

**Julie Norman's Testimony to the Ashland City Council – Feb. 5, 2019**

My name is Julie Norman. I own property and reside at 596 Helman. 488-9474

First I would like to publicly thank the Ashland Parks Foundation, the Ashland Parks and Rec Division, and Mr. Jeff Mangin for their integrity and community spirit in putting their Japanese Garden Renovation Project on hold for a year.

Last Monday, a large number of local residents who value the natural beauty of Lithia Park went through an unnecessary emotional roller coaster, when the Parks Commission voted 3 to 2 in favor of a premature proposal from the Ashland Parks Foundation to upgrade Lithia Park's Japanese Garden. Many citizens and Ashland's Tree Commission had opposed the logging of two four-foot wide legacy fir trees to make room for a bamboo grove, but were overruled.

This Parks Foundation's proposal was driven by a gift of \$1.3 million from a well-intentioned Board Member, Jeff Mangin, who wanted to build a world-class, authentic Japanese Garden, in memory of his beloved wife Beatrice.

But all this planning screeched to a halt last Thursday, Jan. 31<sup>st</sup>, when Parks Director Michael Black issued this press release:

"The plan for renovating the Japanese Garden in Lithia Park has been suspended, at least for the time being. The prospective donor for the project has concluded it should be deferred and reconsidered. The donor's concern is that a project, which proponents had envisioned as a contribution to community harmony and enduring cultural value, has become a source of genuine community dissension.

The Ashland Parks and Recreation Commission, in a split vote, had decided at its regular meeting last Monday, January 28, 2019, to move forward with the Japanese Garden plans, as proposed by landscape designer, Toru Tanaka. The most controversial aspect of the proposed design involved removal of two existing Douglas Fir trees.

APRC Director, Michael A. Black, announced today the project will not proceed this year and its future is under review."

Had this suspension not been ordered, the Parks Commission would have quickly called on the Ashland City Council to approve a Supplemental City Budget with a new \$1.3 million dollar revenue line item for the Parks and Rec Division to begin building the new garden.

Given the City's hands-off policy toward Parks and Rec management, stemming from the 1908 Parks Commission Charter, I fear that City Council would have

quickly approved the Supplemental Budget, without crucial information about financial risks from the Japanese Garden Project.

Big expensive projects like this often incur (a) unforeseen expenses during construction and (b) declining revenues for ongoing maintenance, especially when large donations from private citizens are earmarked for public investments. According to the City Attorney, the City of Ashland would ultimately be liable to cover the Parks and Rec Division should this project go seriously into the red.

One example of a potential construction cost overrun is the excavation of the existing concrete structures and pouring new concrete to contain a grand recirculating streamcourse (from top to bottom of the garden), with an 8 foot waterfall and pond. The garden designer, Mr. Tanaka, had expressed his worries about this problem, especially since a seasonal stream and several springs underlie the garden, but these concerns were not explored.

One example of a potential revenue problem could be caused by increased maintenance costs, which are projected to jump from the current \$20,000 per year, to around \$80,000 per year. Although the project's donor volunteered to donate annual gifts of \$60,000 to cover additional maintenance costs, at the Jan. 24<sup>th</sup> Listening Session Mr. Mangin clarified that these \$60K annual gifts would **not** continue indefinitely. Unfortunately, there is still confusion about this pledge for maintenance, because the Jan. 24 Parks Commissioner Staff Report mistakenly claims that Mr. Mangin's annual gifts are "permanent."

**AST:** So I would like to see the City Council devote 30 minutes of an upcoming Study Session to discuss the pitfalls of accepting large gifts from private citizens, with the Japanese Garden Project as a case study. You could also explore how the City might legally engage in oversight with the Parks Commission within the Budget Process. [Alternatively, a group could meet with Mayor Stromberg and Kelly Maddison, the City Council's liaisons to the Parks and Rec Division.]

We could start the conversation by examining the January comment letter you all received from Matt Warshawsky, entitled, "Japanese Garden and using private money for public projects."

Name : **Matt Warshawsky**

Email : **[mwarshawsky@azeotech.com](mailto:mwarshawsky@azeotech.com)**

Subject: **Japanese garden & using private money for public projects**

Message : **I read today the article in the Daily Tidings from yesterday concerning the Japanese Gardens and the trees**

entitled "Protesters vow to protect trees". I don't really have an opinion about the trees or the garden in particular, but I am concerned about private money being used to direct public projects. This issue was brought up by Mike Faught when I was on the Transportation Commission years ago with no real resolution.

With cities strapped for cash, I can understand the appeal of a large donation to improve a part of the city, but this is a very slippery slope, as you are talking about the city making decisions based on who is giving them the money, so private individuals can basically use money to influence local government to do what they want by dangling a carrot in front of them. This was demonstrated perfectly in the article in a quote from Director Black: "He said if the commission rejects the plan, there's no guarantee that the grant for the remodel will remain as is. So, potentially there could be no new garden if the design is rejected." This directly implies that the city will only get the money if the garden is built in a way that appeases the donors. Is Lithia park for the donors pleasure, or for the public?

While I doubt there is ill will here, I see a very dangerous precedent. Let's say that I'm Steve Job's brother and heir and have a place overlooking Lithia park. But there are a couple trees blocking my view. So I donate 5 million dollars to redo the part of Lithia park that contains those trees, and then I only approve the money if the design takes those trees down. Sure, 5 mil is a lot to remove a couple trees, but I've got money to spare, enough to convince the government to do what I want. The answer to this is simple: yes, private individuals can donate money for public projects, but that money has to be given with no contingencies, except that it be used for a that project. The donor gets no design input, and no input on when the project is actually done, and once committed cannot change their mind. The city only gets the money if they actually do the project, and the money only times out after a very long period of inactivity (10+ years?). This keeps the private party from influencing city planning. Matt W.

# ASHLAND PARKS & RECREATION COMMISSION

340 S PIONEER STREET • ASHLAND, OREGON 97520

COMMISSIONERS:

Mike Gardiner  
Joel Heller  
Rick Landt  
Jim Lewis  
Julian Bell



Michael A. Black, AICP  
Director

541.488.5340  
AshlandParksandRec.org  
parksinfo@ashland.or.us

## PARKS COMMISSIONER STAFF REPORT \*

**TO:** Ashland Parks and Recreation Commissioners  
**FROM:** Michael Black, APRC Director  
**DATE:** January 24, 2019  
**SUBJECT:** Japanese Garden Project

The Ashland Parks Foundation has proposed a renovation of the existing Japanese Style Garden in order to create a truly authentic and ADA accessible Japanese Garden for the citizens of Ashland and APRC.

SEE  
ATT.

The Foundation presents a letter that asks the Commissioners to review and approve the plan as it is currently constituted. The Foundation has also entered into a process of public input that has lasted since the first scoping meeting in August of 2018, through several garden tours to the current point in time. The Foundation has also taken the plan to the Historic Commission as well as to the Tree Commission for their review. The plan was recommended for approval by the Historic Commission and the plan was recommended for approval with a slight modification by the Tree Commission.

The Tree Commission dissented from the plan slightly due to the proposed removal of two Douglas Fir trees. The Commission did a visual inspection of the trees and as a result, determined that they were healthy. Consequently, the Tree Commission could not apply their criteria for removal to the trees and therefore recommended that the trees remain and be incorporated into the plan. This report was first given to the Commissioners last week at the APRC study session on January 14, 2019. The result was the desire of the Commissioners for a certified arborist to be engaged to analyze the two trees and prepare a report on the health and longevity of the trees.

Staff did engage an arborist, Mike Oxman. The following is from the his report:

*The metabolic condition of the 2 trees is healthy an. sound. The uniform taper of the trunks and lack of cavities or seams indicates strong wood. The assymetricality of the canopy indicates mature stand conditions resulting from close spacing of trees. The excavation of the root crown to inspection confirms soil quality is good, and there is no decay of structural roots.*

\* IN PARKS COMMISSION PACKET  
FOR VOTE ON JAN. 25, 2019

*The consequences of removal of the 2 largest trees in the grove could have adverse side effects. The remaining trees have developed qualities of resisting stress from wind and other conditions within the protected shelter of Tree #1 and Tree #2. The edge effect of newly exposed trees that were previously shielded could promote unanticipated breakage and tree failure.*

*Trees #1 and #2 have a low risk rating because they do not have such defects, and have a long life expectancy. The life expectancy of this grove may be at least 20 years.*

### **Cost of the Garden Renovation**

The Foundation is prepared to cover up to \$1,300,000 of expenses related to the design and renovation. The grant of \$1,300,000 is sufficient to cover the cost of the renovation. APRC staff will offer support to the construction with in-kind matches associated with some onsite construction and the use of some of APRC's equipment.

In addition to the cost of the construction, APRC will also be concerned with the increased cost of maintenance for the enhanced garden. Currently, the cost of maintenance and materials for the garden is estimated at \$20,000 per year. APRC has budgeted to cover those expenses and we will continue to do so as part of Lithia Park.

It is anticipated that the cost of maintenance of the garden will increase almost four times, making the new expense for the garden between \$70,000 and \$80,000 per year. The Foundation, through a donation, has obligated \$60,000 per year to APRC to cover the increased costs of maintenance for the park.

In summary, expenses are expected to increase immediately upon the opening of the new Japanese Garden. Those expenses could grow from \$20,000 per year to approximately \$75,000 per year. With an endowment of \$60,000 per year from the Foundation, coupled with the \$20,000 per year from the APRC budget. Staff is comfortable that the increase in maintenance will not cause an undue hardship on the budget due to the endowment, which is permanent.

### **Benefits to APRC**



**NOT ACCURATE**

The benefits of accepting the gift of the new Japanese Garden could be condensed into the following list:

1. By accepting the gift now and moving forward with the renovation, APRC will not have the financial liability for the improvements that may be needed within the next decade.
2. The garden will be made to be authentic by the renovations, which will satisfy requests by the Japanese Association of Southern Oregon to correct cultural mistakes in the garden.
3. The garden will be made ADA accessible by the renovations allowing a larger base to visit the area.
4. The garden has the potential to generate revenue through rentals and suggested donations.
5. The tourism base to Lithia Park will be sustained by continuing to provide new and relevant attractions for the public.
6. One portion of the Lithia Park Master Plan will be accomplished immediately by enriching the life of the garden through the current century.

Staff's opinion is that there are many benefits to accepting the gift of the garden renovation and that the pros far outweigh the cons for moving forward.

## **Summary**

The attached letter details a gift that is being offered to the Ashland Parks and Recreation Commission and Lithia Park. Staff feels that the gift is authentic and although it will require an increase in maintenance to the Japanese Garden, and endowment has been created to address that concern. As mentioned above, there are many benefits to accepting the gift and moving forward with the plan.

The Foundation has made a request that the plan be voted on as it has been presented. Staff is recommending that the Commissioners review the proposal and make a motion according the way the plan has been presented.

## **Possible Motion**

I move to *(approve or approve with conditions)* the design for the Japanese Garden as presented by the Ashland Parks Foundation and direct staff to begin the process of contracting the project and start construction at the earliest point in time.

**Attachments:** Proposed Japanese Garden Design; Topographic Survey of the current Japanese Style Garden; and, Mike Oxman, Arborist Report

# PROPOSAL LETTER FROM ASHLAND PARKS FOUNDATION

January 23, 2019

Chair Mike Gardiner  
Ashland Parks and Recreation Commission  
340 South Pioneer Street  
Ashland, OR 97520

Re: Lithia Park Japanese Garden

Dear Mr. Gardiner,

The Ashland Parks Foundation (APF) has been presented with a gift in the form of funding that will allow for the transformation of the existing "Japanese Style Garden" in Lithia Park to an authentic Japanese Garden. APF has worked with Toru Tanaka, a nationally recognized designer, who has prepared the attached Japanese Garden plan (The "Plan"). The Plan is very specific to the space that already exists for the current garden and includes a modest expansion on both the north and south side of the garden to accommodate the Plan.

The Plan calls for the reorganization of the garden and the introduction of new elements, such as a koi pond, moss gardens, sand and stone garden, a significant increase in the number of trees and ADA accessible walking paths, in order to meet the following goals:

1. Ensure accessibility in the garden for all users
2. Create a design that allows for nodes, alcoves and sitting along paths
3. Incorporate authentic elements into the plan
4. Ensure garden is protected from outside elements via appropriate fencing or barrier
5. Create an immersive Japanese Garden experience
6. Honor the history of the garden in the larger Lithia Park

The current garden property is owned by Ashland Parks and Recreation Commission (APRC) and is part of Lithia Park. The board of directors of the APF are presenting the attached plan for the consideration of APRC and we recommend that the Commissioners vote on the plan as it is presented.

## **Background**

The design of the Garden began with the Lithia Park Master Plan (LPMP) site analysis process. During this process the LPMP team reviewed the site and determined that a modest increase in the size of the Japanese Garden would not be detrimental to the LPMP. In fact, it was commented on by the team that the addition of the enhanced garden to the park would be a significant element to the longevity and viability of the park, in general.

When it was determined that the LPMP planning process and the garden design process were not disadvantageous to each other, the process began to move forward with garden design. Toru Tanaka, a former director of the Portland Japanese Garden, was selected to complete the design and he began work on the design in late Summer – early Fall of 2018. While Mr. Tanaka was busy preparing a

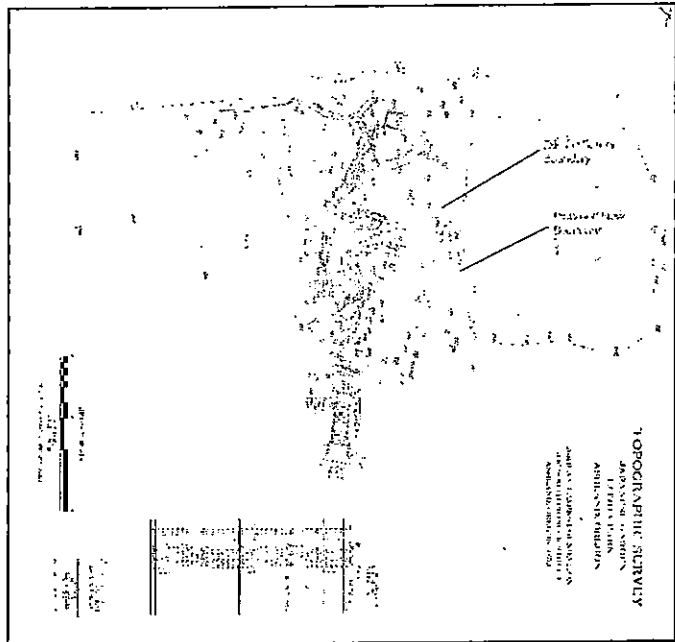
preliminary design for the garden, the APF was busy holding a series of three workshops where the public was scoped regarding their desires for the garden.

The idea of enhancing the garden was taken very favorably with the groups who came to the meetings to participate in the workshops. The following goals were gleaned from those workshops:

1. Ensure accessibility in the garden for all users
2. Create a design that allows for nodes, alcoves and sitting along paths
3. Incorporate authentic elements into the plan
4. Ensure garden is protected from outside elements via appropriate fencing or barrier
5. Create an immersive Japanese Garden experience
6. Honor the history of the garden in the larger Lithia Park

From that point, the designer was informed of the goals for the garden and began the design process.

The first opportunity for the public to view the preliminary plans was at the October 22, 2018 APRC meeting. At this meeting the designer presented the preliminary plan, which is very similar to the plan that is attached for your review. This plan calls for the regrading and replanting of a significant portion of the garden and a modest expansion to the north and to the south of the existing boundary of the garden (see adjacent graphic).



\* The plan, on the following page, shows a series of changes to the garden that will address all of the aforementioned goals.

Some of the higher points of the plan are the reorganization and planting of 200 new trees as well as the koi pond, realigned stream path with more prominent water falls, as well as ADA accessible routes throughout the garden.

The Plan is too intricate and nuanced to be able to justifiably represent it in this letter. The attached drawings detail those parts of the Plan that are difficult to delineate here.

Of particular note to the process and the Plan are the number of trees and significant bushes that were catalogued with the survey of the plan. In total there were 104 trees that were recorded that exist in the current garden and the immediate area around the garden. Of these trees, the majority are healthy and will enjoy a long life to come. Some of the trees are not healthy and the APF recommends that those trees be removed and replaced with healthy trees that will last for the majority, if not all, of the current century. Only those trees inside the existing garden that have no chance for a significant life span will be replaced, with two exceptions.

\* The "plan" consists of 2 pages



On the outskirts of the existing Japanese Garden is a grove of twelve significantly sized Douglas Fir trees. On the leading southern edge of the grove are two of the largest trees of the group that fall within the proposed boundary of the new Japanese Garden. APF acknowledges that these trees are healthy; however, their location in the garden is not consistent with the proposed plan and we recommend that those two trees be removed. The wood from the trees could potentially be milled to provide materials for the new Japanese Garden for fencing, benches and so on.. The two large trees in question were planted with the grove of twelve in 1924 by the Boy Scouts of America.

**Recommendation**

Attached to this letter, you will find a professionally designed Plan for the renovation of the existing Japanese Style Garden in Lithia Park. A generous donation has made this design possible and the same donation will cover the expenses of the construction of the project. The APF wishes to gift this plan to APRC with the funds to complete the construction. In addition, the donor, through the APF, is also dedicating a yearly stipend of \$60,000 for the increased maintenance cost of the garden.

The APF is very excited to be able to offer this gift to APRC and the citizens of Ashland. We hope that this letter will solidify the gift that is being proposed and will find favor with the Commissioners. We truly believe that this gift will be enjoyed for more than a century, just as the original plan for Lithia Park – including a Japanese garden – has been enjoyed by residents and visitors alike for more than 100 years.

Thank you again for your consideration and partnership in this endeavor.

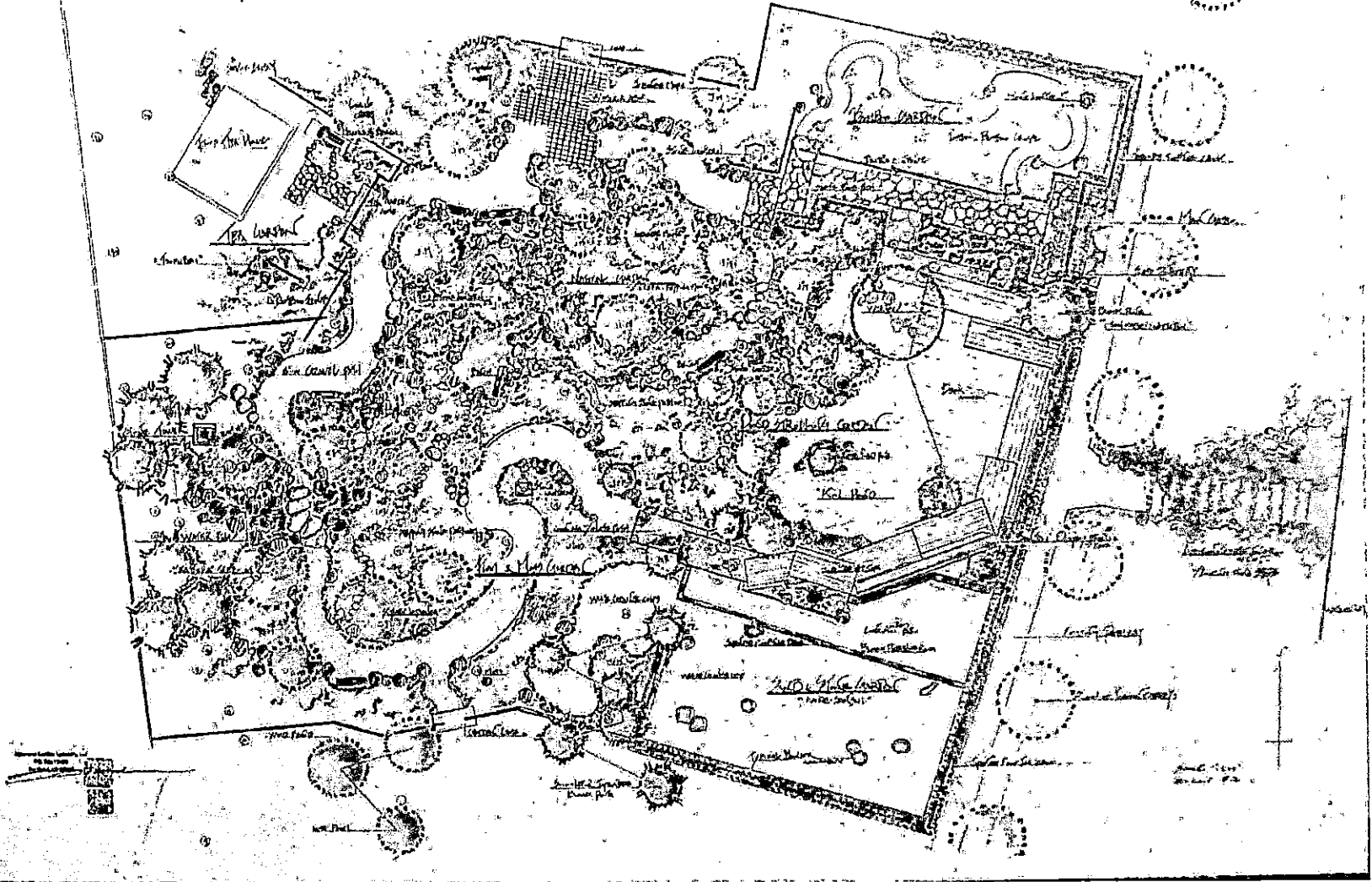
Your truly,

The Ashland Parks Foundation

} NOT SIGNED

I believe this APF letter was prepared by their "staff", MICHAEL BLACK.

DEMVALE'S VIMINA PARK JAPANESE GARDEN Site Plan  
OCT 2018



PLAN : P.1

1951-1952 SURVEY  
 THE UNIVERSITY OF MICHIGAN  
 EAST LANSING, MICHIGAN  
 (BY THE UNIVERSITY OF MICHIGAN  
 EAST LANSING, MICHIGAN  
 SURVEYING DEPARTMENT)

**LEGEND**

—	ROAD
—	RAILROAD
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING
—	RAILROAD CROSSING



GRAPHIC SCALE  
 1" = 100' (SCALE)  
 1" = 100' (SCALE)

PROPERTY OWNERS	
1	ASHLAND PIONEER FOUNDATION
2	ASHLAND PIONEER FOUNDATION
3	ASHLAND PIONEER FOUNDATION
4	ASHLAND PIONEER FOUNDATION
5	ASHLAND PIONEER FOUNDATION
6	ASHLAND PIONEER FOUNDATION
7	ASHLAND PIONEER FOUNDATION
8	ASHLAND PIONEER FOUNDATION
9	ASHLAND PIONEER FOUNDATION
10	ASHLAND PIONEER FOUNDATION
11	ASHLAND PIONEER FOUNDATION
12	ASHLAND PIONEER FOUNDATION
13	ASHLAND PIONEER FOUNDATION
14	ASHLAND PIONEER FOUNDATION
15	ASHLAND PIONEER FOUNDATION
16	ASHLAND PIONEER FOUNDATION
17	ASHLAND PIONEER FOUNDATION
18	ASHLAND PIONEER FOUNDATION
19	ASHLAND PIONEER FOUNDATION
20	ASHLAND PIONEER FOUNDATION
21	ASHLAND PIONEER FOUNDATION
22	ASHLAND PIONEER FOUNDATION
23	ASHLAND PIONEER FOUNDATION
24	ASHLAND PIONEER FOUNDATION
25	ASHLAND PIONEER FOUNDATION
26	ASHLAND PIONEER FOUNDATION
27	ASHLAND PIONEER FOUNDATION
28	ASHLAND PIONEER FOUNDATION
29	ASHLAND PIONEER FOUNDATION
30	ASHLAND PIONEER FOUNDATION
31	ASHLAND PIONEER FOUNDATION
32	ASHLAND PIONEER FOUNDATION
33	ASHLAND PIONEER FOUNDATION
34	ASHLAND PIONEER FOUNDATION
35	ASHLAND PIONEER FOUNDATION
36	ASHLAND PIONEER FOUNDATION
37	ASHLAND PIONEER FOUNDATION
38	ASHLAND PIONEER FOUNDATION
39	ASHLAND PIONEER FOUNDATION
40	ASHLAND PIONEER FOUNDATION
41	ASHLAND PIONEER FOUNDATION
42	ASHLAND PIONEER FOUNDATION
43	ASHLAND PIONEER FOUNDATION
44	ASHLAND PIONEER FOUNDATION
45	ASHLAND PIONEER FOUNDATION
46	ASHLAND PIONEER FOUNDATION
47	ASHLAND PIONEER FOUNDATION
48	ASHLAND PIONEER FOUNDATION
49	ASHLAND PIONEER FOUNDATION
50	ASHLAND PIONEER FOUNDATION



TOPOGRAPHIC SURVEY  
 JAPANESE GARDEN  
 LITTLE PARK  
 ASHLAND, OREGON  
 ASHLAND PIONEER FOUNDATION  
 AND NORTH PIONEER TRACT  
 ASHLAND, OREGON

PROPERTY OWNERS	
1	ASHLAND PIONEER FOUNDATION
2	ASHLAND PIONEER FOUNDATION
3	ASHLAND PIONEER FOUNDATION
4	ASHLAND PIONEER FOUNDATION
5	ASHLAND PIONEER FOUNDATION
6	ASHLAND PIONEER FOUNDATION
7	ASHLAND PIONEER FOUNDATION
8	ASHLAND PIONEER FOUNDATION
9	ASHLAND PIONEER FOUNDATION
10	ASHLAND PIONEER FOUNDATION
11	ASHLAND PIONEER FOUNDATION
12	ASHLAND PIONEER FOUNDATION
13	ASHLAND PIONEER FOUNDATION
14	ASHLAND PIONEER FOUNDATION
15	ASHLAND PIONEER FOUNDATION
16	ASHLAND PIONEER FOUNDATION
17	ASHLAND PIONEER FOUNDATION
18	ASHLAND PIONEER FOUNDATION
19	ASHLAND PIONEER FOUNDATION
20	ASHLAND PIONEER FOUNDATION
21	ASHLAND PIONEER FOUNDATION
22	ASHLAND PIONEER FOUNDATION
23	ASHLAND PIONEER FOUNDATION
24	ASHLAND PIONEER FOUNDATION
25	ASHLAND PIONEER FOUNDATION
26	ASHLAND PIONEER FOUNDATION
27	ASHLAND PIONEER FOUNDATION
28	ASHLAND PIONEER FOUNDATION
29	ASHLAND PIONEER FOUNDATION
30	ASHLAND PIONEER FOUNDATION
31	ASHLAND PIONEER FOUNDATION
32	ASHLAND PIONEER FOUNDATION
33	ASHLAND PIONEER FOUNDATION
34	ASHLAND PIONEER FOUNDATION
35	ASHLAND PIONEER FOUNDATION
36	ASHLAND PIONEER FOUNDATION
37	ASHLAND PIONEER FOUNDATION
38	ASHLAND PIONEER FOUNDATION
39	ASHLAND PIONEER FOUNDATION
40	ASHLAND PIONEER FOUNDATION
41	ASHLAND PIONEER FOUNDATION
42	ASHLAND PIONEER FOUNDATION
43	ASHLAND PIONEER FOUNDATION
44	ASHLAND PIONEER FOUNDATION
45	ASHLAND PIONEER FOUNDATION
46	ASHLAND PIONEER FOUNDATION
47	ASHLAND PIONEER FOUNDATION
48	ASHLAND PIONEER FOUNDATION
49	ASHLAND PIONEER FOUNDATION
50	ASHLAND PIONEER FOUNDATION