

AVIATION LAND USE COMPATIBILITY PROGRAM

Aviation Disclosure Notice

The Washington State Department of Transportation (WSDOT) Aviation recommends that towns, cities and counties located near or adjacent to a public use airport adopt disclosure notice regulations within their development code. The disclosure notice should be required for all new development or substantial alterations in the building or use.

Aviation Notice Requirements are generally set forth within the local jurisdictions development code, i.e. subdivision regulations, zoning code regulations or both. The local jurisdiction together with the airport sponsor should determine the affected area. Many jurisdictions require notice requirements within 5,000 feet of an airport. Others require notice within FAR Part 77 "Imaginary Surfaces", while other may require notice within a portion of the Airport Influence area.

New or Amended Subdivision Plats

As a condition of approval for major and short subdivisions, binding site plans or similar documents a note is required on the face of the final plat map as a condition of approval of the subdivision if the proposed subdivision is located within the (*airport influence*). Plat maps are then recorded with the County Auditor during the normal subdivision process.

As a condition of new development on existing lots of record an aviation disclosure notice should be recorded with the County Auditor. The notice should be recorded for all new development/building permit activity, substantial remodels (as defined by local jurisdiction), conditional use permits, and special use permit within the (*airport influence*) area.

Jurisdictions across the state have developed different notice requirements including aviation easements. The following document was developed by Walla Walla County in 2002. The Washington State Department of Transportation uses this document as an example of one method available to jurisdictions.

Example Walla Walla County 2002

AVIATION ACTIVITY NOTICE

WHEREAS, (full name of property owner(s)), are the owners in fee of that certain parcel of land situated in the County of _____, State of _____, more particularly described as follows:

(Insert legal description of property)

NOW, THEREFORE, notice is given to all future property owners that: “The subject property is located adjacent to and within close proximity and flight paths of (*airport name*) and may impact the property from a variety of aviation activities. Such activities may include but are not limited to noise, vibration, chemical, odors, hours of operation, low overhead flights and other associated activities.”

AND, current and future property owners are also notified that the Federal Aviation Administration (FAA) establishes standards and notification requirements for potential height hazards that may be caused by structures, building, trees and other objects affecting navigable air space through 14 CFR Federal Aviation Regulations (FAR) Part 77 Civil Aviation Imaginary Surfaces. Any questions on establishing on height hazards or obstructions should be directed to (*local jurisdiction name*)(*airport sponsor name*) or the FAA.

Signed _____ day of _____, 20____.

Legal Property Owner(s)

ACKNOWLEDGMENT

STATE OF _____,)
) ss.

COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 200 _____,
before me, the undersigned, a Notary Public in and for the County and State aforesaid,
came _____, who are personally known to me to
be the same persons who executed the within instrument of writing and such persons duly
acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day
and year last above written.

Notary Public

My commission expires _____