



*Where Life is Sweet*

Members of the Planning Commission  
**STAFF REPORT**  
For the Meeting of April 10, 2024

**Title/Subject**

Conditional Use - Good Shepherd Health Care System 4N2810B Tax Lot 200 - 610 NW 11th St

**Summary and Background**

Good Shepherd Health Care System has submitted a request to modify the master plan for the existing hospital located at 610 NW 11<sup>th</sup> Street. The proposed modifications to the master plan include expansion of the existing heliport, construction of a new hangar facility, a second helipad, and the addition of a new daycare facilities building. A hospital is a conditional use in all residential and commercial zones in the city. Hospitals are a use subject to master plan approval in the Hermiston Code of Ordinances per §157.210(F)(1). The hospital's master plan was last reviewed and approved in 2007.

The property is described as 4N 28 10B Tax Lot 200. The property has a zoning of Outlying Commercial (C-2) and a comprehensive plan map designation of Commercial. The property is owned by Good Shepherd Hospital of Hermiston. The application to modify the master plan has been prepared by Aron Faegre and Associates.

The existing master plan considers the existing hospital facilities as well as several future outbuildings and planned expansions to the main facility. As an example, the master plan approved the day surgery facility built in phases in the 2010s. Once a master plan is approved, facilities considered and planned within that document may be constructed in the future with no additional land use reviews required. Additionally, §157.210(F)(5) allows minor deviations from a master plan to be reviewed and approved administratively by city staff provided the overall land use intensity is not increased by more than 10%. Although the proposed modifications to the master plan are relatively minor in absolute size, constituting less than 10% of the total building area, the relative change in intensity, especially considering impacts on neighboring property from potential noise increases generated by additional flight operations, staff determined this constituted a major change to the approved master plan.

Good Shepherd currently has a helipad on-site, but helicopter operations are based at the Hermiston Municipal Airport. Living quarters and fueling are presently located at the airport. The proposed master plan addition relocates all of these facilities to the Good Shepherd campus. The proposal includes a 4,992 square foot hangar and crew facilities building, a second helipad, and fuel facilities. The second helipad is intended to provide continuity of helicopter service during construction and will function as a second helipad during emergencies. These changes, specifically the addition of the hangar and crew quarters, constitute an upgrade in use. The

facility is presently designated as a heliport by the FAA and designated with the FAA Identifier OG09. Any party proposing to modify a heliport must provide notice to the FAA at least 90 days prior to commencing construction of heliport facilities. The FAA requires notification for many alterations to a heliport and coordination with the FAA will be a condition of approval. The FAA classifies heliports in three categories, general aviation, transport, and hospital. This proposal falls under the hospital category. It will fall to the FAA through the federal permitting process to determine that all heliport standards for clear zones, approach lighting, pavement load capability, and other technical requirements are met. It is not within the city's jurisdiction to perform a thorough technical analysis of the heliport design, but it is within the city's authority to determine compliance with local zoning law and land use compatibility.

The existing 2007 master plan was approved by the city subject to nine conditions of approval. The conditions imposed on the hospital in 2007 were as follows:

1. The applicant shall submit a letter of approval from the fire marshal stating that the proposed site plan has been reviewed and all fire related safety measures are approved prior to issuance of a building permit for each construction project.
2. The applicant shall work with and receive certification from the Hermiston Irrigation District prior to issuance of the first building permit.
3. Bicycle parking shall be provided in accordance with §157.150(L)(4) of the Hermiston Code of Ordinances.
4. All areas for the standing and maneuvering of vehicles shall be paved prior to issuance of a certificate of occupancy. With each construction phase, city staff will review the overall parking plan and require construction of additional parking phases as necessary to ensure compliance with parking standards.
5. All storm water shall be retained on site.
6. Parking lot and exterior lighting shall be designed not to interfere with adjacent residential uses.
7. Signage shall be installed in accordance with Chapter 155 of the Hermiston Code of Ordinances.
8. Full street improvements along W Elm Avenue shall be installed in three phases. Each phase shall be installed in conjunction with the first three building permits issued for new construction on site. All three improvement phases shall be completed no later than five years from the date of the first building permit issuance.
9. Applicant shall provide detailed landscaping plans for street trees, building landscaping and pedestrian paths.

All conditions of approval from 2007 have been satisfied. Condition #8 requiring street improvement is a significant condition of approval in terms of community impact. Both street frontages are now improved to minor arterial status. Additionally, the intersection of NW 11<sup>th</sup> Street and W Elm Avenue has been signalized and has significantly improved flow. Since the heliport and additional daycare facilities are accessory uses to the hospital and will not directly generate additional vehicle trips, no additional street improvements are recommended.

The heliport expansion is minimal in terms of overall footprint on the existing hospital campus, but large in relative terms for helicopter operations. The existing helicopter pad is approximately 1,500 square feet of paved area. Following expansion, the paved area for operations will grow to approximately 14,000 square feet. The proposed 4,992 square foot building will serve as a hangar, living quarters, restrooms, and laundry and dining facilities. A portable fuel trailer will be parked on the site and will be enclosed within fencing. Additionally, a new 36'x36' (1,296 square feet) helipad will be constructed in the existing landscaped area north of the existing

parking lot. This helipad will be used for helicopter operations during construction and serve as a secondary emergency helipad after construction. Expansion and reconstruction of the helipads will also require demolition and reconstruction of the existing sidewalk serving the helipad and a new sidewalk to service the secondary helipad. Existing sidewalk is not ADA compliant and reconstructing flatter sidewalks will improve gurney service during Life Flight operations.

When considering a heliport upgrade, special attention must be paid to noise issues. Noise may be an especially relevant concern where the hospital abuts single-family dwellings on its south property line. The applicant has prepared a noise study which is attached to this application for the planning commission's reference. In summary, the noise study makes several key points. General aviation uses are typically exempt from noise considerations while flying, making location of ground facilities a key factor in planning. Helicopter overflight over the residential area is not permitted below 1000 feet, when possible. A helicopter at 1000 feet generates 70 dBA or similar to a lawnmower within 100 feet. Helicopter operations will transition below 1000 feet while taking off and landing from the heliport, generating higher noise levels, but the flight approach and departure paths do not transition above residential areas. However, wind conditions may require different paths which have limited periods of impact on nearby residences.

The State of Oregon establishes a 55 LDN limit around airports. The LDN is the average dBA level between day and night sound levels. The location of the heliport and the location of the existing hospital buildings south of the heliport work to confine sounds and create a noise shadow for the southern residential area and the noise of helicopters at ground level is anticipated to be contained within the hospital perimeter at the 55 LDN level. Levels may temporarily exceed this level during operations, but the number of flights will be relatively low and overall sound levels will average within the acceptable 55 LDN level.

The City has dedicated code addressing nuisance noise in Chapter 92. Nuisance noises are defined as those which are loud and raucous or unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable individuals of ordinary sensitivity. There are specific exemptions in the code for noises created during the performance of emergency work. The applicant contends that life flight operations constitute emergency work. It is possible to interpret the code to include life flight as emergency work, which is defined in the code as *any work performed to prevent or alleviate physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service*. The planning commission may wish to consider the potential exemption of helicopter noise under this definition or if the stricter Oregon DEQ standard is the governing rule.

The heliport currently sees steady flight operations with an average of 186 flights per year (a flight equals one take off and one landing). The heliport expansion envisions an increase in operations to 365 flights (or one per day) per year. Fifty percent of flight operations are presumed to be at night (or between the hours of 10 pm and 7 am). There has been discussion within the community that the heliport expansion will result in two helicopters being stationed at the hospital. The City has confirmed that after expansion there will still be only one helicopter based at the heliport. However, it is assumed that over time flight operations will increase through regional organic population growth.

The area proposed for heliport expansion and the hospital site overall both lie within the city's development hazard overlay in Figure 12 of the Comprehensive Plan. This site is identified as

an area subject to groundwater pollution hazards due to excessively well-drained soils. Per 157.101(B) in the case of an existing or potential groundwater pollution threat, the city shall prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels. This proposal involves the above ground storage of fuel. The provisions of 157.101 remain in effect.

The proposal also includes the addition of a 6,000 square foot day care facility in the southeast corner of the site and near the existing day care of approximate size. The proposed day care is served by the existing paved parking area adjacent to the expansion and will be served by the existing fenced play area north of the existing day care. The expansion will provide additional day care services to hospital employees. This expansion is not proposed for immediate construction unlike the heliport expansion. However, as the hospital is considering an amendment to the master plan, it was recommended that any additional facilities be included with the application in order to make the most efficient use of the applicant's and planning commission's resources.

When considering the master plan amendment, the planning commission should consider how the proposed amendment fits with the overall approved master plan. For example, the site is developed with a considerable amount of parking. There are 603 existing parking spaces on-site. This is well in excess of the code requirement for hospital parking which is based on the number of beds and the space count is required to be 1.5 times the total number of beds. This number would be much lower than even the employee count within the facility, nor would it accommodate the number of visitors each day. Good Shepherd has wisely chosen to plan their parking plan with the medical clinic parking standard of one space per 300 square feet. Thus the 170,000 square feet of existing building area requires 567 spaces and 603 are provided. The reconfiguration of the heliport will remove seven parking spaces presently located adjacent to the grassy area north of the helipad. No parking deficiency is identified as a result of the reconfiguration.

It is important to note that the grassy area north of the existing helipad provides a substantial amount of storm water retention for the hospital's parking lot. The new hangar and living quarters will be constructed directly above this swale. As a part of the civil design process, the applicant is proposing to relocate these storm water retention and treatment functions to a new swale to be constructed approximately 100 feet to the north and east. This swale will be located near the NW 11<sup>th</sup> Street driveway. No impact to visibility for the hospital entrance is anticipated. The swale will be required to receive design approval from the city engineer prior to commencement of construction.

Public notice was provided for the proposed master plan amendment hearing.

- Notice of public hearing was published in the Hermiston Herald on March 27, 2024.
- Notice of proposed land use action was posted on the property on March 27, 2024.
- Notice of public hearing was provided by direct mail to all property owners within 300 feet on March 27, 2024.

§157.208 of the Hermiston Code of Ordinances provides the method and approval criteria necessary for approving or denying a conditional use. The specific findings required by this section are:

1. The proposal is in conformance with the comprehensive plan and zoning code.

2. The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the planning commission.
3. Public facilities are of adequate size and quality to serve the proposed use.
4. The proposed use will prove reasonably compatible with surrounding properties.

In granting a conditional use permit, the planning commission may impose, in addition to those standards and requirements expressly specified by the zoning code, any additional conditions they consider necessary to protect the best interests of the surrounding property or the city as a whole. These conditions may include increasing the required lot size or yard dimensions; limiting the height of buildings; controlling the location and number of off-street parking and loading spaces required; limiting the number, size and location of signs; requiring screening and landscaping to protect adjacent property and any other condition deemed necessary by the commission. It is not necessary to restate other ordinances and statutory requirements of the conditional use as part of the proceedings. The granting or denial of a conditional use will not affect the requirements of the City of Hermiston to comply with building, plumbing and electrical codes, other ordinances, statutory or regulatory compliance issues.

### **Tie-In to Council Goals**

N/A

### **Fiscal Information**

Good Shepherd is not a tax paying entity. There will be no additional revenue generated from increased valuation of site improvements.

### **Alternatives and Recommendation**

#### Alternatives

The planning commission may choose to:

- Approve the master plan amendment as submitted
- Require modification to the plan and approve the permit
- Reject the master plan amendment
- Continue the hearing and require additional evidence be added to the record

#### Recommended Action/Motion

Staff recommends the planning commission approve the master plan amendment as submitted and subject to the draft conditions.

#### **Submitted By:**

Clinton Spencer, Planning Director