

14.702A.550 Disclosure Statement Required

Prior to the issuance of a building permit for the construction or placement of any new structure or for any reconstruction, repair, addition or improvement of an existing structure to include accessory structures shall comply with the aircraft activity notification requirement specified in Section 14.702A.910.

14.702A.810 Avigation Easement Required

Prior to issuance of a building permit for a new structure within Military Influence Areas 2 and 3/4 the awarding of an avigation easement in a form approved by the Department and in consultation with Fairchild Air Force Base by the property owner(s) to Fairchild AFB shall be required and recorded in the Spokane County Auditor's Office. The Department shall provide the avigation easement form and such form shall at a minimum provide that:

1. The landowner, successors and assigns will not construct structures, install exterior lighting, allow trees to penetrate FAA imaginary surfaces or construct or install improvements that interfere with Fairchild AFB aircraft operations.
2. Provide protection to FAFB against liability for any nuisance caused by aircraft operations due to noise impacts, fumes, vibrations affecting the use and enjoyment of the subject property.
3. Allow military aircraft to use the airspace over the subject property. The applicant shall provide the Department a copy of the easement agreement with Auditor's recording number indicated thereon and said copy shall be placed in the Department's project file.

As a condition of preliminary approval of any subdivision, short subdivision or binding site plan located in MIA 2 or 3/4 an avigation easement in a form approved by the Department in consultation with Fairchild Air Force Base shall be recorded in the Spokane County Auditor's Office prior to finalization of a subdivision, short subdivision or binding site plan and said easement shall at a minimum provide that that 1) that the landowner, successors and assigns will not construct structures, plant trees, install exterior lighting or any other development that might interfere with Fairchild AFB aircraft operations and 2) provide protection to FAFB against liability for any nuisance caused by aircraft operations due to noise impacts, fumes, vibrations affecting the use and enjoyment of the subject property and 4) allow military aircraft to use the airspace over the subject property and 5) such easement applies in perpetuity to all property illustrated on the face of the final plat or short plat and as described in the required plat certificate.. The applicant shall provide the Department a copy of the easement agreement with the Auditor's recording number indicated thereon and said copy shall be filed in the Department's project file.

14.702A.910 Notification of Military Aircraft Activity Required

Notification of Fairchild AFB aircraft activity notification shall be provided in Military Influence Areas 2 and 3/4 as follows:

1. Building Permits

Prior to the issuance of a building permit for the construction or placement of any new structure intended for human occupancy or for any reconstruction, repair or improvement of an existing structure intended for human occupancy the owner or applicant shall record a title notice in the Spokane County Auditor's Office and said title notice shall state the following:

"This property is located in close proximity to Fairchild Air Force Base and is routinely subject to military aircraft overflight activity; occupants may experience inconvenience, annoyance, or discomfort from noise, smell or other effects of military aircraft activities."

This requirement does not apply to structures located on an Assessor tax parcel which is subject to a previously filed title notice meeting this requirement.

2. Land Use Actions

A title notice shall be recorded with the Spokane County Auditor prior to final approval of a new subdivision, short subdivision, conditional use permit and binding site plan and said title notice shall state the following:

“This property is located in close proximity to Fairchild Air Force Base and is routinely subject to military aircraft overflight activity; occupants may experience inconvenience, annoyance, or discomfort from noise, smell or other effects of military aircraft activities.”

This language shall also be set forth on the face of the final subdivision, final short subdivision or final binding site plan.

The title notice required in item 1 and 2 above shall specify the Assessors Tax Parcel number and parcel address and a copy of the recorded notice shall be provided to the Department for inclusion in the project file.

14.702A.920 Real Estate Transaction and Lease Notice Required

1. Lease

Owners of residential rental or lease housing located in Military Influence Areas 2 and 3/4 shall provide written notice to the renter or lessee specifying that the property is located in close proximity to Fairchild Air Force Base and is routinely subject to overflights by military aircraft; residents may experience inconvenience, annoyance, or discomfort from noise, smell or other effects of aircraft activities. The renter or lessee shall sign the notice acknowledging its contents prior to signing the lease agreement (Aviation Activity Notice).

