

Biplane rides: Kudos from passengers, complaints from some on the ground

Biplane from Page 1A

The advisory's definition of "noise-sensitive" areas included parks, recreational areas, wildlife refuges and cultural and historical sites where "a quiet setting is a generally recognized feature or attribute."

The background for the policy is that "excessive aircraft noise can result in annoyance, inconvenience or interference with the uses and enjoyment of property, and can adversely affect wildlife," according to the FAA.

To reduce bird strike risks, the Aeronautical Information Manual states pilots should "avoid overflight of known areas of bird concentration and flying at low altitudes during bird migration. Charted wildlife refuges and other natural areas contain unusually high local concentration of birds which may create a hazard to aircraft."

Neighbors have cited general safety as another concern. Brian Fennerty, a former U.S. Airways pilot who also lives near Little Beach, said he was most alarmed about safety.

"He's well below what we consider a safe flight path," Fennerty said. "If you talk to pilots, the higher up you are when something goes wrong, the longer you have to correct it. He has no buffer for an emergency. None. Zero."

Gearhart residents clearly remember the morning of Aug. 4, 2008, when a single-engine plane crashed into a home at 398 N. Marion St., killing the pilot, his passenger and three children in the house. Three other people, including two children, went to a burn center with injuries.

"It still brings back some very raw emotions," Dudley said of the crash.

Widdop agreed. "You can't imagine, unless you were here," she said. "For a long time after, you would just shake if you heard a plane."

Following the rules

Grant said his safety record is clean, and he conducts



JOHN DUDLEY/SUBMITTED PHOTO

Jim Grant's biplane flies over a neighborhood by the Necanicum Estuary in Gearhart.

his flights by the book. He said he travels no more than a 25-mile radius, the legal limit, and has a record of safe flight going back several decades.

According to the FAA, biplanes must adhere to the same general restrictions as other aircraft. Over any congested area of a city, town or settlement or over an open air assembly of persons, an aircraft must maintain an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet.

Over "other congested areas," an aircraft must maintain an altitude of 500 feet above the surface, except over open water or sparsely populated areas. In that case, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle or structure.

"That's what I go at," Grant said, adding his flight patterns are "perfectly legal."

FAA regulations do not prescribe minimum altitudes for takeoff and landing. Grant said he descends at a height that allows him to spot elk, pedestrians and other safety hazards on the landing strip. He carries a radio with him, although it's not a requirement, he said.

He said he doesn't believe his flights disturb the wildlife. "It's not a fast airplane," he said. "It's loud, so a bird can hear it coming."

He is only aware of one person who has expressed concern, and he described her as a "NIMBY" — an acronym for "Not In My Back Yard" used to describe someone who opposes an activity only as it personally affects them.

Otherwise, Grant added, he feels the community is supportive, as his local business makes use of the airport.

The Facebook page for Jim's Biplane Rides is filled with enthusiastic remarks from passengers. "This was an experience that I'll never forget," one wrote.

"Great adventure, fantastic pilot and tons of fun," wrote another.

Reaching a compromise

"This is an issue where you realize everybody probably has a perspective that is really different," Fennerty said.

He and Gearhart's Dudley both said they respect Grant has a business and wants it to be profitable.

"I don't think the neighborhood is against someone flying over it," Fennerty said, adding they are aware they live near an airport.

With flights sometimes occurring upward of a dozen times per day, however, they wonder if something could

be done to mitigate the noise pollution and safety risk. They suggested solutions like flying at a higher altitude and taking a different flight path.

"I would like to know what latitude there is," Dudley said in regards to Grant making a steeper descent from a higher altitude. "It seems to be doable in terms of other aircraft we've seen approaching the airport and making a steeper incline into the landing path."

He also would prefer if Grant could vary his routes more so the same people and areas wouldn't be continually affected by the noise pollution.

A member of the Seaside Airport Committee, Widdop said she talked to Grant about elevation, frequency and safety. "His attitude was, 'This is the way it is.' I suggested there might be more runs over Seaside and fewer over Gearhart. He wasn't taken with that. And there's nothing we can do. His altitude is legal, his biplane is older and it makes noise, so I guess all we can do is wait until Labor Day."

Widdop said it would be beneficial to have a conversation addressing the question, "What can be done so it's a win-win situation for everyone?"

Old error, new headaches

Error from Page 1A

Neighbors attending the meeting, including South Ocean Avenue and Marion Avenue property owners, said they supported the street vacation.

City Councilor John Duncan pointed to potential concerns. With the street vacation, a parkland dedication by a previous owner could be considered void, and heirs to the previous owners could seek that property back, now valued at \$3 million.

In addition, since state laws say the city must retain a supply of 20 years of buildable lots, the street vacation could block potential development mandated by law.

"We went through work that said we had about 20 years' supply right now," Duncan said. "Based on the number of permits that have gone out, we're approaching 20. How many years at 20 years does it take to use up the 200 lots we have right now? Ten years."

Retaining an easement

Duncan proposed retaining an easement over the property being vacated by the city, which would protect the city should sidewalk or street improvements be required. "I can support a vacation if we keep an easement that allows existing home structures to stay in place," he said. "I can't support vacating that without retaining that easement."

City Councilor Dan Jesse supported the street vacation. "It's helping a whole block of property owners," he said.

Councilor Sue Lorain said the city received land because of the error.

"Without all the science, without the 'what if,' what I heard happening was some-

body screwed up the surveying way back when," she said. "The city lucked out. We got 10 feet of land we really shouldn't have gotten because of this mess-up. I don't think we should go laughing, 'Look what we got.' I think they deserve to keep that 10 feet, as long as they are working with the rest of the neighborhood."

Mayor Dianne Widdop called it "a major screw-up."

"These people deserve to have the right to sell their property if they so desire and give clear title," she said.

Fee waiver

Councilors approved the street vacation and easement unanimously, which triggered the second part of the request, a waiver of the street vacation fee. Based on assessed value of the Ocean Avenue land, the fee was determined to be at least \$86,000 and possibly much more.

Councilors Duncan and Jesse said they were concerned that a fee waiver could set a precedent for future applicants.

"They're getting a lot of high-dollar property for nothing," Duncan said. "Do we have to do this for all our citizens? Give all of our citizens \$100-plus thousand dollars?"

"I take exception, I don't think these folks have come up with a story," said Lorain. "Maybe in the future someone will 'come up with a story,' but this group is one of the most prepared I've seen. I don't think they should have to pay for something we're controlling."

The motion to waive the fee charge passed by a 3-2 vote, with Lorain, Jesse and Widdop voting on its behalf. Councilors Duncan and Kerry Smith voted against the proposal.



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