

ORON PA 1201

SUPPLEMENTAL MATERIAL

City of Creswell
13 South 1st Street
P.O. Box 276
Creswell, OR 97426
Ph (541) 895-2531
Fax (541) 895-3647



May 11, 2004

Bobby Green, Sr.
Chair, Lane County Board of Commissioners
125 East 8th Avenue
Eugene, Oregon 97401

Subject: Response to Request for Information Related to Expanding Creswell's Urban Growth Boundary to Include the Creswell Airport

Dear Commissioner Green:

On behalf of the City of Creswell, I would like to transmit answers to questions posed by individual Commissioners related to the city's request for an expansion of the urban growth boundary to include the Creswell airport. In addition to answers to questions posed, we are also providing you with information requested by individual commissioners.

Answers to your three most important questions are included in the attached Resolution 2004-13, which unanimously passed the City Council on May 10, 2004. The questions are:

1. Why choose to expand the UGB if a simpler extra-territorial extension of the water service is allowed by Oregon Administrative Rule?
2. Should the Board of Commissioners act now on the UGB extension or wait for completion of the new Airport Master Planning project?
3. Is the main purpose of the UGB expansion to provide better fire protection for the airport or is the real purpose to greatly expand the airport?

Please refer to the body of the Resolution for the formal opinion of the City Council and answers to your questions.

There were other information requests made by Commissioners. The information is attached in the form of Exhibits and Attachments, as follows:

Exhibit 1 contains a sequence of key events related to our request and related to the airport. This Exhibit provides detail on the Fire Marshal's request to correct the water supply problem at the airport

Exhibit 2 provides information about the city's ability to control aircraft and aircraft noise. A letter from the Federal Aviation Administration is an attachment to the Exhibit.

Exhibit 3 summarizes the city's legally valid reasons to expand the UGB to include the airport property.

If you have any other questions or desire more information, please call or send an e-mail to mark.shrives@centurytel.net.

Sincerely,


for: Mark Shrives
City Administrator

RESOLUTION NO. 2004-13

A RESOLUTION ANSWERING QUESTIONS POSED BY THE LANE COUNTY BOARD OF COMMISSIONERS

WHEREAS, the City of Creswell has made application to Lane County for an expansion of its Urban Growth Boundary (UGB) to encompass property owned by the City and now used as Creswell Airport Hobby Field; and,

WHEREAS, members of the Board of Commissioners have requested City Council review of the methods by which municipal water may be extended outside of the city limits; and

WHEREAS, the Board of County Commissioners has asked additional questions and asked for additional information about the city's application;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Creswell does hereby formally state its opinion and answer questions raised by the Board of County Commissioners related to our UGB expansion to include city airport property.

1. Why choose to expand the UGB if a simpler extra-territorial extension of the water service is allowed by Oregon Administrative Rule?

City Council Opinion and Answer. The Creswell Comprehensive Plan states that municipal water service is an "urban" service and should only be provided to properties within the city's urban growth boundary and within the city limits. The City Council agrees with the Comprehensive Plan statement that has been in effect for more than 20 years and that has been adopted by county government and acknowledged by the State of Oregon. We believe this method of providing water service is good public policy.

We understand that current Oregon Administrative Rules make it possible to extend municipal water extra-territorially. We understand that we could amend our Comprehensive Plan and Council Resolutions restricting extra-territorial water extensions. As the elected officials for the city of Creswell, we choose not to make these types of changes; rather, we prefer the more restrictive method in our currently adopted plan. We believe it is important to act consistent with the adopted plan and we ask that the Lane County Board of Commissioners do the same.

2. Should the Board of Commissioners act now on the UGB extension or wait for completion of the new Airport Master Planning project?

City Council Opinion and Answer: The new airport master planning project is an important effort for our community; however, the new plan is an update to an airport layout plan adopted in 1992. Given the constraints of the airport site and the limits on the city's ownership, we do not believe that the new plan will substantially change the basic layout already in our approved plan. The new master planning effort will refine, improve, and add new components to the already

adopted 1992 layout plan. The new master planning process will likely take about 12 to 18 months to complete. Better fire protection should not have to wait any longer. The City Council would greatly appreciate the county's approval of our request for UGB expansion at this time.


3. Is the main purpose of the UGB expansion to provide better fire protection for the airport or is the real purpose to greatly expand the airport?

City Council Opinion and Answer: To repeat what we have said numerous times in our application and at public hearings, the main reason for our request is one of better fire protection to public and private property at the airport. The request would only bring in property already owned by the city. While two 5,000 gallon water tanks on site minimally meet the Fire Marshal's requirements, there is no question that a municipal water supply would be a better method of providing water to fight all sizes of possible fires. The two water tanks were always designed as an interim solution: as stated in the June, 2001 Notice and Order of Correction from the Office of State Fire Marshal, the tanks were considered the first stage of a three stage fix and were—in the Fire Marshal's words, a "band-aid" for an interim period.

The City Council hereby clearly states that the City of Creswell has no "hidden" motives behind this request. Our application has always described our primary purpose of improved fire protection at the airport. Is it possible that some additional hangar development will occur at the airport as a result of better fire protection? The answer is probably Yes, but any growth must be consistent with our current airport master layout plan—which has been in effect for 12 years.

BE IT FURTHER RESOLVED, that the Common Council of the City of Creswell unanimously urges a Yes vote by the Board of County Commissioners on the city's UGB expansion request.

ADOPTED by the Common Council of the City of Creswell this 10th day of May, 2004.


Ron Petitti, Mayor

ATTEST:

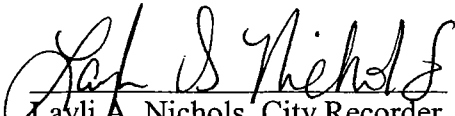

Layli A. Nichols, City Recorder

Exhibit 1
Sequence of Key Events - UGB Application and Airport Development

1962 – Creswell Airport created at current location.

1977, July – Site planning for Creswell airport approved by FAA.

1982 – Creswell Comprehensive Plan is adopted by the City Council, the Lane County Board of Commissioners and is acknowledged by the State of Oregon. The Plan included the following related to our current request:

- The Plan recognized the existence of the airport and included language to protect the airport from incompatible land uses. It established a: clear zone; obstruction zone; approach safety zone; moderate noise corridor; and substantial noise corridor. These zones are still in effect today.
- The Plan specifically states that "... current municipal policy restricts water service to within the corporate city limits."

1983, August – Board of County Commissioners adopts Resolution 83-8-31-1 In the Matter of Endorsement of the Expansion Plan of the Creswell Airport. The Resolution states, "...that Lane County supports the expansion of the Creswell airport and its application to appropriate agencies for funding of the project." Attachment A-1

1983, September – New Airport Layout Plan for Creswell Airport approved by FAA

1992 – Attachment A. Resolution 92-16 passes the City Council. The Resolution establishes a policy on extraterritorial water connections. The policy includes essentially three reasons why extraterritorial extension will be considered: 1) adjacent to city limits and willing to annex; 2) health hazard requests; and 3) medical hardship requests). The Resolution specifically states: "In addition, only those requests that are within the City's Urban Growth Boundary as established by its Comprehensive Land Use Plan, will be considered."

1992, November – Attachment B. City adopts a new airport layout plan to guide the development on airport property. FAA approves in December 1992.

2001, May – State of Oregon, Office of State Fire Marshal inspects airport to consider fire protection needs for a new hangar.

2001, June – Attachment C. Deputy Fire Marshal meets with city staff and provides a Notice and Order of Correction - DKM0105141005. The Notice and Order recommends a three stage solution to Order of Correction:

- Stage 1. Install two water storage tanks to assist the fire department;

- Stage 2. Within 5 years, extend the hydrant water main system to include a minimum of two hydrants on the airport;
- Stage 3. Provide a looped water system so to accommodate any future expansion projects with the needs of increased water flows.

2001, June – Attachment D. City Council passes Resolution 2001-11 which stated the city's intent to comply with the Fire Marshal's Notice and Order of Correction.

2003, November – Attachment E. Letter from Deputy Chief/Fire Marshal of the South Lane County Fire & Rescue, clarifying fire protection needs at the airport.

2002, September – Application for UGB expansion submitted to Lane County.

2003, July – First Hearing before the Planning Commission.

2003, December – Second Hearing before the Planning Commission.

2004, February – Application to Federal Aviation Administration for a grant to conduct an airport master planning project.

2004, April 28 – Second Reading and Public Hearing by Board of County Commissioners. Request for additional information.

Attachment A-1

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

RESOLUTION No. 83-8-31-1

) IN THE MATTER OF ENDORSEMENT
) OF THE EXPANSION PLAN OF THE
) CRESWELL AIRPORT

WHEREAS, Creswell Airport desires to expand its runway and support facilities to serve as a general aviation airport, and

WHEREAS, Lane County Regional Airport System Study, prepared in 1978, found that availability of general aviation facilities is a significant consideration of businesses considering location of a facility, and

WHEREAS, this project will expand the general aviation facilities available in central Lane County, and

WHEREAS, the City of Creswell has a Comprehensive Plan that has been approved by Lane County, and

WHEREAS, this plan includes support of expansion of the airport as a goal for the city's transportation policies, and

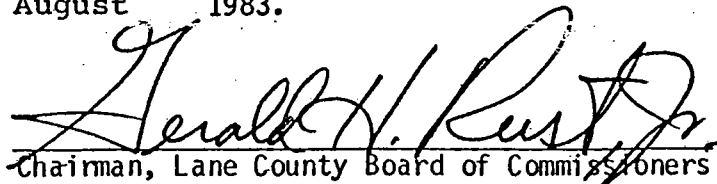
WHEREAS, the expansion of the airport involves land zoned through the Land Division of the County as the airport is outside of the adopted Urban Growth Boundary, and

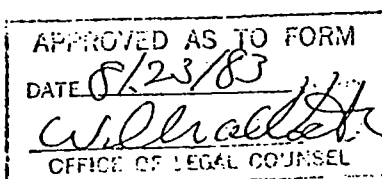
WHEREAS, the County will take appropriate zoning action on the airport land when land is purchased for airport purposes, and

WHEREAS, appropriate zoning action to protect all approach areas for airports in Lane County is anticipated in October 1983,

NOW THEREFORE BE IT RESOLVED, that Lane County supports the expansion of the Creswell airport and its application to appropriate agencies for funding of the project.

Dated this 31st day of August 1983.


Chairman, Lane County Board of Commissioners



In the Matter of Endorsement of the Expansion Plan of the Creswell Airport

WP 12913-1A-2

Attachment A

RESOLUTION NO. 92 - 16

A RESOLUTION ESTABLISHING A POLICY ON EXTRATERRITORIAL WATER CONNECTIONS

WHEREAS: The City Council is desirous of establishing an extraterritorial water connection policy for the City;

WHEREAS: The City has limited excess source, distribution and storage capacity;

WHEREAS: The City has an obligation in providing service to Residential, Commercial and Industrial properties of the incorporated city limits, Fircrest Farms, Emerald Valley Development, Harvey Road Water and North Pacific Highway Water Cooperatives.

WHEREAS: The City does not wish to overburden its current water system.

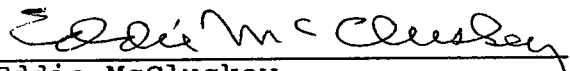
NOW THEREFORE BE IT RESOLVED: That the Common Council of the City of Creswell will consider only the following request for extraterritorial water line connections:

1. Those residential, commercial and industrial properties which are adjacent to the City Limits and the property owners are willing to annex to the City of Creswell.
2. Health Hazard Requests - Those developed properties whose current water source has become contaminated and unacceptable for human consumption or their current source has been depleted.
3. Medical Hardship - When a blood relative of a property owner has a signed doctors order stating that said person or persons need outside care in order to maintain an independent form of living, (reside in a separate residence). In addition, a Conditional Use Permit has been or will be obtained from Lane County authorizing said use prior to connection to the City water system. When the hardship ceases so does the connection to the City's water system.
4. Prior to approval of any extraterritorial industrial or commercial water connection, the City may require the applicant to prove that such connection will not exceed the current reserve capacity for water


storage, production or distribution. Such documentation shall be signed by a licensed professional engineer.

In addition, only those requests that are within the City's Urban Growth Boundary as established by its Comprehensive Land Use Plan will be considered. If the request is approved the applicant must sign a consent to annex document and an agreement not to remonstrate against future local improvement districts for extension and construction of needed public facilities and the assessments thereof.

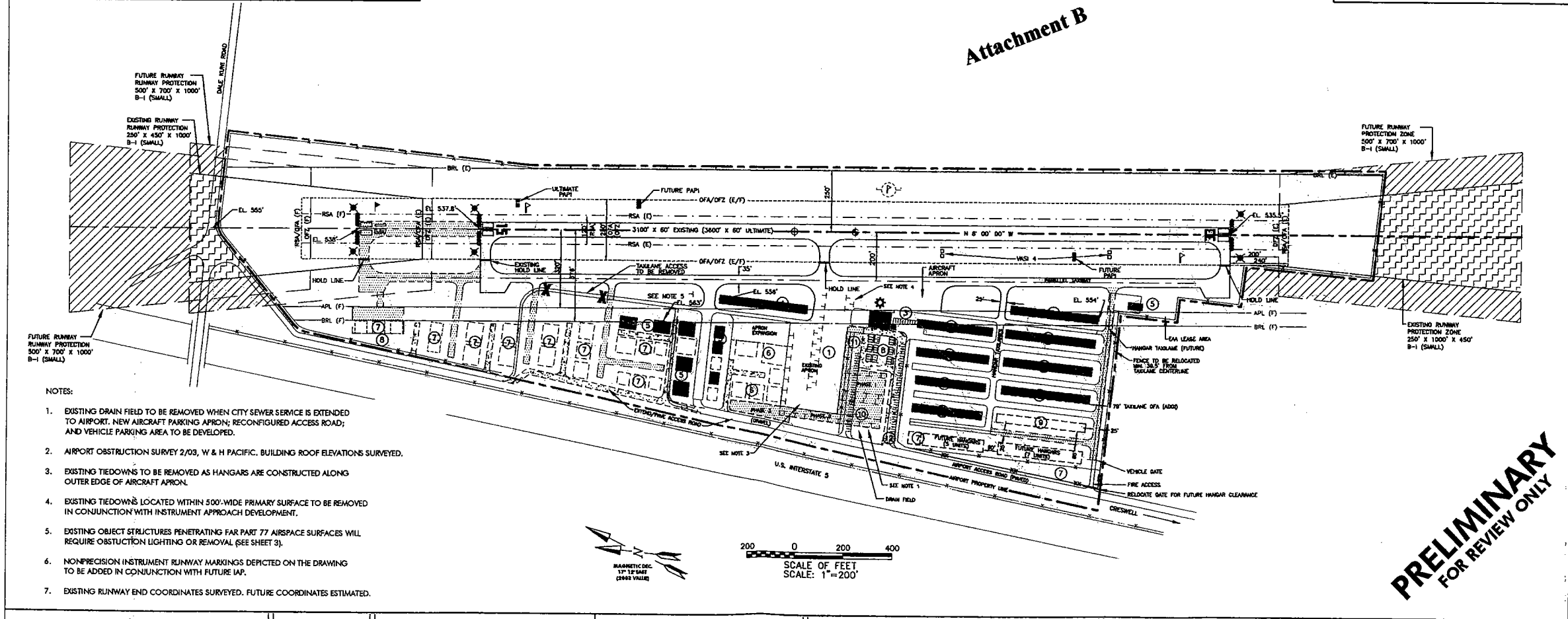
ADOPTED: By the Common Council this 9th day of November, 1992


Eddie McCluskey
Mayor

ATTEST:


Connie D. Dersham
City Recorder

LEGEND			AIRPORT DATA				RUNWAY DATA 15/33				BUILDING KEY	
	EXISTING	FUTURE		EXISTING	FUTURE		EXISTING	FUTURE				
FACILITIES			AIRPORT ELEVATION (MSL)	537.8	538	LENGTH AND WIDTH	3100' X 60'	3600' X 60'			1	GA AIRCRAFT TIEDOWN APRON (EXISTING)
BUILDINGS			DATUM FOR ALL ITEMS	NAD 83/NAVD 88	SAE	PERCENT EFFECTIVE GRADIENT	0.1%	0.07%			2	FBO (EXISTING)
RUNWAY			AIRPORT REFERENCE POINT	LAT. N 43° 55' 51"	LAT. N 43° 55' 54"	PERCENT WIND COVERAGE (12 MPH)	95% ALL WEATHER	SAE			3	AIRCRAFT FUELING (EXISTING)
BUILDING RESTRICTION LINE (BRL)	BRL (E)	BRL (F)	COORDINATES (ARP)	LONG. W 123° 00' 24"	LONG. W 123° 00' 25"	PAYEMENT TYPE	ASPHALT CONCRETE	SAE			4	T-HANGAR (EXISTING)
AIRCRAFT PARKING LINE (APL)	APL (E)	APL (F)	AIRPORT MAGNETIC VARIATION	17° 12' E (2003)	SAE	PAYEMENT STRENGTH	12,500 SINGLE WHEEL	SAE			5	CONVENTIONAL HANGAR (EXISTING)
AIRPORT PROPERTY LINE			MEAN MAXIMUM TEMPERATURE	82° F	SAE	APPROACH SLOPE/TYPE	20:1 VISUAL	20:1/NONPRECISION INSTRUMENT (NPI)			6	BUSINESS / COMMERCIAL HANGAR (FUTURE)
RUNWAY SAFETY AREA (RSA)			NPIAS ROLE	GA	SAE	RUNWAY LIGHTING	MIRL	SAE			7	CONVENTIONAL STORAGE HANGAR (FUTURE)
OBJECT FREE AREA (OFA)			AIRPORT REFERENCE CODE (ARC)	B-I (SMALL)	B-I (SMALL)	RUNWAY MARKING	BASIC	NPI			8	AUTO PARKING (FUTURE)
OBSTACLE FREE ZONE (OFZ)			AIRPORT CODE	775	SAE	RUNWAY SAFETY AREA	3580' X 120'	4080' X 120'			9	T-HANGAR (FUTURE)
RUNWAY PROTECTION ZONE (RPZ)			LAND OWNED IN FEE (ACRES)	APPROX. 46 ACRES	SAE	OBJECT FREE AREA	3580' X 250'	4080' X 250'			10	GA AIRCRAFT TIEDOWN APRON (FUTURE)
GROUND CONTOURS			DECLARED DISTANCES				OBSTACLE FREE ZONE	3500' X 250'	4000' X 250'		11	AIRCRAFT FUELING (FUTURE)
AIRPORT REFERENCE POINT (ARP)				EXISTING	FUTURE		CRITICAL AIRCRAFT	BE-58	SAE		12	ACCESS ROAD (FUTURE RECONFIGURATION)
PROPOSED AIRFIELD PAYMENT	NONE	PAPI		EXISTING	FUTURE		NAVIGATIONAL AIDS	NONE	SAE			
VISUAL GUIDANCE INDICATORS	NONE		TAKEOFF RUN AVAILABLE (TORA)	3100'	3600'	APPROACH AND LANDING AIDS	15	PAPI	PAPI, REIL			
WIND INDICATOR			TAKEOFF DISTANCE AVAILABLE (TODA)	3100'	3600'		33	NONE	PAPI, REIL			
AVIGATION EASEMENT			ACCELERATE-STOP DISTANCE (ASDA)	3100'	3600'	RUNWAY END COORDINATES	15	LAT. N 43° 56' 06" LONG. W 123° 00' 26"	LAT. N 43° 56' 11" LONG. W 123° 00' 27"			
FENCE			LANDING DISTANCE AVAILABLE (LDA)	3100'	3600'	(SEE NOTE 8)	33	LAT. N 43° 55' 36" LONG. W 123° 00' 22"	SAE			
PROPOSED ACCESS ROAD	NONE					TAXIWAY LIGHTING		NONE	REFLECTORS/MITL			
BEACON												
THRESHOLD LIGHTS												
SEGMENTED CIRCLE												
WIND INDICATOR												
REIL	NONE											





State of Oregon

Office of State Fire Marshal

4760 Portland Road NE, Salem, Oregon 97305-1760

Attachment C

FIRE AND LIFE SAFETY INSPECTION

Notice and Order of Correction

DKM0105141005

☒ Inspection ☐ Reinspection
☐ Other

Inspection Date

May 14, 2001

Page 1 of 2

Number of Inspections this Report: 1

Business Name and Address

Creswell Airport

83501 N Melton Rd

Creswell, Oregon 97426-

(541) 895-2913

Responsible Person

Shelly Humble

Principal Occupancy Type

B

County

Lane

Fire Dept

Creswell RFPD

Property Owner

Linda James - City Admin.

The State Fire Marshal is authorized to enforce laws and rules pertaining to fire and life safety in accordance with Oregon Revised Statutes, Chapters 476, 479, and 480. Entry and inspection of the building(s) or premises was made in accordance with ORS 476.070/150. Failure to correct the following fire safety deficiencies may result in legal action as defined under ORS 479.170.

Bldg / Finding	Deficiency(s) Requiring Correction and/or Action	Compliance Date	Date Abated
1:	An approved water supply capable of supplying the required fire flow for the fire protection shall be provided to all premises upon which facilities, buildings or portion of buildings are hereafter constructed or moved within the jurisdiction. (OUFC 1998, Section 903.2) APPENDICES III-A, THE MINIMUM REQUIRED FLOW IS 1,500 GALLONS PER MINUTE FOR A FLOW DURATION OF 2-HOURS.	06/13/2001	

THE PURPOSE OF THIS MEETING WAS TO ESTABLISH AND SHARE CONCERNS ON FIRE PREVENTION AND WATER SUPPLY FOR AIRPORT PROPERTY. THE INTENT WAS TO COME TO AN AGREEMENT ON WHAT THOSE NEEDS WERE SO THAT THE CITY AND COUNTY BUILDING DEPARTMENT CAN STILL ALLOW FURTHER EXPANSION UPON THE CITY OWNED AIRPORT PROPERTY.

SITUATION THAT HAS BEEN IN PAST YEARS, IS THAT THE BUILDING DEPARTMENT HAD PUT UPON PAST BUILDING EXPANSION, FIRE WALLS TO SEPARATE AREAS. WHAT HAS CHANGED IS THAT THE AIRPORT PROPERTY IS DEVELOPING INTO A GREATER DENSITY AS WELL AS THE COMMUNITY AROUND IT TO THE SOUTH AND EAST. WITH THAT, HYDRANTED WATER SUPPLY HAS MADE ITSELF TO THE EAST SIDE OF THE I-5 CORRIDOR AND I FELT THAT THIS HAD TO BE ADDRESSED FOR FUTURE EXPANSION UPON THE AIRPORT PROPERTY. IT WAS REQUIRED, BY CODE ON THE NEW MARKET TO THE NORTH OF THE AIRPORT AND IT'S TIME TO DEAL WITH IT ON THE AIRPORT PROPERTY AS WELL.

ALL CONCERNED AT THIS MEETING AGREED THAT ADVANCEMENT OF SERVICES NEEDED TO BE DONE. THE TIMING OF THIS WAS OF QUESTION. I STATED THAT I UNDERSTOOD AND STATED THAT THERE WERE THINGS THAT COULD BE DONE NOW AND ALLOW THE EXPANSION, AS LONG THE POWERS TO BE (CITY COUNCIL & STAFF) COULD AND WOULD COME UP WITH A AGREEABLE PLAN TO GET WATER TO THE AIRPORT WITHIN A REASONABLE TIME, AND PROVIDE AN JOINTLY AGREED UPON "BAND-AID" FOR THE INTERIM PERIOD.

THIS PROJECT COMES IN THREE PHASES:

1st-STAGE] Interim - Two 3,000 Gallon Port-A-Tanks to assist the fire department in having something to shuttle water into from the hydrant 1/2 mile north of the airport property.

Bldg / Finding	Deficiency(s) Requiring Correction and/or Action	Compliance Date	Date Abated
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2 - STAGE] As yet to be agreed upon, verbally discussed to be not greater than 5-years in time to get accomplished, an extension of the hydrant water main system with a minimum of two hydrants on the airport property. One hydrant per driveway eastward from the west access road toward the main building complex. One hydrant north side and one hydrant south side of the complex building to meet the accessibility needs of the fire service to existing buildings and area to be developed for future. This water supply shall not be less than 1,500 gallons per minute water supply to the property. I would consider the 8-inch water main system.

3rd - STAGE] Provide a looped water system so to accomodate any future expansion projects with the needs of increased water flows.

<input type="checkbox"/> Presented to:	OSFM Donald Miller	(541) 726-2572
<input checked="" type="checkbox"/> Mailed to: Shelly Humble		

Distribution: ☒ Owner/Occupant ☒ OSFM File ☒ Deputy ☒ Fire Dept ☐ Agency ☐ Other

Creswell Rural Fire Protection District

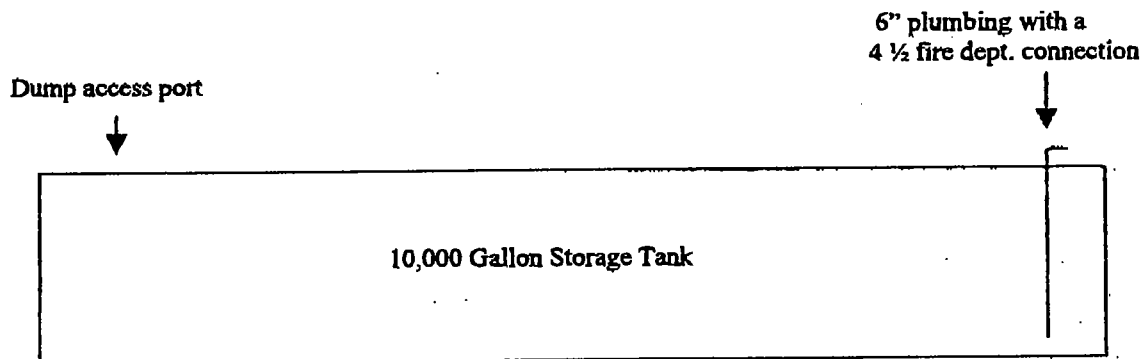
P.O. Box 354

Creswell, Oregon 97426

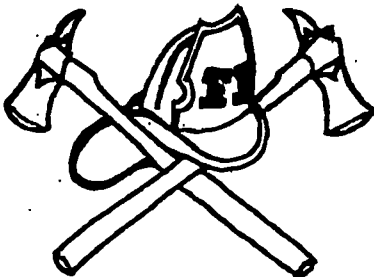
CRESWELL AIRPORT FIRE PROTECTION

Due to the growth of the Creswell Airport, there is a need to establish a hydrated water system in order to provide fire protection per the Oregon Fire Code. I realize this will incur an expense the city government is not ready to tackle at this time. To provide a Band-Aid so to speak, Creswell City Manager Linda James, asked me for some advice on what can be done in the interim until a hydrated system can be established.

This is my advice. Obtain an old fuel storage tank of at least 10,000-gallon capacity and bury it at the airport near the main hanger. Provide a fire department connection at one end so we can draft water from the tank. At the other end of the tank, provide an access port that is large enough for us to drive by and dump water into the tank. To keep the tank full of water and ready for use, plumb a water line from the existing water supply with a float valve to keep the tank full. To provide extra use of the water storage you might want to install a water pump and use the water for irrigation or some other use, excluding human consumption.



Paul Furrer
Fire Chief
Creswell Fire Dept.



Attachment D

RESOLUTION NO. 2001-11

RESOLUTION CONCERNING ADEQUATE FIRE PROTECTION TO BE PROVIDED TO CRESWELL "HOBBY FIELD" AIRPORT

WHEREAS, the City of Creswell has received notification from the State of Oregon, Office of State Fire Marshal, that pursuant to OUFC 1998, Section 903.2, a minimum flow of 1500 gallons per minute for a flow duration of two hours is required in order to provide adequate fire protection for structures located upon Creswell Airport property; and

WHEREAS, the Office of State Fire Marshal has found that the Creswell Airport does not currently comply with OUFC 1998, Section 903.2 and has, therefore, requested correction and action on the part of the City before further expansion will be allowed upon Creswell Airport property; and

WHEREAS, the State Fire Marshal did meet with the City Administrator, Airport Manager, and Creswell Fire Chief in order to discuss and consider a plan that would allow continued expansion during an interim period of five (5) years while the City works toward a solution that would meet the requirements of OUFC 1998, Section 903.2. Said interim plan would include:

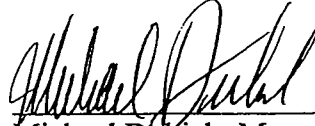
- 1) Placing a water tank or tanks on site that could be used to provide the Fire Department with access to a readily available water supply, which could be replenished from a fire hydrant currently located approximately 0.50 miles south of the Airport property.
- 2) Using the tank(s) for a period not to exceed five (5) years, with the intent to replace the tank system through extension of the City's public water system to serve the Airport property. Said extension would be capable of providing a minimum of 1500 GMP for a flow duration of two (2) hours.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Creswell as follows:

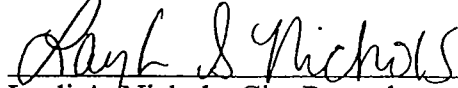
1. That a water tank or tanks shall be installed on Airport property for the express purpose of providing the Fire Department with a readily accessible water supply. The number, size, type and location of tank(s) shall be as agreed upon by the State Fire Marshal, Creswell Fire Chief, City Administrator and Airport Manager. No further expansion will occur on Airport property until the tank(s) have been installed and filled.

2. The City Council agrees that extending its public water system to serve the Creswell Airport would be in the best interests of the City, and agrees to immediately plan for this extension to occur within five (5) years from the date of approving this Resolution. The City Council also agrees that extension of the public water system to the Airport property shall be dependent upon available funding or upon any unforeseen circumstance that would reasonably prohibit the City from undertaking the project.

ADOPTED BY the City Council of the City of Creswell this 12th day of June 2001.


Michael Dubick, Mayor

ATTEST:


Layli A. Nichols, City Recorder



SOUTH LANE COUNTY FIRE & RESCUE

Attachment E

233 Harrison Avenue
Cottage Grove, OR 97424

Phone: (541) 942-4493
Fax: (541) 942-3367

November 14, 2003

Milo Meecham
LCOG
99 East Broadway Suite #400
Eugene, Oregon 97401

RE: Fire Protection Water Supply for Creswell Airport

Milo,

Airport development has continued unchecked for many years. Fire code requirements for fire protection concerning water supply had not been enforced. As Fire Marshal for Cottage Grove I began assisting, then Chief Paul Furrer, with commercial plans review in anticipation of the coming merger of Cottage Grove and Creswell Fire Departments.

It became a priority that water supply for fire-fighting purposes be developed at the Creswell Airport. Deputy State Fire Marshal Don Miller was working on a compromise to allow builders who had received permits for hangers to go ahead and build provided an on sight water source was established. This was a stopgap measure until a permanent resolution was designed and put in place.

The City of Creswell agreed to this plan and set for the conditions of the agreement in Resolution No. 2001-11.

Airport hangers fall under S-5 Occupancy Classification in the fire code. Type V-N construction has been the practice for building construction at the airport. Basic allowable floor area in this situation is 8,000 square feet without additional safety features and setbacks. In this circumstance, the fire flow requirement would be 2,500 gallons per minute for a two-hour duration. A 300,000-gallon reservoir would be needed to meet that demand.

The airport water supply system would need a waterline grid that would place all buildings within 250 feet of a fire hydrant. That system would be supported by a water supply of 300,000 gallons. The water supply would be delivered at a rate 2,500 gallons per minute. Two options exist for delivering this required fire flow. Connect the needed grid system to the existing city water supply or develop a 300,000-gallon reservoir with a fire rated pump capable of producing a fire flow of 2,500 gallons per minute.

If you should have any questions I can be reached at 942-4493,

Andy McClean
Deputy Chief / Fire Marshal

PROUDLY SERVING THE CITIZENS OF SOUTH LANE COUNTY

Exhibit 2
City's Ability to Control Aircraft and Aircraft Noise

Creswell's Comprehensive Plan and the Creswell and Lane County land use codes control the airport and uses around the airport to the extent allowed by law. There is a runway protection zone at both ends of the runway. There is a noise control area around the airport. These limit expansion of uses within the designated areas to protect the use of the airport and to protect potential users of the land subject to these zoning restrictions. They include areas outside the physical boundaries of the airport because they are based on a recognition that noise may extend beyond the airport boundary.

The City of Creswell is subject to a variety of FAA rules, regulations, and guidelines. The City cannot prevent any airplane capable of using the airport from doing so. While the City can control how pilots use the airport grounds (and the City has a long list of airport rules), once the airplane is airborne, the FAA rules apply and preempt any local attempt to control use of the air. For example, the FAA has designated airspace within Lane County where certain types of acrobatic flights may take place. This area of airspace applies to all airplanes, not just airplanes taking off from the Creswell airport.

Attached is a letter from the Seattle office of the FAA which clearly states that the United States Government, through the FAA, has exclusive sovereignty of airspace of the United States.



U.S. Department
of Transportation

**Federal Aviation
Administration**

Flight Standards District Office
1800 NE 25th Avenue
Suite 15
Hillsboro, Oregon 97124
503-681-5532, Fax: 503-681-5555
800-847-3806 ext. 5532

May 5, 2004

Ms. Shelly humble
Manager Cresswell Airport

In response to your inquiry concerning Statutes and Rules governing U.S. airspace, let me begin with the U.S. Constitution authorizing the Congress to establish Statutes and Laws.

49 United States Code established by Congress in part deals with Air Commerce (anything that flies or may create a hazard to Air Commerce) and Safety. Section 40103 of 49 U.S.C. deals with the sovereignty and use of airspace. It states, "The United States Government has exclusive sovereignty of airspace of the United States".

The U.S. Congress delegates to the Executive Branch to a certain point the authority to make rules in certain areas, hence the Federal Aviation Regulations. These are known as the Code Of Federal Regulations Title 14 with sub parts such as Part 91, which deals with the Operation of Aircraft and Part 61, the certification of Pilots and Airmen.

In 1967 Congress placed the Federal Aviation Agency in the newly created Department Of Transportation and renamed it the Federal Aviation Administration in order to better manage the nation's transportation system.

I hope this shines a little light on the subject.

Sincerely,

Kieth D. Crimin
Safety Program Manager

Exhibit 3
**Summary of City's Legally Valid Reasons to Expand the UGB to Include the
Airport Property**

Legally valid reasons exist to expand the City's Urban Growth Boundary. Materials submitted with our application clearly state all of our legally valid reasons.

A summary is included below.

Creswell chose to specify in its Comprehensive Plan (then adopted by Lane County and acknowledged by the State) that services cannot be extended beyond city limits because water is an urban service.

This policy is not unusual and it exists for good public policy reasons. As the Eugene-Springfield Metro Plan says (in Finding 7, page III-G-3, 1997 version), "When key urban services, such as water, are provided to areas outside the projected urban service area, increased pressure for urban development in rural areas occurs". The Eugene-Springfield Metro Plan, the Coburg Comprehensive Plan, the Creswell Comprehensive Plan, and numerous others all have similar provisions, limiting services outside the city limits or the UGB.

State land use goals and rules expressly allow and accommodate expansion of the Creswell UGB to bring water service to the airport. There is no statement of opposition before the Commissioners that suggests that it is not legal to do what the City of Creswell has requested.

As stated in Resolution 2004-13, the Creswell City Council understands that extraterritorial extension of a water line can be accomplished in a variety of ways. The City does not want to use any other method. It wants to follow its adopted Comprehensive Plan—a plan that has also been approved and co-adopted by Lane County government.