

Council Business Meeting

September 15, 2020

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| Agenda Item | Ratification of Water Curtailment Stage 1 | |
| From | Adam Hanks Scott Fleury PE | Interim City Administrator Interim Public Works Director |
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SUMMARY

Before the Council is a request ratify the City Administrators decision of September 14, 2020 to enter into water curtailment stage 1.

POLICIES, PLANS & GOALS SUPPORTED

City Council Goals:

- Essential Service-Drinking Water System
- Emergency Preparedness
- Address Climate Change

Climate Energy Action Plan

- Natural Systems:** Air, water, and ecosystem health, including opportunities to reduce emissions and prepare for climate change through improved resource conservation and ecosystem management.
- Strategy NS-2: Manage and conserve community water resources**

PREVIOUS COUNCIL ACTION

The Council at the August 25, 2009 Business Meeting ratified the City Administrators decision to enter into water curtailment stage 1 as outlined in AMC 14.06. At the May 4, 2020 Study Session, staff provided an update on the 2020 Water Supply and Drought Management Plan ([Minutes](#), [Staff Report](#)).

BACKGROUND AND ADDITIONAL INFORMATION

The City of Ashland watershed has had a well below average water year (October 1, 2019-September 30, 2020). The measured rainfall to date has been 13.47 inches and the average water year is 18.35 inches. There was no measurable precipitation in July or August and none to date in September.

Reeder Reservoir started the drawdown on July 11, 2020 and the Public Works started pumping Talent Irrigation District water on July 21, 2020. To date 12.82 MGD was pumped in July and 33.96 MGD was pumped in August. Public Works shut off the TID supply on August 31, 2020 due to water quality concerns and shortly thereafter TID shut off the supply to Ashland canal due to issues at the Green Springs power plant created by the wind storm on September 8 and 9. TID had maintained an initial shutoff date of September 15, but with the water quality concern and intermittent service availability leading up to that date, staff decided it best not to utilize the TID source and focus on supplementing with TAP water.

Public Works staff intended to begin pumping TAP water the week of September 8, but the catastrophic fires have paused the ability to utilize the TAP source. The lack of additional supply, unseasonable temperatures for September, the early shutoff of the TID source and associated demand for firefighting activities required Public Works staff to recommend the City Administrator initiate water curtailment stage 1 on September 14. As of September 14, Reeder Reservoir is 51 percent capacity with an inflow from the East and West Forks of 2.45 MGD combined. The average two-week production for the water treatment plant has been 5.18 MGD exceeding the typical average production in September.

Staff posted a voluntary curtailment notice on the City of Ashland's website on September 11 and we have seen a slight decrease in overall water usage, but more is needed until such time as we receive adequate rainfall and have reliable access to the TAP system.

FISCAL IMPACTS

There are no direct fiscal impacts for the water fund associated with continuation of water curtailment stage 1.

STAFF RECOMMENDATION

Staff recommends that Council ratify the City Administrators decision to implement Stage 1 Water Curtailment as outlined in the Ashland Municipal Code (AMC) 14.06.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

1. I move to ratify the City Administrators decision to enter into water curtailment stage 1 as outlined in AMC 14.06.
2. I move to invalidate the City Administrators decision to enter into water curtailment stage 1 as outlined in AMC 14.06.

REFERENCES & ATTACHMENTS

Attachment 1: Ashland Municipal Code 14.06

Chapter 14.06

WATER CURTAILMENT

Sections:

- 14.06.010 Definitions**
- 14.06.015 Water Allocation Table**
- 14.06.020 Determination of water shortage**
- 14.06.030 Water curtailment stages**
- 14.06.060 Exemptions and Appeals**
- 14.06.080 Excess water consumption surcharge; flow restrictor installation**
- 14.06.090 Penalties and enforcement**

14.06.010 Definitions

The following words and phrases whenever used in this chapter shall be construed as defined in this section unless from the context a different meaning is intended.

- A. "Billing period" means that period used by the City for the reading of water meters consisting of approximately 30 calendar days.
- B. "City water" means water sold or delivered by the City of Ashland and includes Talent Irrigation District water delivered through the City's water system.
- C. "Cf" means cubic feet.
- D. "Customer" means that person or persons designated in City records to receive bills for water service.
- E. "multi-family dwelling" means a building containing two or more residential units.
- F. "Outside plants" means grass, lawns, ground cover, shrubbery, gardens, crops, vegetation and trees not located within a fully enclosed building.
- G. "Permanent resident" means a person who resides at the dwelling at least five days a week, nine months a year.
- H. "Temporary or Drop-In Guest" means a person who resides at the dwelling less than 3 consecutive months per year.
- I. "Water Allocation Table" means that table of meter types and sizes and maximum volumes of water set forth in AMC [14.06.015](#).
- J. "Waste" means:

1. To use City water to irrigate outside plants:
 - a. Between the hours of 10:00 a.m. and 8:00 p.m. May through July or between 10:00 a.m. and 7:00 p.m. August through October, except that drip irrigation systems may be used during these times.
 - b. in such a manner as to result in runoff on a street, sidewalk, alley or adjacent property for more than five minutes.
 2. To use City water to wash sidewalks, walkways, streets, driveways, parking lots, open ground or other hard surfaced areas except where necessary for public health or safety.
 3. To allow City water to escape from breaks within a plumbing system for more than 24 hours after the person who owns or is in control of the system is notified or discovers the break.
 4. To use City water to wash cars, boats, trailers, aircraft, or other vehicles by hose without using a shutoff nozzle except to wash such vehicles at commercial or fleet vehicle washing facilities using water recycling equipment.
 5. To serve City water for drinking at a restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered for sale, to any person unless expressly requested by such person.
 6. To use City water to clean, fill or maintain decorative fountains, lakes or ponds unless all such water is recirculated.
 7. Except for purposes of building construction, to use City water for construction, compaction, dust control, cleaning or wetting or for building wash down (except in preparation for painting).
 8. To use City water for filling swimming pools or for filling toy, play or other pools with a capacity in excess of 100 gallons provided, however, that water may be added to swimming pools to replace volume loss due to evaporation.
- K. "HOA" means Home Owners Association (Ord. 3011, amended, 05/04/2010; Ord. 2869, amended, 05/15/2001)

14.06.015 Water Allocation Table

| CATEGORY | METER SIZE | STAGE 1 | STAGE 2 | STAGE 3 | STAGE 4 |
|-----------|------------|---------|---------|---------|---------|
| Res Irrig | 0.75 | 1800 | 600 | 100 | 0 |
| Res Irrig | 1.00 | 1800 | 600 | 100 | 0 |
| Res Irrig | 1.50 | 1800 | 600 | 100 | 0 |
| Res Irrig | 2.00 | 1800 | 600 | 100 | 0 |
| Com Irrig | 0.75 | 3200 | 1100 | 100 | 0 |

| CATEGORY | METER SIZE | STAGE 1 | STAGE 2 | STAGE 3 | STAGE 4 |
|--------------------|-------------------|----------------|----------------|----------------|----------------|
| Com Irrig | 1.00 | 6100 | 2100 | 200 | 0 |
| Com Irrig | 1.50 | 10400 | 3700 | 400 | 0 |
| Com Irrig | 2.00 | 15200 | 5300 | 500 | 0 |
| Com Irrig | 3.00 | 30400 | 10600 | 1100 | 0 |
| Gov Irrig | 0.75 | 3200 | 1100 | 100 | 0 |
| Gov Irrig | 1.00 | 6100 | 2100 | 200 | 0 |
| Gov Irrig | 1.50 | 10400 | 3700 | 400 | 0 |
| Gov Irrig | 2.00 | 15200 | 5300 | 500 | 0 |
| Gov Irrig | 3.00 | 30400 | 10600 | 1100 | 0 |
| Gov Irrig | 4.00 | 48100 | 16800 | 1700 | 0 |
| TID Irrig | 4.00 | 48100 | 16800 | 1700 | 0 |
| Comm=l | 0.75 | 6400 | 4800 | 3200 | 1600 |
| Comm=l | 1.00 | 12200 | 9200 | 6100 | 3100 |
| Comm=l | 1.50 | 20900 | 15600 | 10400 | 5200 |
| Comm=l | 2.00 | 30400 | 22800 | 15200 | 7600 |
| Comm=l | 3.00 | 60800 | 45600 | 30400 | 15200 |
| Comm=l | 4.00 | 96200 | 72200 | 48100 | 24100 |
| Comm=l | 6.00 | 186400 | 139800 | 93200 | 46600 |
| Comm=l | 8.00 | 304400 | 228300 | 152200 | 76100 |
| Condo/multi-family | All | 2700 | 2000 | 1300 | 700 |
| Resid=1 | .075 | 3600 | 2500 | 1800 | 900 |
| Resid=l | 1.00 | 3600 | 2500 | 1800 | 900 |
| Resid=l | 1.50 | 3600 | 2500 | 1800 | 900 |

(Ord. 3011, amended, 05/04/2010)

14.06.020 Determination of water shortage

A. The City Administrator is authorized to prohibit waste as defined in section [14.06.010](#) or implement water curtailment stages upon determination that a water shortage emergency conditions exists. Such determination shall be based on an analysis of the demand for water in the City, the volume of water in Reeder Reservoir, the standard drawdown curve for Reeder Reservoir, the projected curtailment date for Talent Irrigation District water and flows in the east and west forks of Ashland Creek. The determination of the City Administrator under this section shall be effective until the next council meeting following such determination at which time the council shall either ratify or invalidate the determination.

B. The City Administrator is authorized to terminate waste prohibitions or water curtailment stages upon determination that a water shortage emergency condition no longer exists. Such determination shall be based upon factors listed in section [14.06.020](#) and the billing cycle. The termination shall be effective until the next council meeting following the determination of the City Administrator at which time the council shall either ratify or invalidate the determination. (Ord. 3011, amended, 05/04/2010; Ord. 2869, amended, 05/15/2001)

14.06.030 Water curtailment stages

Depending on the severity of the potential water shortage, the City Administrator may implement the following water curtailment stages. During any stage, no person shall waste City water.

Stage 1. The following restrictions are effective during water curtailment Stage 1:

1. No customer shall receive through the water meter assigned to such customer more than the maximum volume of water for such meter indicated for Stage 1 in the Water Allocation Table.
2. Government agencies and HOA's, including but not limited to parks, schools, colleges and municipalities may have separate account allotments combined into one "agency" allotment and are exempt from Stage 1 restrictions if their water consumption is otherwise reduced by 20% from the volume of water delivered in the same billing period for the first previous nonwater curtailment year.

Stage 2. The following restrictions are effective during water curtailment Stage 2:

1. No customer shall receive through the water meter assigned to such customer more than the maximum volume of water for such meter indicated for Stage 2 in the Water Allocation Table.
2. Government agencies and HOA's, including but not limited to parks, schools, colleges and municipalities may have separate account allotments combined into one "agency" allotment and are exempt from Stage 2 restrictions if their water consumption is otherwise reduced by 30% from the volume of water determined under Stage 1.

Stage 3. The following restrictions are effective during water curtailment Stage 3:

1. No customer shall receive through the water meter assigned to such customer more than the maximum volume of water for such meter indicated for Stage 3 in the Water Allocation Table.

2. Government agencies and HOA's, including but not limited to parks, schools, colleges and municipalities may have separate account allotments combined into one "agency" allotment and are exempt from 3 restrictions if their water consumption is otherwise reduced by 40% from the volume of water determined under Stage 2.

Stage 4. The following restrictions are effective during water curtailment Stage 4:

1. No customer shall receive through the water meter assigned to such customer more than the maximum volume of water for such meter indicated for Stage 4 in the Water Allocation Table.
2. Government agencies and HOA's, including but not limited to parks, schools, colleges and municipalities may have separate account allotments combined into one "agency" allotment and are exempt from Stage 4 restrictions if their water consumption is otherwise reduced by 50% from the volume of water determined under Stage 3.
3. No City water shall be used to irrigate outside plants, except for trees, shrubs and food plants. If the customer has an irrigation meter, the irrigation meter shall not be used. The watering of trees, shrubs and food plants shall be through the nonirrigation meter and the total allocation shall not exceed the amount allowed for the nonirrigation meter. (Ord. 3011, amended, 05/04/2010)

14.06.060 Exemptions and Appeals

- A. Any person who wishes to be exempted from a restriction imposed by any water curtailment stage shall request an exemption in writing on forms provided by the City and file the request for exemption in writing with the Utility Billing Office.
- B. Requests will be reviewed after a water audit is conducted by the City and a determination made by the Conservation Analyst as to the validity of the request for an exemption. No exemptions will be considered until the City has conducted a water audit.
- C. Exemptions may be granted for the following:
 1. *Any person with substantial medical requirements as prescribed in writing by a physician.* Examples would be hydrotherapy pools or life support systems.
 2. Residential connections with more than four permanent residents in a single-family residence or three permanent residents per unit in a multi-family dwelling can receive up to 350 cf per month per additional permanent resident. A census may be conducted to determine the actual number of permanent residents per living unit. Temporary or drop-in guests will not be considered for additional allocations.
 3. For commercial or industrial accounts where water supply reductions will result in unemployment or decrease production, after confirmation by the City that the account has instituted all applicable water efficiency improvements.
 4. For any other reason upon showing of good cause and where necessary for public health or safety.

5. For commercial accounts where water meter is undersized (as determined under the Uniform Plumbing Code) for the current occupancy, the allocation for such accounts may be increased up to the allocation for the water meter size designated for such occupancy in the Uniform Plumbing Code.
- D. Exemptions will not be allowed for steam cleaning or similar uses of water. The amount allocated for any given customer will include such uses and no additional allocation will be allowed.
- E. The Conservation Analyst shall report to the Director of Public Works the findings and conclusions resulting from the review. The Director shall approve or deny the request for exemptions and may impose conditions. Such conditions may include the amount volume restrictions may be exceeded and that all applicable plumbing fixtures or irrigation systems be replaced or modified for maximum water conservation. If the Director and the applicant are unable to reach accord on the exemption, or if the applicant is dissatisfied with the decision, the applicant may appeal to the City Administrator in writing who will make the final determination.
- F. Except for an exemption granted under section [14.06.060.C.1](#), [C.2](#) and [C.5](#), the water consumption surcharge specified in section [14.06.080](#) shall apply to all exemptions. (Ord. 3011, amended, 05/04/2010; Ord. 2869, amended, 05/15/2001)

14.06.080 Excess water consumption surcharge; flow restrictor installation

For any full billing period that begins after the City Administrator's determination is made and ratified as provided in section [14.06.060](#):

- A. Any customer who exceeds the maximum volumes established in the Water Allocation Table for Stages 1, 2 or 3 shall pay a surcharge of four times the rate for water delivered in excess of the established maximum volume.
- B. During Stage 4, any customer who exceeds the maximum volumes established in the Water Allocation Table shall pay a surcharge of ten times the rate for water delivered in excess of the established maximum volume.
- C. Notwithstanding the above, at any time the City may install a flow restricting device upon a service exceeding the maximum volume for more than one billing period. For services up to one and one-half inch size the City may install a flow restricting device of two gallon-per-minute capacity, and for larger services, comparatively sized restricting devices for larger services, for a period of seven days. Before normal service will be restored, a flow restrictor installation and removal charge of \$100 shall be paid by the person who subscribes for the water service. Appeals are as provided in section [14.06.060](#) herein. (Ord. 3137, amended, 2017; Ord. 2869, amended, 05/15/2001)

14.06.090 Penalties and enforcement

Any person who violates any provision of this Chapter is subject to Section [1.08.020](#) of the Ashland Municipal Code. In addition to other legal and equitable remedies available to the City of Ashland, including restriction or termination of service:

A. Violation of any section of this chapter AMC [14.06](#) is a Class II violation. (Ord. 3137, amended, 2017; Ord. 3029, amended, 08/03/2010; Ord. 3011, amended, 05/04/2010)

The Ashland Municipal Code is current through Ordinance 3187, passed February 4, 2020.

Disclaimer: The City Recorder's office has the official version of the Ashland Municipal Code. Users should contact the City Recorder's office for ordinances passed subsequent to the ordinance cited above.

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