

EXHIBIT 1



LAND USE APPLICATION

CITY OF YAKIMA, DEPARTMENT OF COMMUNITY DEVELOPMENT
129 NORTH SECOND STREET, 2ND FLOOR, YAKIMA, WA 98901
PHONE: (509) 575-6183 EMAIL: ask.planning@yakimawa.gov

MAY 17 2022

CITY OF YAKIMA
COMMUNITY DEVELOPMENT

INSTRUCTIONS - PLEASE READ FIRST Please type or print your answers clearly.

Answer all questions completely. If you have any questions about this form or the application process, please ask a Planner. Remember to bring all necessary attachments and the required filing fee when the application is submitted. The Planning Division cannot accept an application unless it is complete and the filing fee paid. Filing fees are not refundable.

This application consists of four parts. PART I - GENERAL INFORMATION AND PART IV - CERTIFICATION are on this page. PART II and III contain additional information specific to your proposal and MUST be attached to this page to complete the application.

PART I - GENERAL INFORMATION

1. Applicant's Information:	Name:	Dan Plath						
	Mailing Address:	PO Box 1588						
	City:	Yakima	St:	WA	Zip:	98907	Phone:	(509) 969-6071
	E-Mail:	dan@washfruit.com						

2. Applicant's Interest in Property:	Check One:	<input type="checkbox"/> Owner	<input checked="" type="checkbox"/> Agent	<input type="checkbox"/> Purchaser	<input type="checkbox"/> Other _____
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3. Property Owner's Information (If other than Applicant):	Name:	Plymouth Ranch LLC						
	Mailing Address:	PO Box 1588						
	City:	Yakima	St:	WA	Zip:	98907	Phone:	(509) 457-6177
	E-Mail:							

4. Subject Property's Assessor's Parcel Number(s): 18131233006

5. Legal Description of Property. (if lengthy, please attach it on a separate document)
SEE ATTACHED

6. Property Address: 1007 River Rd - Yakima, WA

7. Property's Existing Zoning:
 SR R-1 R-2 R-3 B-1 B-2 HB SCC LCC CBD GC AS RD M-1 M-2

8. Type Of Application: (Check All That Apply)
 Modification Other: _____ Other: _____

PART II - SUPPLEMENTAL APPLICATION, PART III - REQUIRED ATTACHMENTS, & PART IV - NARRATIVE

9. SEE ATTACHED SHEETS

PART V - CERTIFICATION

10. I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

[Signature]
Property Owner's Signature

5/17/22
Date

[Signature]
Applicant's Signature

5/17/22
Date

FILE/APPLICATION(S)# mod#010-22

DATE FEE PAID: <u>5-17-22</u>	RECEIVED BY: <u>Jesse A</u>	AMOUNT PAID: <u>\$100.00</u>	RECEIPT NO: <u>CR-22-001451</u>
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PART II - APPLICATION INFORMATION

1. EXISTING USE: *(Important: Must Be Taken From YMC Ch. 15.04, Table 4-1)*

- CLASS (1) CLASS (2) CLASS (3) NOT PERMITTED

2. WILL THE PROPOSED CHANGE:

- | | | |
|------------------------------|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Increase residential density? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Increase the amount of required parking by more than 10% or 20 spaces? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Increase/decrease use/structure by more than 50% (includes previous modifications) of the existing use or structure? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Change or modify any special condition previously imposed under Class (1), (2), or (3) Review? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Increase the height of any structure? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Adversely reduce the amount of existing landscaping or the amount or location of required landscaping? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Add a drive-thru or include hazardous materials? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Expand an existing non-conforming use (except provided for in YMC § 15.19.080) or render a structure non-conforming? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Increase the degree of nonconformity of the structure? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Comply with all other development standards of the district in which it is located? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Create or materially increase any adverse impacts or undesirable effects? |

3. IS THE NEW USE OR CHANGE IN USE PROPOSED

- | | | |
|---|--|---|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | A nonconforming structure occupied by a Class (1) or Class (2) use or a single-family dwelling or duplex? |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | A Class (1) or (2) use in that particular district? |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Similar in character and hours to the operation and the use approved or existing? |

4. DESCRIPTION: A description of the location, size, and type of modification (if lengthy, please attach it on a separate document):

The current land owner's request the use of a bare piece of ground on their current parcel 181312-33006 be granted the use of a section of that ground for the purposes of landing and tacking off by helicopter. The current area proposed is approximately 141,290sf of undeveloped area currently not part of any future site development. The owners intended use of this area of ground will be during, already established, normal buisness hours during normal working days of the week, Monday thru Friday 5am to 5pm with the possibility of some use on Saturday. There is no plans for developing any type of perminante landing pad, fueling station or structure for the purpose of storing a helicopter on site. Conversations with WDOT have been made in regards to concerns with proximaty to Highway 12 and any unforceen concerns. The setbacks proposed and the flight path are directed away from Highway 12 and neighboring properties to avoid vehicular distraction. The helicopter is staged at the Yakima Airport and its intened use is to allow access to pick up passangers for inspections of out lying orchards.

PART III - REQUIRED ATTACHMENTS

5. SITE PLAN (Please use the City of Yakima Site Plan Checklist, attached)
6. FOR PREVIOUSLY APPROVED USES AND STRUCTURES: A copy of the Final Site Plan previously approved with proposed modification is required.

Note: if you have any questions about this process, please contact us City of Yakima, Planning Division, 129 N. 2nd St., Yakima, WA or 509-575-6183

Type I Modification Application:

NARRATIVE

Washington Fruit & Produce Co. operates a large apple and cherry processing operation which also includes (CA)controlled atmosphere storage facilities and their corporate offices between River Road and North 6th Avenue. Part of operating such a facility is the necessity for routine off site inspections of their surrounding facilities and orchards which requires a great amount of travel.

Washington Fruit currently makes routine vehicular trips to the Yakima Airport where they currently house their aviation equipment to make these inspection trips. Washington Fruit finds it a necessity, with time constraints, to look at having staff picked up at their current operations, by helicopter, to make these routine inspections.

On the site plan attached we have indicated a parcel of ground that Washington Fruit owns which is Zoned M-1 but currently does not have any plans for future development. This parcel of ground is North of their current corporate headquarters and west of their current controlled atmosphere facility. The ground is undeveloped and surrounded on the West, South and East sides by M-1 (Light Industrial) with US Highway 12 directly to the North.

Washington Fruit asks that the City of Yakima grant them the ability to land and take-off from the designated spot, on normal business days which are Monday-Friday and normal business hours of 5am - 5pm.

Washington Fruit does not have any current plans to disturb the current site conditions for the construction of a hard surfaced landing pad, aviation fuel storage or overnight housing of aviation equipment in a covered or enclosed structure. It does not intent to install any type of lighting around the landing zone. Washington Fruit merely asks for the approval to land and take off from their open ground as identified. Setbacks proposed on the site plan look to provide more than adequate buffer from US Highway 12 and any neighboring properties which there really are not.

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LEGAL DESCRIPTION

Parcel: 181312-33006

Section 12 Township 13 Range 18 Quarter NW: That portion of the SW1/4 of the SW1/4 of Section 12 described as follows: Beginning at the Southeast corner of said SW1/4 of the 89° 57' 45" West along the South line of said subdivision a distance of 883.7 feet, more or less, to the Easterly line of a tract of land conveyed to Isabel R. Wert by deed under 916268, thence North 01° 23' 39" East to the North line of the SW1/4 of the SW1/4 of said Section 12, thence East to the Northeast corner of the SW1/4 of the SW1/4, thence South thereof to the Southeast corner of said SW1/4 of the SW1/4 to the Point of Beginning, EXCEPT the West 256 feet of the East 876.5 feet of the North 815 feet of the SW1/4 of the SW1/4, AND EXCEPT any portion thereof lying North of the Southerly right of way line of State Highway SR-12, AND EXCEPT that portion of the SW1/4 of Section 12 described as follows: South Quarter corner of said Section 12, thence North 00° 03' 21" East along the East line of said SW1/4 a distance of 1320.24 feet, thence South 89° 59' 34" West 30 feet to the West line of 6th Avenue, thence South 89° 59' 34" West 1267.09 feet, thence South 00° 03' 17" West 882.58 feet to the Point of Beginning, thence North 88° 42' 10" West 497.18 feet, thence West 447.67 feet to the South boundary said SW1/4, thence South 89° 57' 56" East along said boundary, 497.06 feet to a point bearing South 00° 03' 17" West from the Point of Beginning, thence North 00° 03' 17" East 436.72 feet to the Point of Beginning, EXCEPT that portion lying East of the following described line; Commencing at the South Quarter corner of said Section 12, 21" East along the East line of said SW1/4, a distance of 1320.24 feet, thence South 89° 59' 34" West 30 feet to the Westerly right of way line of North 6th Avenue, thence South 1392.09 feet to the Point of Beginning, thence South 00° 03' 17" West 873.40 feet to the terminus of said line

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SITE PLAN CHECKLIST & INSTRUCTIONS

A Detailed Site Plan Is Required: On August 8, 1996, the City Council passed a resolution (No. R 01-10) adopting a requirement that all site plans submitted in conjunction with any building permit application, land use and environmental application shall contain certain information and be approved by the appropriate Division Manager. All information that is applicable to your proposal shall be checked off and clearly displayed on the site plan. It is in the applicant's best interest to provide a carefully drawn and scaled site plan with all required information. The decision on whether or not to grant approval of your development proposal is largely based on the information you provide. **An application cannot be processed until an adequate site plan is submitted.**

Please complete this checklist and include it with your site plan. The site plan must contain all pertinent information. Items not applicable to the proposed project shall be noted.

- 1) **Use Ink:** Use blue or black permanent ink. It may be helpful to draft the site plan in pencil then trace over in ink. Ink is necessary for adequate duplication.
- 2) **Use A Straight Edge:** All lines must be straight and done with the aid of a ruler or other straight edge. Use a compass when delineating circular drawings such as cul-de-sacs. Computer drafted site plans are acceptable.
- 3) **Draw To Scale:** Site plans shall be drawn to scale. The site plan template has a suggested map scale of one inch equaling twenty feet (1"=20'). Distances on the map must be as representative of reality as possible. For example, if the distance from a structure to a property line is 20 feet, the distance on the site plan will be 1 inch.
- 4) **Use Site Plan Checklist:** Use the site plan checklist and provide all applicable information on the site plan.
- 5) **Fill In Information On The Site Plan Template.** The template is available online on the Planning Division webpage (<https://www.yakimawa.gov/services/planning/>) in the "application forms and fees" section, and also at the permits counter on the 2nd floor of City Hall. If you choose not to use the city's site plan template, please provide the information listed on the site plan template (background info, lot coverage, parking, etc.) on your site plan.

Note: You may benefit from the aid of a professional in the preparation of a site plan.

Check all boxes as: (X) Included or (-) Not Applicable

<input checked="" type="checkbox"/>	The site plan shall be legibly drawn in ink on paper of sufficient size to contain the required information, but not less than 8.5" X 11" for Class (1) projects and 11" X 17" for Class (2) and Class (3) projects.
<input checked="" type="checkbox"/>	All site plans shall be drawn to a standard engineering scale and indicated on the site plan. The scale selected shall best fit the paper. Planning staff recommends 1"=20'.
<input checked="" type="checkbox"/>	Site address, parcel number(s) and zoning designation of subject property.
<input checked="" type="checkbox"/>	Property boundaries and dimensions.
<input checked="" type="checkbox"/>	Names and dimensions of all existing streets bounding the site.
<input checked="" type="checkbox"/>	Dimensions, location and use of proposed and existing structures including loading docks.
<input checked="" type="checkbox"/>	Structure setbacks.
<input checked="" type="checkbox"/>	North Arrow.
<input checked="" type="checkbox"/>	Lot coverage with calculations shown on site plan.
<input checked="" type="checkbox"/>	Location and size of any easements.
<input checked="" type="checkbox"/>	Location and type of existing and proposed landscaping including landscaping within the public right-of-way.
<input checked="" type="checkbox"/>	Location and size of existing and proposed side sewer and water service lines.
<input checked="" type="checkbox"/>	Adjacent land uses and zoning designations.
<input checked="" type="checkbox"/>	Location and size of all parking spaces shown on the site plan.
<input checked="" type="checkbox"/>	Location and dimensions of proposed or existing driveway approaches.
<input checked="" type="checkbox"/>	Vision clearance triangles at street intersections and where driveways and curb cuts intersect with streets. SEE 15.05.040 – Vision Clearance attached with Sample Site Plan
<input checked="" type="checkbox"/>	Location and size of proposed or existing signs.
<input checked="" type="checkbox"/>	Location and size of required site drainage facilities including on-site retention.
<input checked="" type="checkbox"/>	Location, type, and description of required sitescreeing.
<input checked="" type="checkbox"/>	Location and size of existing or proposed public sidewalks that are within 200-feet of the subject property.
<input checked="" type="checkbox"/>	Proposed improvements located within the public right-of-way.
<input checked="" type="checkbox"/>	Name, address, phone number, and signature of the owner or person responsible for the property.

Note: Planning Division or reviewing official may require additional information to clarify the proposal, assess its impacts, or determine compliance with the YMC and other laws and regulations.

EXHIBIT 2



DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2nd Floor, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

August 4, 2022

FILE NUMBER: MOD#010-22
APPLICANT: Dan Plath
APPLICANT ADDRESS: P.O. Box 1588, Yakima, WA 98907
PROJECT LOCATION: 1007 River Rd.
TAX PARCEL NO: 181312-33006
DATE OF REQUEST: May 17, 2022
SUBJECT: Notice of Complete Application

Mr. Plath:

A Notice of Incomplete Application for your Modification for 1007 River Rd. was sent on June 8, 2022. As of August 4, 2022, your application is considered **complete** as required by the City of Yakima's Municipal Code (YMC) and site plan checklist, as referenced in YMC § 15.17.040, and has been **approved** per the attached decision.

For any questions regarding this matter please contact me at eric.crowell@yakimawa.gov.

Sincerely,

Eric M. Crowell

Eric Crowell
Senior Planner



DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2nd Floor, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

CITY OF YAKIMA

FINDINGS of FACT, CONCLUSIONS, & DECISION

for

REQUEST FOR MODIFICATION

File Number: MOD#010-22

APPLICANT: Dan Plath
APPLICANT ADDRESS: P.O. Box 1588, Yakima, WA 98907
PROPERTY OWNER: Plymouth Ranch LLC
PROPERTY OWNER ADDRESS: P.O. Box 1588, Yakima, WA 98907
PROJECT LOCATION: 1007 River Rd.
TAX PARCEL NUMBER: 181312-33006
DATE OF REQUEST: May 17, 2022
DATE OF DECISION: August 4, 2022
STAFF CONTACT: Eric Crowell, Senior Planner

I. DESCRIPTION OF REQUEST:

Proposed modification to utilize a portion of property for a helicopter landing, located in the M-1 zoning district.

II. SUMMARY OF DECISION: Approved, subject to conditions.

III. FACTS:

A. Processing

1. The application for a Modification was received on May 17, 2022.
2. A Notice of Incomplete Application was sent on June 8, 2022.
3. The application was deemed complete for processing on August 4, 2022.
4. This application is being processed under the provisions of Ch. 15.17 (Modifications to Existing or Approved Uses or Development) and Ch. 6.32 (Aircraft Operation).

B. Applicable Law:

1. Yakima Urban Area Zoning Ordinance:
 - a. Submittals: Pursuant to YMC § 15.17.040 (A), applications for modification shall follow the submittal requirements for Type (1) review. In addition, for an approved Class (2) or (3) use or development, the applicant shall submit both the site plan previously approved by the reviewing official and a new site plan showing the location, size, and type of modification proposed by the applicant.

- b. Limits of Expansion Under Modification:
 - i. Pursuant to YMC § 15.17.020 (B), the modification will not increase the amount of parking by more than ten percent or twenty spaces (whichever is least)...This limit shall be calculated cumulatively for all previous modifications since the last normal review.
 - ii. Pursuant to YMC § 15.17.020 (C), any expansion of use area or structure will not exceed fifty percent of the gross floor area. This limit shall be calculated cumulatively for all previous modifications since the last normal review.
 - c. Review: Pursuant to YMC § 15.17.040 (B), applications for modifications may be administratively and summarily reviewed using the Type (1) review process, in addition to the following criteria:
 - i. Any proposed change in the site design or arrangement:
 - Will not change or modify any special condition previously imposed under Class (2) or (3) review;
 - Will not adversely reduce the amount of existing landscaping or the amount or location or required sitescreening; and
 - In the determination of the Planning Division, it will not create or materially increase any adverse impacts or undesirable effects of the project.
 - ii. All proposed new structures, site improvements, or structural alterations to existing structures or site improvements comply with the development standards of YMC Ch. 15.05 through 15.08, except as approved under the adjustment or variance provisions.
 - d. Definitions: Pursuant to YMC § 15.02.020, "Modification (or use or development)" means any change or alteration in the occupancy, arrangement, placement, or construction of any existing use, structure, or associated improvement, and any change or alteration of land.
2. Aircraft Operation:
- a. Altitude Restrictions—General: Pursuant to YMC § 6.32.010 (A), no person shall operate or fly any aircraft, other than a helicopter, over any portion of the area embraced within the limits of the city of Yakima at such an altitude as to endanger human life or safety; and in no event shall such craft, other than a helicopter, be operated or flown over any portion of the city at an altitude lower than two thousand ninety-five feet above sea level except when embarking from or alighting upon a regularly established landing place or flying field.
 - b. Landing Within City Limits: Pursuant to YMC § 6.32.030, except in case of an emergency, no person shall land any aircraft within the city limits of the city of Yakima except upon a regularly established field or landing space, except as

authorized by a helicopter landing permit issued pursuant to Section 6.32.050 of this chapter.

- c. Establishing Flying or Landing Fields—Permit: Pursuant to YMC § 6.32.040, no flying field or landing place for aircraft, including helicopters, shall be established or maintained within the limits of the city of Yakima without a permit therefor first having been granted by resolution of the city council, and any landing place or flying field established within the limits of the city shall be subject to such regulations as the city council may from time to time by resolution adopt.

IV. FINDINGS:

- A. The subject property is currently vacant, but was previously part of parcel # 181312-33004, which is currently classified as Offices and Clinics, a Class (2) permitted use in the M-1 zoning district (YMC § 15.04.030, Table 4-1, Permitted Land Uses).
- B. This modification is being requested in order to utilize a portion of property for a helicopter landing.
- C. YMC §§ 15.17.020 (B) and (C) state that the parking and building area limits, respectively, shall be calculated cumulatively for all previous modifications since the last normal review.
- D. The proposed modification complies with all other development standards of the M-1 zoning district.
- E. The proposal will not change or modify any special condition previously imposed under the previous land use review.
- F. The proposal will not significantly reduce the amount of the existing landscaping. It will not reduce the amount or location of the existing required sitescreening.
- G. The proposal will not create or materially increase any adverse impacts of the project.
- H. **Development Service Team Review:** A Development Service Team (DST) meeting was held on June 17, 2022 for technical review of the project, and the following comments were received:
 - 1. Yakima Air Terminal
 - a. My only concern would be aircraft departing in or out of there without calling the tower on the tower frequency. That location is within the airspace boundary and near Selah Gap, which is our main VFR reporting point for inbound traffic from the north. It is extremely important that aircraft flying to and from that helipad contact air traffic control before departure and arrival.

V. CONCLUSIONS:

- A. The Administrative Official has approved the utilization of a portion of property for a helicopter landing.

- B. The proposed modification will not affect the rest of the development.
- C. All other development standards of the M-1 zoning district will be met.
- D. The submitted site plan shall serve as the final site plan.

VI. DECISION:

The Administrative Official hereby determines that the requested Modification application (MOD#010-22) for an existing Class (2) use is **approved**, and authorizes the issuance of the permit(s) based upon the above findings and conclusions and subject to the Building Official's determination of compliance with all building codes, subject to the following conditions, and that the Legal Department be directed to prepare the appropriate resolution authorizing City Council approval:

1. Helicopters shall depart and arrive only on the landing area denoted on the site plan;
2. The landing area shall not be operational prior to City Council approval; and
3. Helicopters flying to and from the landing area shall contact air traffic control at the Yakima Air Terminal prior to departure and arrival.

Entered this **4th day of August, 2022**, pursuant to the authority granted under YMC Ch. 15.17. This decision constitutes the final zoning review and is hereby granted and forwarded to the Building Official.

This zoning decision is valid for one year from this date unless appealed under YMC Ch. 16.08. The zoning decision may be extended one time up to one additional year prior to the expiration date, as set forth in YMC § 15.12.060. This zoning decision is not a construction permit and does not in and of itself authorize any use to be established, constructed, made or implemented without a construction permit issued by the Building Official and the conditions pending have been completed. This zoning decision shall expire if: a) a construction permit and/or business license for the approved project is required but not issued within one year from the date of issuance of this final decision; b) the construction permit and/or business license is issued but allowed to expire; or c) the project is modified and a new zoning decision is issued.



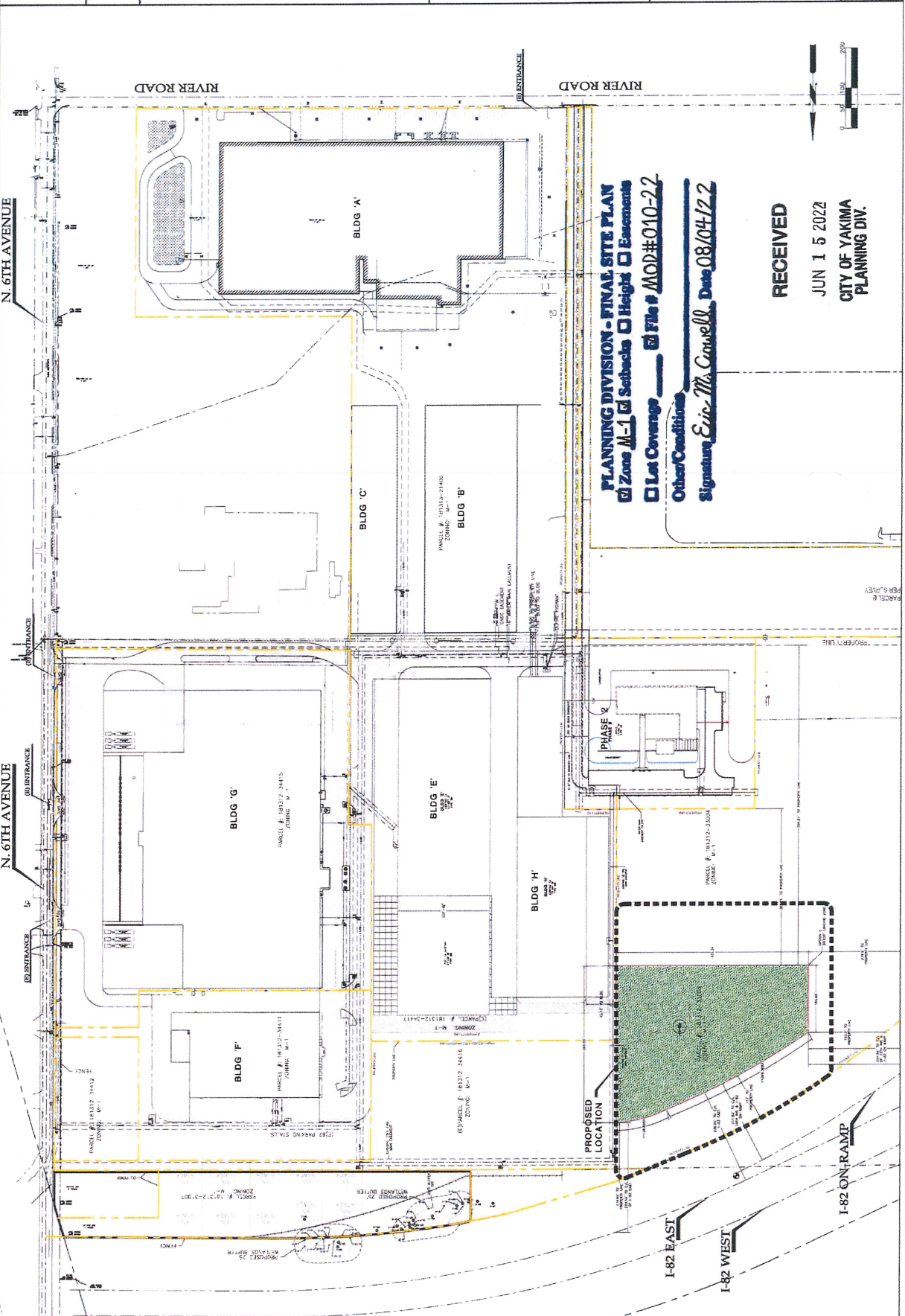
Eric Crowell, Senior Planner for
Joan Davenport, AICP, Community Development Director

APPEAL

Pursuant to YMC 15.17.040 and 15.17.050, uses or developments denied under this chapter may submit applications for review under the normal review provisions for the use. Decisions by the planning division regarding approval or denial of administrative modifications may be appealed as prescribed by the applicable review. All appeals shall be filed within fourteen days following the mailing of the final decision by the Administrative Official or designee. Appeals must be submitted in writing to the City of Yakima, Community Development Department; 129 N. 2nd St., Yakima, WA 98901. If a final decision does not require mailing, the appeal shall be filed within fourteen days following the issuance of the final decision.

EXHIBIT 3

DATE: 03/13/2022	SCALE: 1"=100'	DESIGNER: JSM/DAK	PROJECT: WASHINGTON FRUIT & PRODUCE SITE MODIFICATION
APPROVED: [Signature]	DATE: 03/13/2022	DATE: 03/13/2022	PROJECT: WASHINGTON FRUIT & PRODUCE SITE MODIFICATION
NO. 101	DATE: 03/13/2022	DESIGNER: JSM/DAK	PROJECT: WASHINGTON FRUIT & PRODUCE SITE MODIFICATION
Mountain States Const. Co.			WASHINGTON FRUIT & PRODUCE SITE MODIFICATION HELICOPTER LANDING ZONE



PLANNING DIVISION - FINAL SITE PLAN
 Zone M-1 Setbacks Heights Easements
 Lot Coverage File # MOD#010-22
 Other Conditions
 Signature *Eir-Ma Crowell* Date 08/04/22

RECEIVED
 JUN 15 2022
 CITY OF YAKIMA
 PLANNING DIV.

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 SHEET: C1