**Findings**

**Airport Land Use Commission Compatibility Findings**

**1.5. Types of Actions Reviewed**

*1.5.1. Actions Which Always Require ALUC Review* – As required by state law, the following types of actions shall be referred to the Airport Land Use Commission for determination of consistency with the Commission's *Plan* prior to their approval by the local jurisdiction:

(d) Any proposal for expansion of an existing airport or heliport if such expansion will require an amended airport permit from the state of California (State Aeronautics Act Section 21664.5).

*The Mercy Medical Center is required to submit an amended airport permit, thus requiring ALUC review as outlined in Section 1.5 of the ALUCP.*

Under *Chapter 2. Review of Land Use Actions*, the following provisions apply to this project:

**2.1 General**

 *2.1.1. Timing of Project Submittal* – Proposed actions listed in Section 1.5 must be submitted to the Commission for review prior to approval by the local government entity. All projects should be referred to the Commission at the earliest reasonable point in time so that the Commission's (or ALUC Secretary's) review can be duly considered by the local jurisdiction prior to formalizing its actions. At the local agency's discretion, submittal of a project for Airport Land Use Commission review can be done before, after, or concurrently with review by the local planning commission or other local advisory bodies. This discretion gives the local agency the ability to obtain the ALUC review at the most effective point in the review process. The timing may vary depending upon the nature of the specific project.

 *2.1.2 Public Input –* Where applicable, the Commission shall provide public notice and obtain public input in accordance with the State Aeronautics Act (Public Utilities Code Section 21675.2(d)) and general plan law (Government Code Section 65090) before acting on any plan, regulation, or other land use proposal under consideration.

*To meet the above requirements, the ALUC secretary has attached the project documents as well as submitted a Public Hearing Notice, which was posted on November 29, 2023.*

This project does not constitute a ***major land use action***, because it is not within an Airport Influence Area (AIA), *(1.5.3 Major Land Use Actions).* Therefore, the project is not subject to review under *2.3 Review Process for Major Land Use Actions.*

Although the heliport project does not constitute a major land use action, the project has been analyzed under, 2.3 Review Criteria for Land Use Actions, shown below:

**2.3 Review Criteria for Land Use Actions**

 *2.4.1. Primary Land Use Compatibility Criteria -* The primary criteria for assessing whether a land use plan, ordinance, or development proposal is to be judged compatible with a nearby airport are set forth in the Primary Compatibility Criteria matrix, Table 2A. These criteria are to be used in conjunction with the compatibility map and policies for each airport as presented in Chapter 3. Additional factors pertaining to the review of general plans as described in Policy 2.4.3, as well as the special conditions cited in Pol icy 2.4.4, shall also be taken into account.

*The project is not subject to be analyzed under Table 2A, as the project is not located within an AIA. Additionally, review processes under Chapter 3. Review of Airport Master Plans and Development Plans, do not apply to this project.* *This project is an improvement to an existing heliport by adding lighting to expand to night operations. The lighting will make the night operations not only feasible but safe as well for necessary flights that need to occur.*

*2.4.2. Function of Supporting Criteria -* The Primary Compatibility Criteria matrix represents a compilation of compatibility criteria associated with each of the four types of airport impacts listed in Section 1.4. For the purposes of reviewing proposed amendments to community land use plans and zoning ordinances, as well as in the review of most individual development proposals, the criteria in the matrix are anticipated to suffice. However, certain complex land use actions may require more intensive review. The Commission may refer to these supporting criteria, as listed in Section 4, to clarify or supplement its review of such actions.

*The project is not subject to be analyzed under Table 2A, as the project is not located within an AIA. Additionally, review processes under Chapter 3. Review of Airport Master Plans and Development Plans, do not apply to this project.* *This project is an improvement to an existing heliport by adding lighting to expand to night operations. The lighting will make the night operations not only feasible but safe as well for necessary flights that need to occur. The action of adding lighting to the existing heliport does not require a more intensive review as identified in Section 4.*

*2.4.3. General Plan Consistency with Compatibility Plan -* In order for a general plan to be considered consistent with the Compatibility Plan, both of the following must be accomplished:

(a) No direct conflicts can exist between the two plans.

(1) Direct conflicts primarily involve general plan land use designations which do not meet the density or intensity criteria specified in the Compatibility Plan although conflicts with regard to other policies also may exist.

*This project is located within the City of Mount Shasta and therefore is subject to the City of Mount Shasta’s local land use regulations, not the County’s. This is an existing heliport that will be adding lighting to add night operations. Therefore, this project does not conflict with the County’s general plan.*

(2) Note, however, that a general plan cannot be found inconsistent with the Compatibility Plan because of land use designations which reflect existing land uses even if those designations conflict with the ALUC's compatibility criteria. Because ALUCS have no authority over existing land uses, general plan land use designations which merely reflect the existing uses for such parcels are, in effect, excluded from requirements for general plan consistency with the ALUC plan. This exception is applicable only if the general plan includes policies setting limitations on expansion and reconstruction of nonconforming uses consistent with Policies 2.4.4.(b) and 2.4.4.(c).

*This project is excluded from this requirement as the project does not meet the criteria of Policies 2.4.4. (b) and 2.4.4 (c). This project is located within the City of Mount Shasta and therefore is subject to the City of Mount Shasta’s local land use regulations, not the County’s.*

(b) Provisions must be made for evaluation of proposed land use development situated within an airport influence area relative to the compatibility criteria set forth in the Compatibility Plan.

(1) Even if the land use designations in a general plan have been deemed consistent with the Compatibility Plan, evaluation of the proposed development relative to the land use designations alone is usually insufficient. General plans typically do not contain the detailed airport land use compatibility criteria necessary for a complete compatibility evaluation of proposed development.

*This project is not subject to this provision since it is not within an AIA.*

(2) Local jurisdictions have the following choices, or a combination thereof, for satisfying this evaluation requirement:

►The general plan and/or referenced implementing ordinances and regulations must contain sufficient detail to enable the local jurisdiction to assess whether a proposed development fully meets the compatibility criteria specified in the Compatibility Plan (this requires both that the compatibility criteria be identified and that project review procedures be described);

► The Compatibility Plan must be adopted by reference (additionally, the project review procedure must be described in a separate instrument presented to and approved by the ALUC); and/or

► The general plan must indicate that all major land use actions, as listed in Policy 1.5.3 or otherwise agreed to by the ALUC, shall be referred to the Commission for review in accordance with the policies of Section 2.3.

*This project is not subject to this provision since it is not within an AIA.*

(3) The status of ALUC review of major land use actions depends upon which of the preceding options the local agency selects for making its general plan consistent with the Compatibility Plan. This status, in turn, affects whether a local agency would be required to utilize the override process in the event of a disagreement with the ALUC's action.

► If either of the first two options under Sub-policy (2) is selected, then referral of major land use actions to the ALUC is voluntary. In this case, the Commission's review is advisory and the local agency would not need to utilize the override process if it elects to approve a project without incorporating the Commission's comments.

► If the third option is chosen, submittal of major land use actions for ALUC review is mandatory and override procedures would apply.

*This project does not constitute major land use action and therefore these provisions do not apply.*

**California Environmental Quality Act (CEQA) Findings**

1. Pursuant to CEQA Guidelines, Section 15060(c)(3), an activity is not subject to CEQA if the activity is not a project as defined in CEQA Guidelines Section 15378. Because the consistency determination of the proposed project is not a project as defined by CEQA, it is not subject to CEQA.