



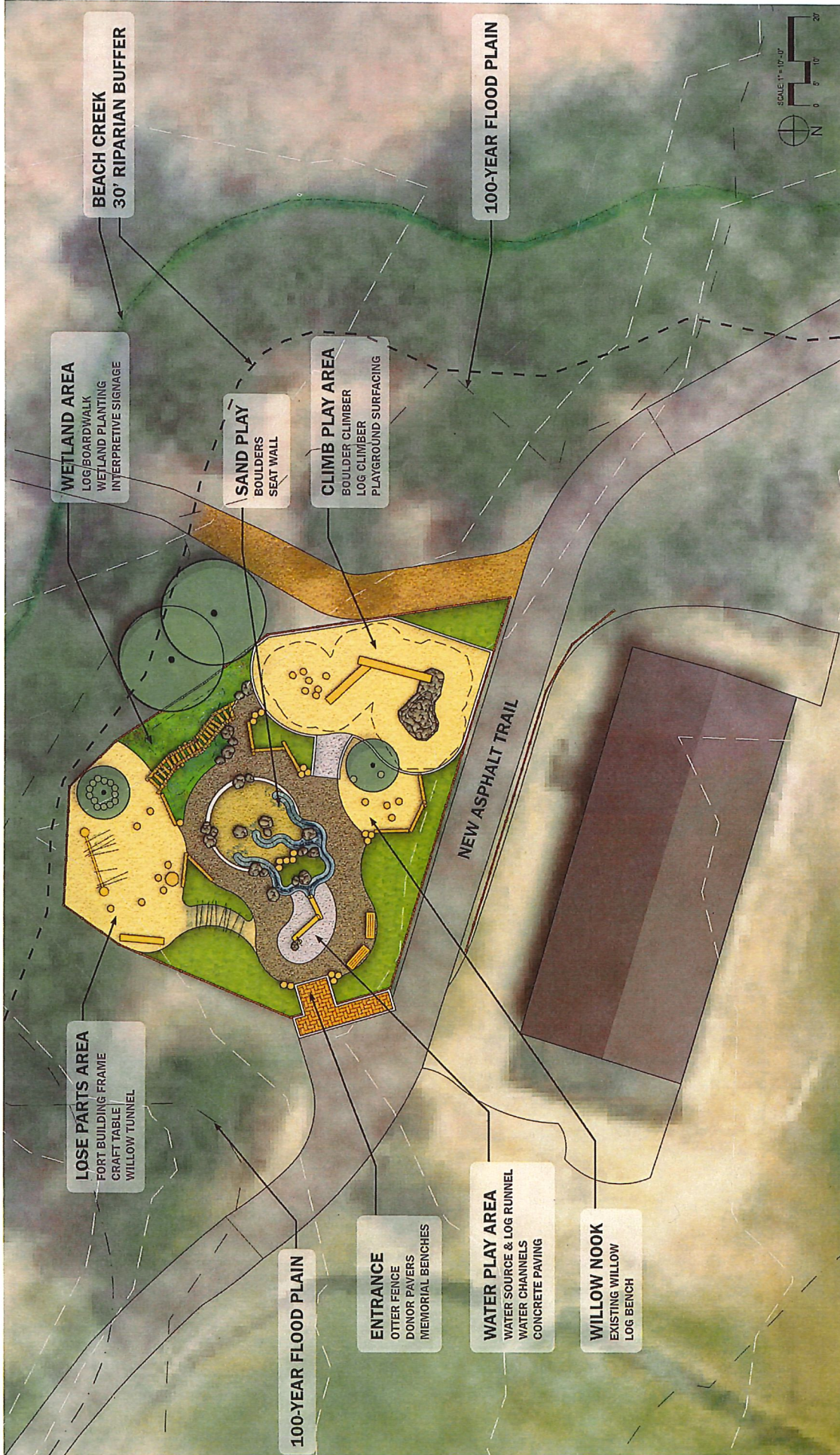


APRIL, 2018

## NORTH MOUNTAIN NATURE PLAY | OPTION 2

**GREENWORKS**



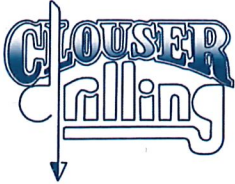


**NORTH MOUNTAIN NATURE PLAY | PREFERRED OPTION**









**Clouser Drilling Inc.**  
**PO Box 5110**  
**Grants Pass, OR 97527**  
**541-476-7795**

# Estimate

Date	Estimate #	Rep
5/4/2018	3729	KDG

Name / Address
Ashland Parks & Rec 20 E Main St Ashland, OR 97520

Work Site
Ashland Parks & Rec North Mtn Park 620 Mountain Ave N Ashland, OR 97520

Customer Phone	Customer E-mail
Libby 541-488-6606	libby.vanwyhe@ashland.or.us

**Estimate is for well drilling only.**  
**Does not include pump system,**  
**hookup or water testing.**

Description	Qty	Rate	Total
Drilling Open Hole 6" per ft	340	18.00	6,120.00
6" Steel Casing Installed	40	21.00	840.00
10" Sanitary Surface Seal w/Bentonite 18' -20' Seal	2	400.00	800.00
Well Seal 6"x1"	1	45.00	45.00
Large Drive Shoe	1	175.00	175.00
Well Development	1	300.00	300.00
Mobilize equipment and supplies in and out. Set up charge.	1	500.00	500.00
<b>SUBTOTAL</b>			<b>8,780.00</b>
Well Abandonment- L 91370 19.5' deep Monitoring Well including State Of Oregon Paperwork	1	1,450.00	1,450.00
State of Oregon Start Card Fee	1	225.00	225.00
Standby Time Rate \$300 per hour (if pre-arrangements are not made and customer is not available for decision-making)			
Donation		-10,455.00	-10,455.00

Terms: Payment in full is due upon completion of the job.	<b>Total</b>	\$0.00
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Customer Signature \_\_\_\_\_ Date \_\_\_\_\_

Company Rep. Kevin D. Gill

**PLEASE NOTE:(Oregon Only) For new wells, an additional \$300 Mapping Fee will be billed to you directly by the State of Oregon after the filing of the well log per ORS 537-545.**

Phone #	Fax #	E-mail
541-476-7795	541-476-0095	office@clouserdrilling.com

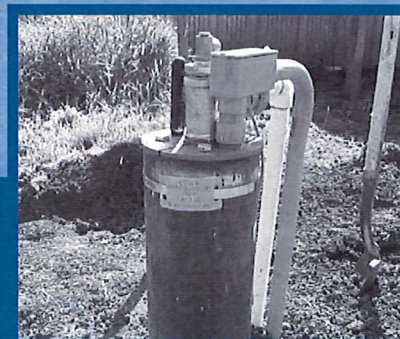
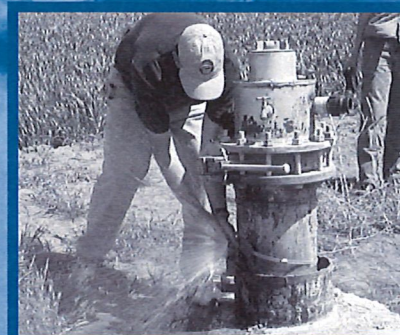
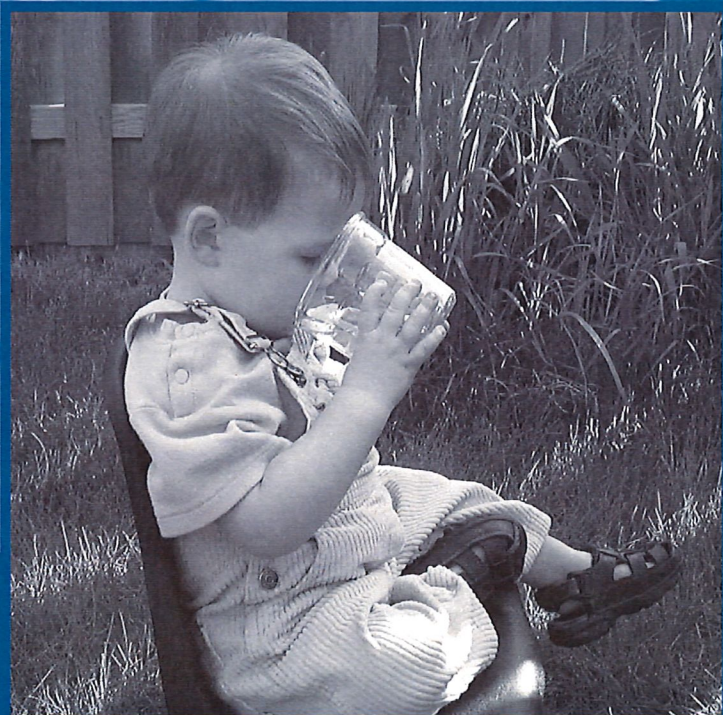
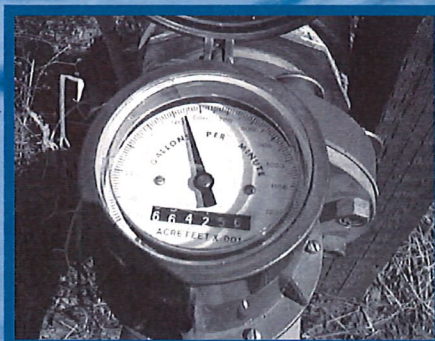
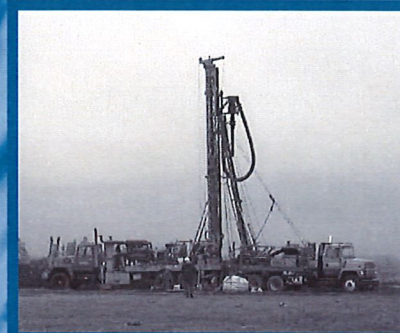
Oregon WWC #1835  
 Oregon CCB #186335  
 California C-57 #990724  
 Estimate valid for 60 days



# Water Well

## Owner's Handbook

A guide to water wells in Oregon



**Oregon Water  
Resources Department**  
725 Summer St. NE, Suite A  
Salem, OR 97301

**Oregon  
Health**  
Authority  
PUBLIC HEALTH



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## Groundwater rights and exempt uses

Under Oregon law, “all water within the state from all sources of water supply belongs to the public.” In general you must obtain a water right permit before using water from any well. However, there are exceptions called “exempt uses” (see [ORS 537.545](#)). These uses are excused from applying for a water right permit, but must be beneficial and without waste.

Pumping groundwater under the exemption carries the same weight as a water right and has a priority date. An exempt use is subject to the same privileges and restrictions as any water right permit or certificate and is subject to state water law. The Oregon Water Resources Department (OWRD) has the authority to regulate, reduce or stop groundwater withdrawals when they interfere with prior or “senior” water rights.

Exempt uses of groundwater include:

- Single or group domestic uses up to 15,000 gallons per day;
- Stock watering;
- Irrigation of any lawn or noncommercial garden of ½-acre or less;
- Down-hole heat exchangers;
- Single industrial or commercial development up to 5,000 gallons per day; or
- Irrigation of school property up to 10 acres in critical groundwater areas.

Exempted uses are on a per-property or per-development basis. Adding additional wells does not increase an exempt limitation (for example, adding a second well does not increase the irrigation exemption to more than ½-acre).

The Oregon Water Resources Commission is responsible for managing the groundwater resource. In many areas, high demand of groundwater supplies has required that new uses be restricted or prohibited to protect existing water rights. This includes exempt



## Libby VanWyhe

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**From:** REEVES Paul J <PAUL.J.REEVES@dhsosha.state.or.us>  
**Sent:** Tuesday, May 22, 2018 9:38 AM  
**To:** Libby VanWyhe  
**Cc:** Rachel Dials; Chad Petersen; REEVES Paul J  
**Subject:** RE: Information about interactive water feature at North Mountain Park

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Reference Info

Hi again Libby,

Thank you for your diligence and patience in this process. I applaud your sincere interest in getting the design right.

Chad and I have discussed this scenario and I believe we are on the same page. As you may recall, this is a somewhat different model than we are used to dealing with. Most systems use an already licensed water system.

Due to the fact that Oregon Health Authority does not regulate interactive water features that do not recirculate water, the North Mountain Park water feature will not be subject to plan review or annual operations permitting from Jackson County.

In consideration of the fact that this is a dedicated, single use well OHA and Jackson County request routine water sampling during the operating season. Specifically, a bacterial sample as well as a Nitrate sample should be collected and analyzed at a recognized lab, and results from that test held on site for a period of three years. During the operating season quarterly bacterial tests (only) should be collected, analyzed, and results kept on site for a period of three years. In other words, at the beginning of the season collect and analyze one bacterial water test as well as one Nitrate test, then every 3 months of operation an additional bacterial sample should be collected and analyzed with all results held on site for three years. No license will be required, and sample results will *not* need to be submitted to Jackson County or OHA.

Please let me know if this does not make sense, and we can discuss it.

I wish you the best in this project, and applaud your initiative.

Respectfully,

Paul J. Reeves, REHS  
Pool, Spa, and Lodging Programs Coordinator  
OREGON HEALTH AUTHORITY  
Public Health Division  
Environmental Public Health  
[Paul.j.reeves@state.or.us](mailto:Paul.j.reeves@state.or.us)  
971.673.0448





**Oregon Parks and Recreation Department  
Local Government Grant Program – Project Application**

**Land Use Compatibility Statement (LUCS)**

**What is a LUCS?** A Land Use Compatibility Statement (LUCS) is the form OPRD uses to ensure that proposed projects are consistent with local land use requirements.

**How to Complete the LUCS:** The applicant completes Section 1. Section 2 must be completed by the local Planning Official. The applicant then submits the completed LUCS to OPRD as part of the Grant Project Application.

<b>SECTION 1: Applicant &amp; Site Information</b>			
Print Applicant Name: <b>ASHLAND PARKS &amp; RECREATION</b>		Applicant Signature:	
Property Owner Name: <b>CITY OF ASHLAND</b>			
Subject Property Address (Or adjacent to): <b>610-620-630 N. MOUNTAIN AVE.</b>			
Site Description: <b>NORTH MOUNTAIN PARK</b>			
Describe the planned use for the property: <b>NATURE PLAY AREA</b>			
Township(s) <b>39</b>	Range(s) <b>1E</b>	Section(s) <b>03 04DA, 04DD, 09AA</b>	Tax Lot(s) <b>300, 2800, 2900, 2900 1148, 100, 200, 300, 400, 500</b>

**SECTION 2 must be filled out by a Local Planning Official**

<b>SECTION 2: Determination of Compliance with Local Land Use Requirements</b>	
The subject property is: <input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside City Limits <input type="checkbox"/> Inside <input type="checkbox"/> Outside UGB	
Current Comprehensive Plan Designation:	Current Zoning:
Is a Comprehensive Plan or Zoning Amendment Proposed? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Proposed zoning:
If YES, list the proposed plan designation:	
Does the activity, use, or development require land use review to determine compliance with land use regulations? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
If NO, it means that no local land use review is needed. <b>Skip to Local Planning Official Information below.</b>	
If YES, what is the status of the land use application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Under Review <input type="checkbox"/> Not Yet Received	
List file number(s):	Is the decision final: YES <input type="checkbox"/> NO <input type="checkbox"/>
Comments: <b>WORK PROPOSED DOES NOT CROSS THRESHOLD LEVELS TO TRIGGER REVIEW.</b>	
<b>Local Planning Official Information:</b>	
Jurisdiction: <b>CITY OF ASHLAND</b>	
Print Planning Official's Name & Title: <b>DEREK D. SEVERSON, SENIOR PLANNER</b>	
Mailing Address: <b>1/0 CITY HALL, 20 E. MAIN ST.</b>	
City: <b>ASHLAND</b>	Zip Code: <b>97520</b>
Phone: <b>(541) 552-2040</b>	Fax: <b>(541) 552-2050</b>
Email: <b>derek.severson@ashland.or.us</b>	



Planning Official's Signature:

*March D. Severon*

Date:

*2/7/18*



**COUNCIL POLICY  
ON  
ACCEPTANCE OF DONATIONS TO THE CITY**

This Council Policy was adopted by the City Council on May 15, 2018

Purpose:

This policy is intended to provide guidelines for accepting gifts and donations of cash, real property, services, or goods, except for artwork, in a responsible, transparent, and accountable manner that is consistent with the City's strategic goals and deemed to be in the public interest of the City. City acceptance of donated artwork is governed by Ashland Municipal Code Chapter 2.29.

Objectives:

- To establish and guide relationships with donors who share the City's commitment to provide a high quality civic environment.
- To enrich the community by responsibly and efficiently managing donations.

Process:

Acceptance of any proposed donations must be approved by the City Council. Only proposed donations which the City Administrator has deemed to be in compliance with this policy will be forwarded to the Council for possible acceptance. To enable evaluation of a proposed donation, the prospective donor must submit to the City Administrator a written proposal addressing at least the approval criteria below. If appropriate, the City Administrator will forward the donation proposal to the City Council for final approval.

The City has no obligation to accept a proposed donation.

Approval Criteria:

Any proposed donation must:

- be consistent with applicable City laws, policies, ordinances, and resolutions;
- be compatible with the City's existing capital projects and with its long range plans, including adopted master plans, the Capital Improvement Program (CIP), and the Land Use Code;
- include estimated initial and ongoing costs for which the City will be responsible if it accepts the donation;
- not preclude prompt removal or sale if the contributed item becomes an impediment to an approved City project;
- meet the Right-of-Way Encroachment Guidelines if the donation is intended for placement in any public right-of-way;
- not detract from or overpower the scenic or architectural values of the existing natural or built environment;
- become the property of the City upon final acceptance; and

- be in the City's best interests.

A donation must be declined if:

- the donation is made in exchange for consideration of a right, privilege, material benefit or advantage, such as promotions or advertising;
- the donation will have a direct benefit to the donor, a relative of the donor, or a business with which the donor is associated, as defined in ORS 244.020 (3); or
- promotional material to be associated with the donation includes the logo, slogan, address, or phone number of a business, as defined in ORS 244.020 (2).

Income Tax Receipt:

A donation to the City of Ashland, which is a 501(c)(1) government entity, may be tax deductible. Upon confirmation that the contribution has been received in full, the City Recorder will issue a letter of receipt to the donor acknowledging the donation. The letter will serve as the donor's receipt for tax purposes.

Donor Recognition:

The City will issue a news release alerting the media about an accepted donation and include the donor's name unless the donor wishes to remain anonymous. The news release will be sent to the local media and posted on the City's website. Information about the donation and the donor will also be included in the City's monthly newsletter *City Source* which is mailed with City utility bills.

Donations will not be recognized with plaques placed on City property.