

**CHELAN DOUGLAS REGIONAL  
PORT AUTHORITY  
PANGBORN AIRPORT  
BUSINESS PARK**

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**Covenants**

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**October 2021**

**Prepared for**

Chelan Douglas Regional Port Authority  
One Campbell Parkway, Suite A  
East Wenatchee, WA 98802-9290

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## ***I. Introduction***

These site Covenants were adopted on the date hereinafter set forth by the Chelan Douglas Regional Port District, a Washington municipal corporation, hereinafter referred to as the Regional Port.

### ***A. Purpose***

The Regional Port is authorized to acquire, develop, sell, and lease property under the provisions of Chapter 53 of the Revised Code of Washington (RCW). For the orderly development of the property, it is necessary and desirable for the Regional Port to establish Covenants to ensure that this property is developed and maintained in a way that will ensure the productivity, value, attractiveness, and best use of the property. Therefore, the Regional Port will henceforth develop and lease property within the Pangborn Industrial Park subject to these Covenants.

These Covenants shall apply to that real property which is managed by the Regional Port in Douglas County, State of Washington, on Pangborn Memorial Airport.

The Pangborn Airport Business Park was zoned to provide land for business, industrial, and aviation related development within Douglas County. The property is located at the southwest quadrant of the airport and these Covenants are intended to assure an aesthetically pleasing industrial business area at the airport. The Covenants are also intended to provide a positive incentive for prospective tenants to encourage creative, visually pleasing building and property design. The Regional Port also wishes these Covenants to provide for the long term economic protection and enhancement of the property values through well managed maintenance practices. These Covenants are intended to be supplemental to County ordinances of Douglas County and State and Federal laws and regulations.

These Covenants shall run with the above-described real property and shall be binding on all parties having or acquiring any right, or interest in any of the property therein.

### ***B. Definitions***

The following definitions of terms used in this document are presented to help readers to better understand the concepts discussed and incorporated herein.

#### **1. Common Areas**

The portions of the total property that are managed by the Regional Port and are dedicated to the use of all property tenants which may include roadways, walkways, sidewalks, utilities, greenbelts, and/or landscaping. Ownership of common area may be transferred to an association at the sole discretion of the Regional Port.

## **2. Common Expenses**

All costs assessed against the parcel tenants attributable to the common areas including expenses of administration, maintenance, repair or replacement of the common areas and facilities.

## **3. Hazardous Waste/Substances**

All dangerous and extremely hazardous waste as defined by RCW 70.105.010.

## **4. Parcel**

Any subdivided or otherwise approved segregated lot.

## **5. Pro-rata Share**

The percentage or proportionate share of the whole for which a tenant is responsible based on the relationship that the land area of that tenant's property bears to the total useable land area.

## **6. Sign**

Any structure, device, or contrivance, electric or non-electric, upon or within which any poster, bill, bulletin, printing, lettering, painting, device or other identification, or advertising of any kind is used, places, posted, tacked, nailed, pasted, or otherwise fastened or affixed.

## **7. Storm Water Facilities**

All facilities (above and below ground level) that serve the purpose of collecting, storing and/or treating water runoff from the land and/or impervious surface of parking lots and/or roads and streets.

## **8. Temporary Structure**

A structure not designed or approved for permanent placement.

## **9. Tenant**

All persons or legal entities leasing premises in the site from the Regional Port.

## **10. Owner**

All persons or legal entities who hold legal ownership of parcels within the site which includes the Regional Port.

## ***C. Allowed Uses***

Allowed land uses for this property are described in Chapter 18.60 of County zoning ordinances (General Industrial District). These uses are permitted unless otherwise listed as restrictions in Section D following.

## ***D. Restrictions/Nuisances***

Specific use restrictions are defined in Chapter 18.60 of Title 18, Douglas County Code. Except as otherwise specifically prohibited in this document, all uses permitted by applicable zoning will be permitted on a parcel, but uses will not be permitted which would violate Federal, State, or local laws or codes, are prohibited by later sections of this document, or have a reasonable likelihood of constituting a nuisance as described later in this document. Allowed uses shall not cause or produce a nuisance to other property such as, but not limited to, excessive vibration, sound, light, smell electromechanical disturbances, electromagnetic disturbances, radiation, air or water pollution, dust, or the emission of toxic matter.

### **1. Restrictions**

Beyond those restricted uses defined in Chapter 18.60.050, the following operations and uses shall not be permitted:

- a) Trailer courts or recreational vehicle campground.
- b) Junkyards, body or fender shops, wrecking yards including battery and commercial solvent recycling or reclamation facilities.

- c) New or used vehicle sales lots and display when not part of a manufacturing operation.
- d) Mining, drilling for or removing oil, gas, or other hydrocarbon substances.
- e) Refining of petroleum or of its products.
- f) Commercial gravel pit excavation or rock quarry.
- g) Storage, treatment, or disposal facility for hazardous substances as defined in Chapter 70.105 RCW.
- h) Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, hazardous substances, or refuse.
- i) Fat rendering, stock yard, or slaughter of animals.
- j) Cemeteries or mortuaries.
- k) Jails, honor farms, or labor camps.
- l) Automobile, go-cart, motorcycle, or other race tracks.
- m) Wood treating facilities or asphalt production.
- n) Milling and concrete mixing.
  
- o) Contractor yards for storing equipment and materials unless approved by a special permit from the Regional Port.

## **2. Nuisances**

No offensive activity shall be carried on upon any site, nor shall anything be done thereupon which is a nuisance to the Park. A nuisance shall include, but not be limited to, any of the following conditions:

- a) Any activity or occurrence that is not in strict compliance with any applicable federal, state, or local law, regulation, or ordinance.
- b) Any discharges of contaminated water, oil, grease, detergents, or other improper liquids, solid waste, or other harmful matter into the ground or the storm water system or other area that may adversely affect the health, safety or comfort of persons within the area of the intended use of their property or cause negative impacts to the surrounding area.

- c) Any escape or discharge of any fumes, odors, gases, vapors, acids, or other substance into the atmosphere, which discharge may be detrimental to the health, safety, or welfare of any person or may be harmful to people, property, or vegetation.
- d) Any operation that causes ground vibrations inherently and recurrently generated that impacts adjacent properties.
- e) Any operation that creates sound pressure levels exceeding decibel levels as set forth in the Douglas County ordinances.
- f) Any operation that produces visible emissions of dust, dirt, steam, smoke, or other particulate into the atmosphere that exceed the Douglas County Air Pollution Control Authority levels.
- g) Any operation that produces excessive light or glare, or heat or atomic, electromagnetic, microwave, ultrasonic, laser, or other radiation.
- h) Any disposal of any hazardous substances at any parcel not in accordance with all local, state, and federal regulations.

Any outdoor lighting fixtures and accent lighting that cause light pollution, which includes misdirected light, stray light, avoidable reflected light, light during hours when it is not needed, and light levels in excess of what is necessary for the task.

### ***E. Amendment/Modification/Cancellation***

The Regional Port, without the consent of any party to the Covenants, may from time to time amend, modify, or cancel these Covenants as it deems appropriate and necessary. Any amendment, modification, or cancellation of the Covenants may not be imposed retroactively upon a party to these Covenants.

### ***F. Conveyances and Leases Subordinated***

All conveyances and leases of any portion of the industrial site shall be subject to and subordinate to the terms and provisions of these Covenants.

### ***G. Not a Public Dedication***

Nothing contained herein shall be deemed to be a gift or dedication of any portion of the site to the general public or for the general public, or for any public purposes whatsoever, it being the intention that this declaration shall be strictly limited to and for the purposes herein expressed.

## ***II. Development Standards***

The following Standards are intended as general guidelines to encourage design concepts that will contribute to a site which is attractive to the community and to lessees of other properties on the site. Recognizing the potential for a wide variety of uses and, therefore, variations in property and building configurations, the following Standards are intended to establish a vision and to encourage creative approaches to meeting the goals at the site. Standards must be incorporated into the plan submitted to the Regional Port for review and written approval as part of the overall approval process. Any major modifications made to buildings or facilities will also require Regional Port written approval.

### ***A. Property***

The development standards contained in Douglas County's zoning, landscaping, and sign ordinances address technical issues such as layout, setbacks, driveways, and parking. Beyond the technical aspects, property design concepts should encourage landscaping approaches, parking lot placement and design and other features which can create positive visual impacts for industrial business property.

1. The placement of storage areas, service areas, and loading facilities on the property will be done to minimize negative visual impacts while still being functional and cost effective from the standpoint of traffic management and property space utilization. Fencing can be used not only as a functional barrier, but also for appearance and as a visual barrier.
2. All refuse containment areas shall be located so as to be inconspicuous and to cause no nuisance to the public, to neighboring properties, or to occupants of the same or adjacent structures. All such service areas shall be concealed from public view and adjacent properties by means of landscaping or screening walls of materials similar to and compatible with that of the structure.
3. Outside storage of materials, supplies, or equipment shall be permitted only if the materials, equipment, or objects stored are necessary to the activities regularly conducted on the premises, i.e., raw materials for manufacturing operations, delivery vehicles for warehousing operations, etc. Such storage areas shall be located in such a manner so as not to be visible to the general public and shall be screened from adjacent sites.
4. All mechanical equipment, utility meters, and storage tanks shall be located in such a manner so as not to be visible to the general public. If concealment within the structure is not possible, then such utility elements should be concealed by screening or landscaping. All mechanical

equipment shall be located in such a manner so as not to cause nuisance or discomfort from noise, fumes, and odors.

## ***B. Buildings***

A wide range of building types, designs, and construction materials can be very acceptable to meet the wide range of land and business uses within the site. Rather than establishing numerous technical requirements for buildings, the Regional Port will provide general guidelines and will encourage the development of building designs and plans which are functional, yet incorporate features that are attractive. Upon request, the Regional Port will furnish examples of local structures that are acceptable to provide a baseline of understanding of intended standards of appearance. Preliminary meetings with Regional Port administration to discuss the overall building concept are encouraged as a means for avoiding misunderstandings about the intent of these Standards. These general guidelines should be followed when preparing preliminary site/building plans for review by the Regional Port.

1. Building designs which have multiple corners are encouraged. Four cornered buildings will be allowed if sufficient architectural treatment exists to enhance attractiveness. Multiple roof lines are encouraged. Single dimension roof lines will be allowed if sufficient architectural treatment exists to enhance attractiveness.
2. Allowed building materials include concrete, wood, prefinished metals, brick, masonry block, aluminum, plastic aggregates, stucco cement, and others, if approved by the Regional Port. Finish treatments, such as certain architectural enhancements and painting schemes shall be applied to all sides of a structure which are visible to the public and occupants of the same and other structures.
3. Architectural enhancements such as brick, masonry, glass, tile, stone, and wood trims, and attractive painting schemes are encouraged. Attractive entrances, architectural focal points, landscaping, exterior treatments, colors, awnings, overhangs, etc., all contribute to offset plain building designs.
4. All colors shall be harmonious and compatible with colors of other structures in the development and the natural surroundings. All concrete finishes will be painted.
5. Items such as air conditioning, ventilating, or other mechanical equipment shall be screened behind parapet walls or enclosed in such manner as to hide them from view. Penthouses and mechanical equipment screening shall be of a design and material similar to and compatible with those used in the related structures.
6. The only temporary structures permitted shall be those attendant to the construction of a permanent structure and shall be placed at the start of construction and removed at completion of the permanent structures.

### ***C. Utilities***

No sewer, drainage, or utility lines or wires or other devices for the transmission of electric current, power, natural gas or signals, including telephone, television, microwave or radio signals, shall be constructed, placed, or maintained anywhere in or upon any portion of a parcel other than within buildings or structures, unless the same shall be contained in conduits or cables constructed, placed, or maintained underground or concealed in or under buildings or other structures. Any support devices which cannot be placed underground or concealed, such as antennas or satellite dishes needed for the transmission or reception of telephone, television, microwave, or radio signals shall be appropriately screened from view to the extent practical given the circumstances of the total parcel layout. No antennas, satellite dishes, or other transmission or reception devices that would interfere with airport navigational aides will be permitted.

### ***D. Parking Lots***

Adequate parking shall be provided in accordance with zoning regulations as defined in Chapter 20.42 of the Douglas County Code. All parking areas, driveways, and truck maneuvering areas shall be paved so as to provide dust free, all weather surfaces. All parking areas shall provide, in addition to parking spaces, adequate driveways, and space for the movement of vehicles. Curbs, walls, decorative fences, landscaping, or barrier devices are encouraged to be located along the perimeter of parking lots and storage areas. Lighting systems in parking lots can be designed to help define parking areas along with landscaping.

### ***E. Exterior Lighting***

Lighting shall be designed in such a manner as to provide health, safety, security and comfort for occupants of the development and the general public. Fixture types shall be compatible and harmonious throughout the parcel and should be in keeping with their specific function and the building types they serve. Lighting design shall not produce hazardous and annoying glare to aircraft, airport, motorists, building occupants or the general public.

All lighting system designs must be approved by the Regional Port. But, at a minimum, all outdoor lighting must be shielded and aimed downward, and shall be installed at the minimum height necessary. The shield must mask the direct horizontal surface of the light source. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky or neighboring parcels.

## ***F. Landscaping***

Landscaping shall be provided in accordance with zoning as defined in Chapter 20.40 of the Douglas County Development Standards. Certain standards contained herein, such as for the landscaping of frontage areas on nonarterial streets may not be required by the County, but are requirements of the Regional Port to establish high visual or appearance standards which will benefit all tenants on the site.

The Regional Port will consider each plan on its individual merit and will consider alternatives to these Standards as long as they meet County ordinance. Standards cover frontage, side, and rear yard areas and parking areas. Standards on placement and height are intended to protect against vision impairments for vehicle driver and pedestrian safety. Landscape plans must be approved by the Regional Port in conjunction with other plan components. The following Standards apply to all parcels within the site.

### **1. Frontage**

A minimum **ten** (10) foot landscaped area is required at road frontage for all front street yards and it must be planted with trees at a ratio of at least one per every twenty-five feet of front yard. Ground cover or shrubbery must provide minimum ground coverage of fifty percent within three years of planting. The area must meet established vision triangle requirements as defined by County ordinance.

### **2. Side and Rear Yard**

These areas will be landscaped if they are adjacent to streets or roads. A minimum fifteen (15) foot area is required and must be planted with trees at the ratio of at least one per every thirty feet of side and rear yard. Ground cover or shrubbery must provide ground coverage within three years of planting.

### **3. Parking Areas**

- a) Lots having 50 or fewer stalls require a minimum of at least 17.5 square feet per stall area to be landscaped.
- b) Lots having 51 to 99 stalls require a minimum of the interpolation between 17.5 to 35 square feet per stall area to be landscaped.
- c) Lots having 100 or more stalls require a minimum of 35 square feet per stall area to be landscaped.

- d) Landscaped areas must be adequately protected from damage by vehicles. The overhang of a vehicle may project over a landscaped area a maximum of one foot when such area is at least five feet in depth per each abutting parking space. Landscaped areas must be protected by wheel stops or curbing.
- e) No parking stall shall be located more than 75 feet from the edge of any landscaped area.
- f) Trees which provide shade or are capable of providing shade at maturity will be included at a rate of one tree for every ten parking stalls, with a one tree minimum at every landscaped area. Shrubbery and hedges or living ground cover shall also be used and must provide minimum ground coverage of fifty percent within three years of planting.

## **G. Signs**

Three types of signs will be allowed within the industrial site. These include: 1) Entry Signs (provided by the Regional Port) which will be located at a strategic location near roadway entrance to a specific tenant site, 2) Building Signs which identify buildings and building tenants, and 3) Directional Signs which provide information on pedestrian and vehicular flows. Signs must comply with these covenant requirements. The purpose of sign standards is to aid in eliminating excessive and confusing sign display, preserve and enhance the appearance of the site, safeguard air traffic and encourage signs which, by their good design, are integrated with and are harmonious to the area. All signs, regardless of type, must be approved by the Regional Port before installation.

### **1. General**

- a) Sign materials can be metal, plastic, concrete or masonry, utilizing paints and preservatives suitable for outdoor use or other materials that are consistent in material content and architectural style with the building.
- b) No signs will be permitted which, through illumination at night or glare during the day, could create a hazard to aircraft.
- c) No flashing or moving signs will be permitted.
- d) No portable signs will be permitted.
- e) No advertising signs will be permitted.
- f) No exposed neon lighted signs will be permitted.
- g) Exposed conduit or tubing shall not be permitted.

- h) Conductors, transformers, and other equipment shall be concealed.
- i) Temporary signs will only be permitted for construction, emergency traffic control, or by special permission.
- j) Sign maker labels or other identification shall not be permitted on the exposed surface of signs, except those required by local ordinance, in which case they shall be placed in an inconspicuous location.

## 2. Entry Signs

All entry signs will be designed and placed by the Regional Port and are intended to identify the business site and business address, if appropriate. Such signs will be located so as not to impair driver vision. The Regional Port will design and install entry signs for multi-tenant parcels; for single-tenant parcels, the tenant shall be responsible for the cost of design and installation, subject to Regional Port approval. Entry signs:

- a) Will be placed along the street frontage generally in front of the facility being identified with only one sign to be installed on each parcel.
- b) Will be free standing ground pedestal address sign.
- c) May carry the tenant trade name and/or insignia and must meet all of the tenant/owner sign requirements with regard to color, letter style, arrangement, and proportions but shall not otherwise describe products sold, prices, or carry any type of advertising.
- d) Will have a maximum size of nine and one half square feet.
- e) Will not be located closer than ten feet from any right-of-way so as not to obstruct the view of drivers entering or exiting driveways in accordance with County site obstruction standards.

## 3. Building Signs

Building signs identify the business at each parcel. They will be designed and placed by the facility tenants and must be approved by the Regional Port. Besides identifying tenants, these signs may include information such as bay or suite numbers.

- a) Building wall identification signs will have a maximum sign area of 42 square feet.
- b) If there are multiple tenants, the signs must be placed on the exterior wall corresponding to the tenant occupancy.

- c) Wall identification signs will require a Douglas County Department of Transportation and Land Services building permit approval.
- d) Shall not be placed perpendicular to the face of the structure.
- e) Shall not be installed on or above canopies, overhangs, or roof lines.
- f) Monument signs are acceptable, subject to Port Authority approval, for single-tenant buildings in excess of 20,000 square feet.

### Sign Standards

	ENTRY SIGNS	BUILDING SIGN
Lettering Style	Designed by Regional Port	Port Approval Required
Lighting	Internal – two way	Internal
Location	Within landscape buffer behind sidewalk	Port Approval Required
Material	Constructed by Regional Port	Port Approval Required
Sign Proportion	Length: Width 2:1 or greater	Port Approval Required
Sign Size		42 S.F. or 4 percent of street side building face

### 4. Directional Signs

Directional signs provide information and directions to pedestrians and motorists within a parcel. They are intended to provide safety measures as well as traffic management information. These signs will be standardized for the site and will generally comply with County standards. Directional signs will not exceed 10 square feet each.

## *III. Maintenance Standards*

The following Standards only apply to single-tenant parcels and are intended as general guidelines to encourage maintenance practices that will contribute to a site which is attractive to the community and to lessees and tenants of other properties on the site. These Standards are supplemental to any maintenance standards contained in County zoning ordinance or other local, state, or federal laws and regulations. Generally, the Maintenance Standards listed below are common best management practices.

## ***A. Site***

Each tenant shall be responsible for the maintenance of their grounds including driveways, walkways, parking areas, storm water facilities, fences, and other components of property within the property boundaries. Property and grounds will be kept clean and in a safe condition. Repairs and rehabilitation will be done with the type of material originally installed thereon or such substitute as shall, in all respects, be equal in quality, appearance and durability. Snow and ice removal, the removal of debris and waste material and the washing and sweeping of paved areas is required when needed. All improvements shall be maintained to be clean and safe and function as originally designed.

## ***B. Buildings***

Each and every structure erected at the site shall be maintained at all times in a neat and clean condition in reference to exterior appearance. Tenants shall at all times keep the buildings, improvements, and appurtenances thereon in a neat, clean, and safe condition compatible with an urban light industrial/business park, and comply at their own expense in all respects with applicable local, state, and federal governmental ordinances, laws, regulations, requirements, or directives. Buildings, structures, and appurtenances shall be painted or refinished when appearance dictates.

## ***C. Utilities***

External utility lines for electrical, telephone, or telecommunications services shall be properly maintained such that wiring is not exposed to introduce safety hazards or to threaten service interruptions due to shorting, grounding, or other causes due to negligent maintenance. Other utility infrastructure systems shall be maintained in such a manner as to not threaten property damage or health hazards to occupants or neighboring tenants.

## ***D. Parking Lots***

Parking lots, including the landscaping within the general area of the parking lots or parking areas, shall be maintained on a regular basis so as to provide safe and efficient vehicle and pedestrian usage and to ensure a satisfactory visual appearance. Activities should include periodic sweeping or washing of the surface; refuse removal, mowing, trimming and watering of vegetation, and painting or parking stall markers. Signs or pavement markings should also be kept clean and in good repair. Snow and ice removal will also be required as necessary.

### ***E. Exterior Lighting***

All external lighting systems on buildings or structures or on lighting poles will be kept clean and relamped to promote efficiency of systems and safety. This will include lighted signs.

### ***F. Landscaping***

All landscaped areas shall be routinely maintained, including the trimming, watering, and fertilization of all grass, ground cover, shrubs or trees, removal of dead or waste materials, and rapid replacement of any dead or diseased grass, ground cover, shrubs, or trees. Trash will be collected and removed as necessary to provide a visually acceptable view.

1. All landscaped areas and plants required by these standards must be permanently maintained in a healthy growing condition.
2. Dead or diseased plants must be replaced within 30 days of notification or as soon as practical in freezing weather or complex situations involving removal/replacement of large trees.
3. All plantings must be fertilized, irrigated, and pruned at such intervals necessary to promote optimum growth. All landscaped areas must be kept free of debris and weeds.
4. Plant material must not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.
5. All planting areas must have a permanent irrigation system. An underground system equipped with an automatic timer is strongly recommended.

### ***G. Signs***

All signs shall be maintained so as to be visually pleasing and readable. Maintenance activities will include washing, painting, repairing the surface of mechanical or electrical components of the sign and any other activity required to return the sign to its original visual and functional condition. Sign poles, wiring and conduits, and other related support features will also be maintained.

## ***IV. Common Areas***

The purpose of this section is to define Common Areas, to describe the Covenants for these areas and to state the Regional Port's intentions for management and funding of future common area maintenance to ensure the long term integrity of the areas in terms of appearance and functionality.

Common areas are defined as the portions of the total property that are managed by the Regional Port and are dedicated to the enjoyment of all tenants and may include roadways, walkways, sidewalks, utilities, greenbelts, or landscaping. The intent is to provide areas for visual enhancement of the site.

### ***A. Development***

The development of common areas will be at the discretion of the Regional Port. The intent is to provide areas for walkways and/or other greenbelt areas for the overall betterment of the site and the enjoyment of other tenants, visitors, and the community as a whole. Common areas are incorporated into the master site map, attached hereto as Appendix B, showing area locations and features of each area. Actual development of each separate common area will occur in conjunction with the development of parcels adjacent to the common areas.

### ***B. Maintenance***

Maintenance of the common areas will be the responsibility of the Regional Port. The Maintenance Standards for the common areas will be the same as stated in Section III above. The most common features within the common areas will be landscaping, lighting, and signs. Entrance areas to the Pangborn Airport Business Park located at various locations will be landscaped by the Port and will contain site signs.

### ***C. Fees/Assessments***

Payment for the costs of common area maintenance will be effected through prorata cost sharing. Maintenance costs will be calculated and billed separately as an assessment to each tenant of site parcels. The prorata assessment will cover all maintenance costs for the common areas for the preceding year and will be assessed on a prorata basis considering all developable property within the site. As new tenants locate on the site, they will share in maintenance cost on the same prorata basis.

## ***V. Review Process***

### ***A. General Requirements***

No building shall be erected, placed on any lot, nor other improvements or modifications made until the required documentation including the construction plans, specifications, plot plan, and landscaping and fencing plan shall have been submitted to and approved by the Regional Port. Modifications requiring Regional Port approval will include any changes to the building which are visible to the public and which change the basic footprint or the infrastructure of the facility or the support utilities.

Any action by the Regional Port shall be in the nature of an approval, a conditional approval or a disapproval, which action shall be in writing. In the event that the Regional Port fails, after receiving all required information, to approve, conditionally approve, or disapprove an application within 90 days of submittal, the related Covenants will be deemed to be in compliance. Any structure erected on any parcel shall be completed as to external appearance within 18 months from the date of commencement of construction, unless otherwise authorized by the Regional Port. No structure erected elsewhere may be moved upon any parcel of this property. Any proposed addition of buildings or structures to the parcel or substantial change in use will require a new and separate Regional Port approval process.

### ***B. Information Requirements***

The application for approval of any improvements shall contain the following information and documentation.

1. Site map showing existing topographic features and proposed structures and topography in relation to the overall site.
2. Site plan showing proposed improvements including buildings, grade, walls, driveways, pathways, terraces, property lines, setbacks from building to property lines, easements and rights-of-way, parking and storage areas, landscaping location, utilities, lighting, sidewalks, storm drain system, sign location, fences, exterior storage, trash, mechanical equipment and meter locations, light poles and transformers, utility systems and screening treatments.
3. Plans and specifications for all building improvements showing dimensions, cross sections, and exterior elevations in plans and details in specifications.
4. Landscaping design and irrigation system plan.
5. List of exterior colors and materials of construction, including for architectural enhancements.

## ***VI. Enforcement***

### ***A. Generally***

Each party to these Covenants shall comply with the provisions of this agreement, their lease, the bylaws, decisions, and resolutions of the Regional Port, the Association, or the Regional Port's representatives. Failure to comply with any provisions, decisions, or resolutions may be grounds for an action to recover sums due, for damages, for injunctive, or any other appropriate relief. The Regional Port shall be responsible for enforcement of the Covenants.

### ***B. Waiver/Abandonment***

No party to these Covenants may exempt themselves from liability for their contribution toward the common expenses by waiver of the use or enjoyment of any of the general and restricted common areas or by abandonment of the property involved.

### ***C. Corrective Action***

Failure to adhere to these Covenants, as herein adopted and as may otherwise be amended, shall result in corrective action. The enforcement of these Covenants shall be the responsibility of the Regional Port. Any corrective action or enforcement of these Covenants shall adhere to the following procedures:

#### **1. Notice**

Notice shall be forwarded in writing from the Regional Port. Notice shall specify the deficiency, omission, or violation, and set forth what, if any, corrective action needs to be taken and the time frame for such action. Said notice will be sent by regular and certified mail.

#### **2. Corrective Action**

The parties shall have thirty (30) days to correct the identified deficiency, omission, or violation set forth in the notice letter unless the notice letter provides a different specific period of time for such corrective action.

### **3. Failure to Take Corrective Action**

If a party fails to take corrective action within the time frame set forth, the Regional Port may declare the party in default and pursue default remedies or, in the alternative, the Regional Port may correct such deficiency, omission, or violation and charge the party its actual costs for such corrective action.

If a party fails to pay the cost of maintenance and repair or if it fails to perform any other act on its part and covenant herein to be performed by it, then the Regional Port may, but shall not be obligated to do so, and with proper notice of demand upon such party, perform the acts so omitted or not performed by the party. If such performance shall constitute, either in whole or in part, the payment of monies, such money so paid together with interest thereon at the rate of twelve (12) percent per annum and reasonable attorney's fees incurred shall be deemed payable.

### ***D. Appeal Process***

1. An aggrieved party may appeal from a notice of deficiency, omission, or violation. The party shall have thirty (30) days from the date it receives written notice to file a written appeal with the Regional Port. The said appeal will specifically set forth the reasons why the party is of the belief it is not in violation of these standards.
2. The Port shall review the appeal and make a decision concerning the appeal within thirty (30) days of receipt of the appeal.
3. An aggrieved party may request a hearing before the Regional Port Board of Directors, provided the request is in writing and accompanies the notice of appeal.
4. A decision from the Regional Port Board of Directors is final. This process shall not preclude an aggrieved party from seeking other appropriate legal remedies.

## *Appendix A*

### **Property Subject to Pangborn Airport Business Park Covenants**

In the County of Douglas, State of Washington:

*All that portion of the southwest quarter Section 16, Township 22 North, Range 21 East of the Willamette meridian, described as follows:*

*Beginning at the southwest corner of said Section 16; thence N 00° 40' 23" W along the east line thereof 2366.14 feet; thence leaving said line N 83° 51' 29" E 607.29 feet; thence N 89° 33' 03" E 25.47 feet; thence S 00° 40' 23" E, 100 feet; thence N 89° 33' 03" E 814.50 feet; thence S 08° 58' 57" E 2355.84 feet to the south line of said Section 16; thence S 89° 39' 34" W along said south line 1784.98 feet to the southwest corner thereof and the true point of beginning; except that portion described as follows: beginning at the southwest corner of said Section 16; thence N 89° 39' 34" E along the south line thereof 1784.98 feet to the true point of beginning; thence N 08° 58' 57" W 474.03 feet; thence S 66° 59' 41" W 194.48 feet to the east boundary of Binding Site Plan No. 287, according to the plat thereof, recorded in Book G of Short Plats at page 79, record of said county; thence S 15° 28' 06" E, along the easterly line thereof 107.90 feet; thence S 00° 43' 55" E 289.57 feet to the south line of said Section; thence N 89° 39' 34" E along the south line thereof 220.56 feet to the true point of beginning; and except right of ways for county roads known as South Union Avenue along the east line and 8<sup>th</sup> Street Southeast along the south line of said Section 16; and also except Binding Site Plan No. 287, according to the plat thereof recorded in Book G of Short Plats at page 79, records of said county.*

*Appendix B*

*Property Map*

**PANGBORN AIRPORT BUSINESS PARK BSP 12-01**  
**PART OF THE SW 1/4 SECTION 16**  
**TOWNSHIP 22 N. RANGE 21 E. W.M.**  
**DOUGLAS COUNTY WASHINGTON**

DOUGLAS COUNTY SHORT PLAT No.  
 ASSESSOR'S PARCEL No.(s): 22-21-16-10-051, 22-21-16-10-052,  
 22-21-16-10-053, 22-21-16-10-054,  
 22-21-16-10-060

ORIGINAL TRACT OWNER:  
 Chelan & Douglas County Port Districts  
 33063 SE 5th St. 98802  
 East Wenatchee, Wa.

EXISTING ZONING: I-G WATER SOURCE: East Wenatchee Water District  
 No. PLATTED LOTS: 20 SEWAGE SYSTEM: Douglas County Sewer District

**CONSENT AND WAIVER OF CLAIMS**

Know All Person By These Presents:

The undersigned, Part of Chelan County and Port of Douglas County, and has been authorized to make this declaration in its behalf, Port of Chelan County and Port of Douglas County is the owner of the real property that is the subject of this plat and hereby waives all claims, rights, interests, and claims in and to the subject property, including but not limited to, easements, rights of way, utility easements and all areas described as public property to Douglas County for public use and purpose, together with the right to make any and all cuts and fill reasonable and necessary for construction, maintenance and improvements. The Grantor, on behalf of itself and its successors and assigns, hereby waives all claims for damage against any government authority arising from construction of, maintenance of and improvements to public facilities and public property within and adjacent to the plat.

In witness whereof we have here to set my signature

This 13<sup>th</sup> Day of February, 2014

  
 Port of Chelan County  
 Lisa Parks  
 Port of Douglas County

**ACKNOWLEDGMENT**

This is to certify that on the 13<sup>th</sup> day of February, 2014, before me, the above signed, personally appeared to me, known to be the person who executed the foregoing statement of consent and waiver of claims and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Witnessed my hand and seal the day and year last above mentioned.

  
 Douglas A. Provo  
 Notary public in and for the State of Washington, residing at  
 Wenatchee, WA

**ACKNOWLEDGMENT**

This is to certify that on the 21<sup>st</sup> day of February, 2014, before me, the above signed, personally appeared to me, known to be the person who executed the foregoing statement of consent and waiver of claims and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Witnessed my hand and seal the day and year last above mentioned.

  
 Douglas A. Provo  
 Notary public in and for the State of Washington, residing at  
 Wenatchee, WA

**CHELAN - DOUGLAS HEALTH DISTRICT**

The Health District has not reviewed the legal availability of water to this short plat.

Health Officer R.S. Date 2/24/2014

**EXAMINED AND APPROVED**

Department of Transportation and Land Services:

Examined and approved this 25 day of February, 2014.

  
 Engineering Department

  
 Subdivision Administrator

**AUDITOR'S CERTIFICATE**

Filed for record this 25 day of February, 2014 at 2:26 P.M.

In Book NA, Page NA of Plats at the request of Brian Todd McNeill.

  
 Deputy  
 County Auditor

3176418  
 Auditor's Number

**SURVEYOR'S CERTIFICATE**

I, Brian Todd McNeill, registered as a land surveyor by the State of Washington, certify that this plat is based on an actual survey of the land described therein, conducted by me or under my supervision; that the distances, courses, and angles are shown thereon correctly; and that the monuments approved for setting at a later date have been set and lot corners staked on the ground as depicted on the plat.

in February, 2014.

  
 Brian Todd McNeill  
 Certificate Number: 38982



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 GEODIMENSIONS  
 15 North Chelan Ave. Wenatchee, WA. 98801  
 Phone 509-663-8660 Fax 509-663-8278

PANGBORN AIRPORT BUSINESS PARK  
 PLATTING SITE PLAN BSP 12-01  
 ALL QUARTERS OF THE SW 1/4 SECTION 16  
 TOWNSHIP 22 N. RANGE 21 E. W.M.  
 DOUGLAS COUNTY  
 WASHINGTON

11110  
 1 OF 4  
 PROJ. NO.





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**Northwest** DIMENSIONS

15 North Division Ave. Wauwatosa, WI 53091 Phone 509-653-8660 Fax 509-653-8278

DATE 2014-01-14  
 DWSN:R12 FILE 2014-01-14 HAZARD BSP WAC 95  
 WASHINGTON  
 DOUGLAS COUNTY  
 TOWNSHIP 22 N RANGE 21 E W.M.  
 ALL QUARTERS OF THE SW 1/4 SECTION 16  
 BINDING SITE PLAN BSP 12-01  
**PANGBORN AIRPORT BUSINESS PARK**

PROJ. NO. 11110  
 2 OF 4  
 SHEET

**MONUMENT NOTES:**

[1] Found 5/8" Rebar & Cap Stamped: REPASS LS 17680  
 [2] Found 5/8" Rebar & Cap Stamped: CH2M HILL 17673  
 [3] Found 5/8" Rebar & Cap Stamped: CH2M HILL 17673  
 [4] Found 5/8" Rebar & Cap Stamped: CH2M HILL 17673  
 [5] Found 5/8" Rebar & Cap Stamped: CH2M HILL 17673  
 [6] Found 5/8" Rebar & Cap Stamped: CH2M HILL 17673  
 [7] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680  
 [8] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680  
 [9] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680  
 [10] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680  
 [11] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680  
 [12] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680  
 [13] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680  
 [14] Found 5/8" Rebar: Rebar Bent  
 [15] Found 5/8" Rebar: Rebar Bent  
 [16] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680  
 [17] Found 3 1/2" Brass Cap in Concrete in Monument Case: Cap is Mangled: Stamped WASHINGTON 1/4 S21

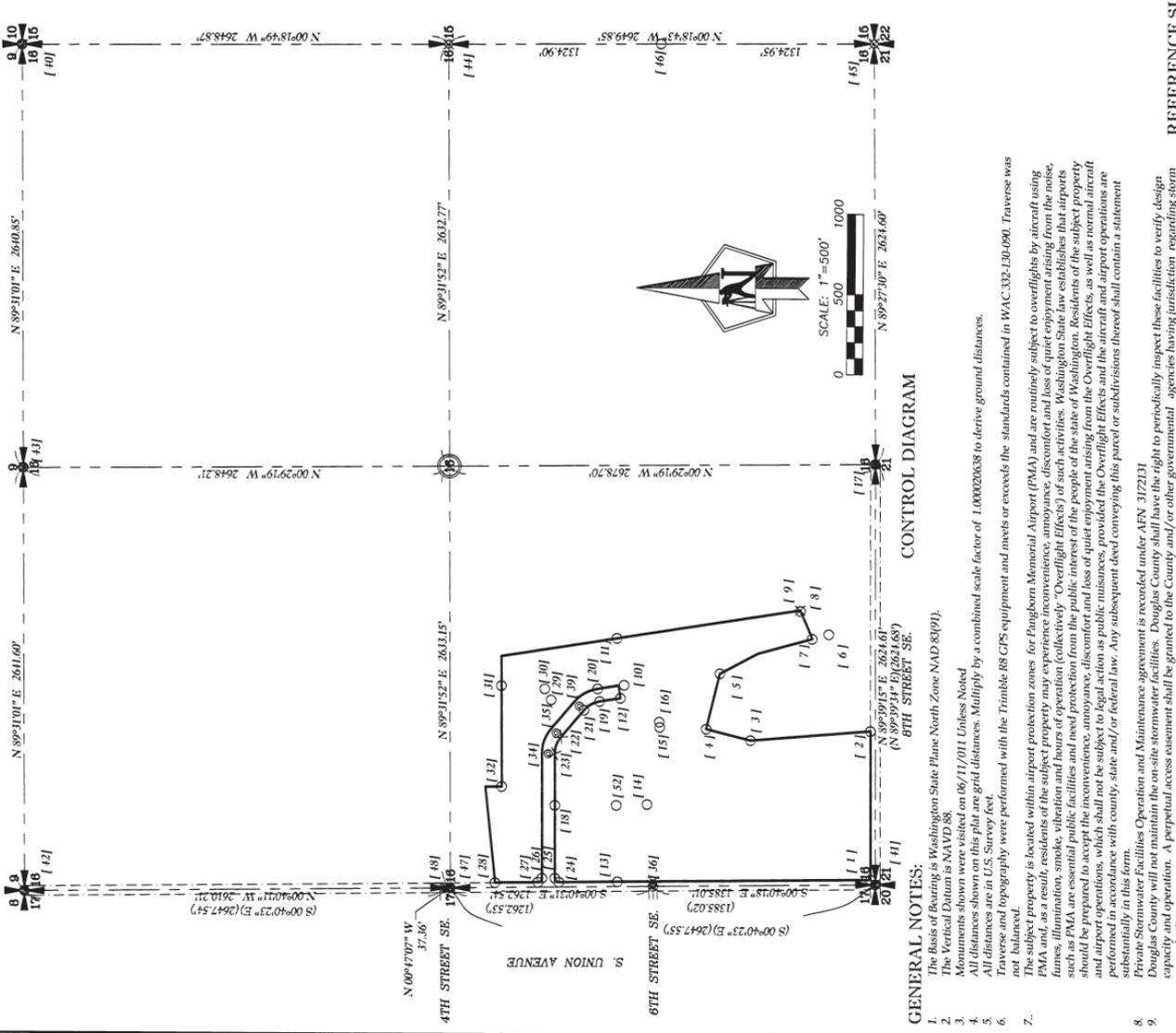
[18] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680. Visited 7/04/02  
 [19] Found 5/8" Rebar Bent. Visited 12/28/11  
 [20] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680. Visited 12/28/11  
 [21] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680. Visited 12/28/11  
 [22] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680. Visited 12/28/11  
 [23] Found Chisled "X" in Concrete. Visited 12/28/11  
 [24] Found 5/8" Rebar & Cap Stamped: REPASS LS 17680. Visited 12/28/11  
 [25] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680. Visited 12/28/11  
 [26] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680. Visited 12/28/11  
 [27] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680. Visited 12/28/11  
 [28] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680. Visited 12/28/11  
 [29] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680. Visited 12/28/11  
 [30] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680. Visited 12/28/11  
 [31] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680. Visited 12/28/11  
 [32] Found 5/8" Rebar & Cap Stamped: REPASS LS 17680. Visited 12/28/11  
 [33] Found 5/8" Rebar & Cap in Monument Case Stamped: ERLANDSEN LS 17680. Visited 7/04/02  
 [34] Found 5/8" Rebar & Cap in Monument Case Stamped: ERLANDSEN LS 17680. Visited 7/04/02  
 [35] Found 3" Brass Cap in Monument Case Stamped: DOUGLAS COUNTY ENGINEER CL. ST. INT. N8 188 1/2 W 12/04/04  
 [36] Found 5/8" Rebar & Cap in Monument Case Stamped: WASHINGTON COUNTY REFERENCE MARK, S94 S10(S)16 S15. Visited on 05/24/04  
 [37] Found 3" Brass Cap in Monument Case Stamped: WASHINGTON COUNTY REFERENCE MARK, S94 S10(S)16 S15. Visited on 05/24/04  
 [38] Found 3" Brass Cap in Monument Case Stamped: DOUGLAS COUNTY T22N R21E17-16-20-21 Accepted as SE Corner-Section 17. Visited on 12/04/04  
 [39] Found 3" Brass Cap on Monument Case Stamped: DOUGLAS COUNTY ENGINEERING 9/8/17/16 Visited 5/24/04  
 [40] Found 3" Brass Cap on Monument Case Stamped: DOUGLAS COUNTY PERMANENT MARKER 1/4 S9 176. Visited 5/24/04  
 [41] Found 3" Brass Cap Monument Stamped: T. 22 N., R. 21 E.W.M., 1/4 COR. 16/15, 1981, DOUGLAS COUNTY ENGINEER. Visited on 10/24/08  
 [42] Found 3" Brass Cap in Concrete Cylinder Stamped: WASHINGTON COUNTY REFERENCE MARK, S94 S10(S)16 S15. Visited on 03/16/03  
 [43] Found 3" Rebar & Cap Stamped: FOREGREEN LS 10819. Visited on 03/16/03  
 [44] Found 3" Rebar & Cap Stamped: DOUGLAS COUNTY ENGINEER 17/16. Accepted as E1/4 Section 17. Visited on 12/04/04  
 [45] Found 11/2" from Pipe in concrete monument Case. Visited on 12/04/04  
 [46] Found 5/8" Rebar & Cap Stamped: ERLANDSEN LS 17680. Visited 7/04/02

**REFERENCE SURVEY:**

( ) PANGBORN INDUSTRIAL PARK, Plat of Phase 1-A.  
 Binding Site Plan No. 97-1.  
 Recorded July 11, 1997, Book H Pages 489-490 of Plats  
 AFN: 3002602

PANGBORN INDUSTRIAL PARK, Plat of lot 4 Phase 1-B.  
 Binding Site Plan No. 897-1.  
 Recorded April 3, 1999, Book H Pages 586-587 of Plats  
 AFN: 3020222

BOUNDARY LINE ADJUSTMENT BLA 07-115  
 Recorded May 16, 2007, AFN: 311097



**GENERAL NOTES:**

1. The Basis of Bearing is Washington State Plane North Zone NAD 83(91).  
 2. The Vertical Datum is NAVD 88.  
 3. All distances shown on this plan are grid distances. Multiply by a combined scale factor of 1.000026038 to derive ground distances.  
 4. All distances are in US Survey feet.  
 5. Traverse and topography were performed with the Trimble 88 GPS equipment and meets or exceeds the standards contained in WAC 332-130-090. Traverse was not balanced.  
 6. The subject property is located within airport protection zones for Pangborn Memorial Airport (PMA) and are customarily subject to overflights by aircraft using PMA and, as a result, residents of the subject property may experience inconvenience, annoyance, discomfort and loss of quiet enjoyment, including noise, fumes, illumination, smoke, vibration and hours of operation (collectively "Overflight Effects") of such activities. Washington State law establishes that the noise, such as PMA are essential public facilities and need protection from the public interest of the people of the state of Washington. Residents of the subject property should be prepared to accept the inconvenience, annoyance, discomfort and loss of quiet enjoyment arising from the Overflight Effects, as well as normal aircraft and airport operations, which shall not be subject to legal action as public nuisances, provided the Overflight Effects and the aircraft and airport operations are performed in accordance with county, state and/or federal law. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement substantially in this form.  
 7. Private Stormwater Facilities Operation and Maintenance agreement is recorded under AFN 3172131  
 Douglas County will not maintain the on-site stormwater facilities. Douglas County shall have the right to periodically inspect these facilities to verify design capacity and operation. A perpetual access easement shall be granted to the County and/or other governmental agencies having jurisdiction regarding storm water use and grading shall not be allowed with in the storm drainage tract.  
 8. Lot owners are responsible for preventing stormwater runoff from their lot and onto adjacent properties.  
 9. Douglas County PUD conduit and vault infrastructure has been installed within the Industrial Park Blvd. Right of Way. The Plat of Douglas County will facilitate the installation and payment of power and fiber conductors when specific user needs can be determined. The Plat of Douglas County reserves the property within the General Binding Site Plan boundary from Pangborn Memorial Airport. Since this property is part of the Airport property that has been reacquired by prior Federal Aviation Agency grants, this property cannot be sold and transferred to private entities.  
 10. Concurrent with building permit application a site-specific engineered stormwater plan and design report shall be submitted for review and acceptance. The plan shall address water quality treatment prior to discharge as well as the collection, conveyance, discharge and connection to the existing private stormwater facility.  
 11. The plan shall address long term operation and maintenance of the system.  
 12. Prior to occupancy, certification shall be provided from the Engineer of Record that the stormwater system was installed in accordance with the plans submitted.  
 13. Prior to occupancy, a Boundary Line Adjustment (Douglas County Standard Form) shall be recorded for the private on-site system associated with individual lot development.

A.F.N. 3174418



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**PANGBORN AIRPORT BUSINESS PARK**  
 BOUNDARY SURVEY  
 ALL QUARTERS OF THE SW 1/4 SECTION 18  
 TOWNSHIP 22 N. RANGE 21 E. W.M.  
 DOUGLAS COUNTY  
 WASHINGTON

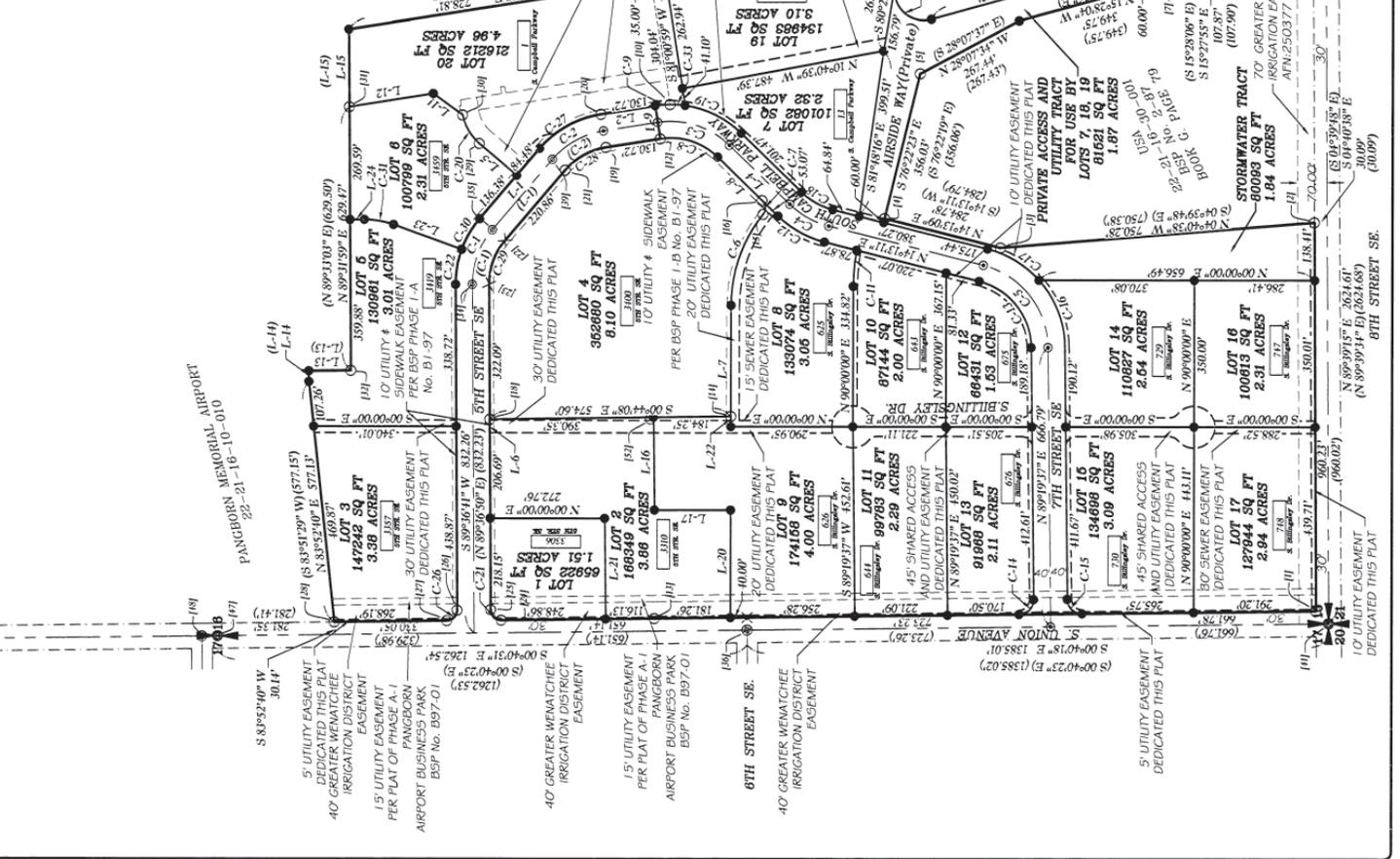
DATE: 2014-01-14  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

3 OF 4  
 11110  
 PROJ. NO.

Curve Table					Curve Table				
Curve	Length	Radius	Delta	Chord	Curve	Length	Radius	Delta	Chord
C-1	142.00	200.00	40°42'28"	N 70°01'56" W	139.13	C-17	146.01	245.00	3°40'84.5"
C-2	142.06	200.00	40°41'45"	N 29°19'50" W	139.09	C-18	86.70	165.00	30°00'25"
C-3	186.08	200.00	53°08'34"	N 17°40'20" E	179.44	C-19	151.71	240.00	N 26°13'05" E
C-4	107.72	205.00	30°06'25"	N 29°16'24" E	106.19	C-20	80.51	120.00	S 59°29'19" W
C-5	268.73	205.00	75°06'25"	N 51°46'24" E	249.90	C-21	59.36	25.00	S 14°30'28" W
C-6	234.13	350.00	38°19'41"	N 70°50'09" W	229.79	C-22	85.25	240.00	N 20°21'03"
C-7	366.65	25.00	8°00'00"	N 86°19'39" E	31.16	C-26	39.14	25.00	S 89°12'18"
C-8	148.91	160.00	53°09'34"	N 17°39'50" E	143.60	C-27	170.47	240.00	N 29°19'50" W
C-9	35.71	240.00	8°31'34"	N 4°43'50" W	187.94	C-28	113.64	160.00	N 40°41'45"
C-10	86.86	483.63	09°17'24"	N 84°51'18" W	86.74	C-29	113.68	160.00	N 09°01'56" W
C-12	128.74	245.00	30°06'25"	S 29°16'24" W	127.26	C-30	85.27	240.00	N 20°21'25"
C-13	216.29	165.00	75°06'25"	N 51°46'24" E	201.14	C-31	71.26	200.00	N 04°45'22" E
C-14	54.98	35.00	90°00'00"	S 45°40'21" E	49.50	C-32	140.61	70.00	S 42°04'44" W
C-15	54.98	35.00	89°59'55"	S 44°19'39" W	49.50	C-33	35.93	240.00	N 3°44'36"
C-16	175.15	245.00	40°57'41"	N 68°50'46" E	171.45				

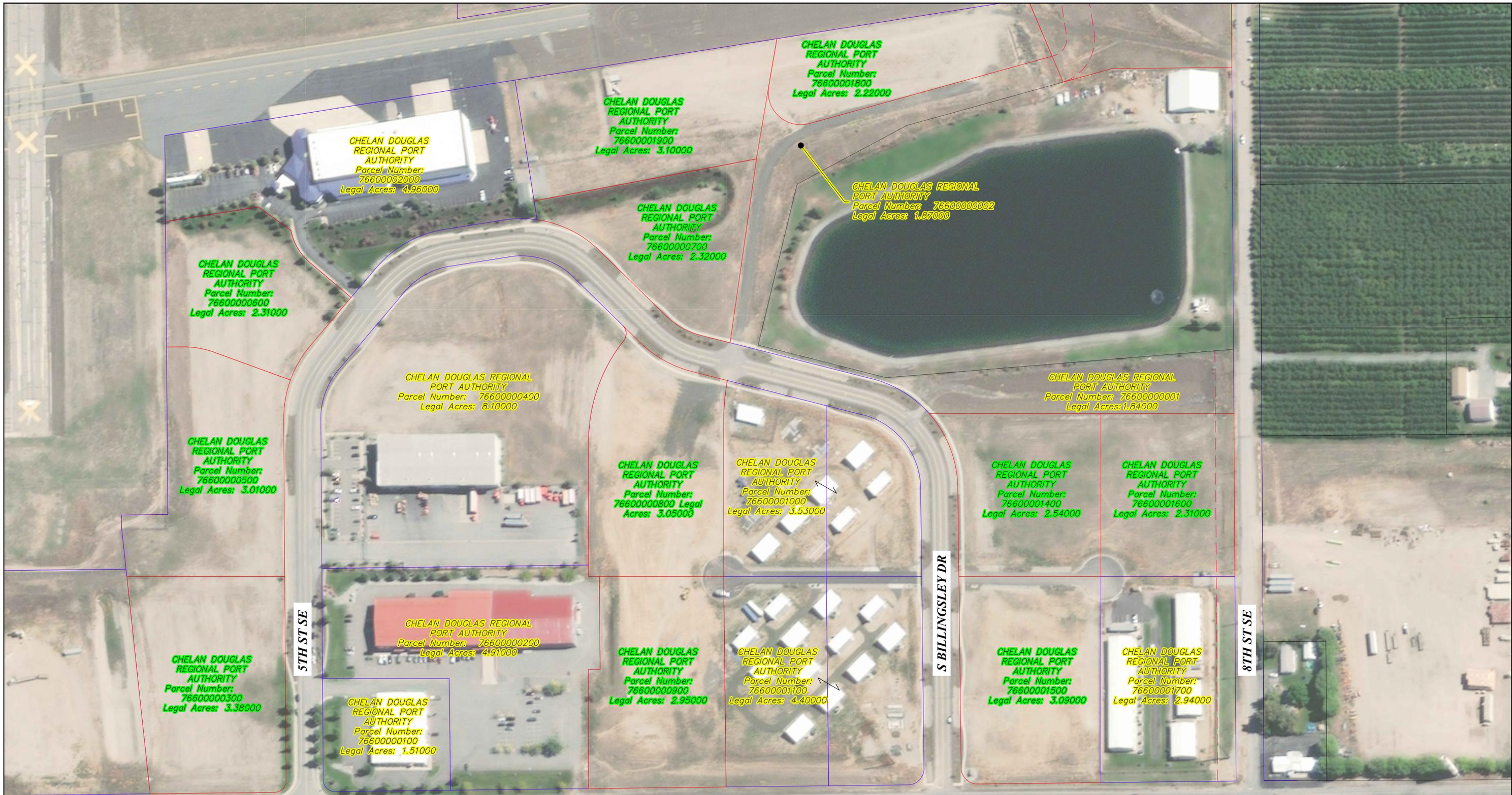
Parcel Line Table					Parcel Line Table				
Line #	Length	Direction	Line #	Length	Direction				
L-1	220.86	N 19°40'42" W	L-12	202.67	S 9°00'42" E				
L-2	130.77	N 89°53'57" W	L-13	100.00	S 0°40'52" E				
L-4	201.47	N 44°19'37" E	L-14	25.47	N 89°34'41" E				
L-5	117.39	N 40°17'16" E	L-15	185.00	N 89°11'59" E				
L-6	30.00	N 89°56'41" E	L-16	221.78	N 89°17'19" E				
L-7	264.91	N 90°00'00" E	L-17	181.47	N 09°01'16" W				
L-8	148.40	N 44°19'37" E	L-20	256.53	S 89°59'46" W				
L-9	80.00	N 81°01'03" E	L-21	240.06	N 89°19'36" E				
L-10	194.51	N 67°00'55" E	L-22	24.54	N 90°00'00" E				
L-11	86.50	S 36°03'49" W	L-23	171.26	S 19°57'53" W				

Parcel Line Table			Parcel Line Table		
Line #	Length	Direction	Line #	Length	Direction
L-24	33.99	S 0°26'53" E			



A.F.N. 3171118





S UNION AVE

5TH ST SE

6TH ST SE

S BILLINGSLEY DR

8TH ST SE

**PANGBORN AIRPORT BUSINESS PARK**

**LEGEND**

- LEASED PROPERTY
- AVAILABLE PROPERTY
- ADJOINING PROPERTY



**PANGBORN AIRPORT BUSINESS PARK**



SCALE: 1" = 200'  
DRAWING IS FULL SCALE WHEN BAR MEASURES 1"

LAST REVISED: September 7, 2021  
FILE PATH: J:\Data\RPA\20-0028\TA XY Mapping Support\CAD\9 - Pangborn Airport Business Park\pobp-e-view2.dwg