



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792
<http://www.co.humboldt.ca.us/planning/>

Hearing Date: April 6, 2017

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **HUMBOLDT COMMUNITY SERVICES DISTRICT General Plan Conformance Review**
Application Number 13480
Case Number GPC-17-002
Assessor Parcel Number 303-012-020
Eureka area

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Please contact Tricia Shortridge, Planner, at (707) 268-3704 or email at tshortridge@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 6, 2017	General Plan Conformance	Tricia Shortridge

Project Description: A General Plan Conformance review for the Humboldt Community Services District for the 2015 acquisition of APN 303-012-020 a parcel approximately 0.47 acres in size that is developed with a .50 million gallon water tank used for water distribution in the Ridgewood Heights area. Humboldt Community Services has leased the parcel from Green Diamond Resource Company since 1982. This particular location is important because the elevation of the parcel provides the necessary gravity flow supplying adequate water pressure for household use and fire suppression.

Project Location: The Ridgewood Tank Site parcel is located approximately 0.32 of a mile directly east of the intersection at Beechwood Drive and Lucile Lane in the Ridgewood Heights neighborhood on the property known to be situated in the Northwest quarter of Section 13, Township 4 North, Range 1 West, Humboldt Meridian, County of Humboldt.

Present Plan Land Use Designations: Timberland (T), Eureka Community Plan (ECP), Slope Stability: Low Instability (1).

Present Zoning: Timber Production (TPZ).

Case Number: GPC 17-002

Application Number: 13480

Assessor Parcel Number: 303-012-020

Applicant	Owner	Agent
Humboldt Community Services District Attn: Mickey Hulstrom 5055 Walnut Drive Eureka, CA 95503	Humboldt Community Services District 5055 Walnut Drive Eureka, CA 95503	None

Environmental Review: General Plan conformance review pursuant to Government Code Section 65402(a) and Humboldt County Framework General Plan Policy 4920.1 is not a project pursuant to the California Environmental Quality Act.

Pursuant to Section 15061 of the CEQA Guidelines, Humboldt Community Services District, as the CEQA lead agency, is obligated to make a CEQA determination regarding the activity that they are proposing to undertake.

Major Issues: None

State Appeal Status: Project is NOT appealable to the California Coastal Commission

HUMBOLDT COMMUNITY SERVICES DISTRICT GENERAL PLAN CONFORMANCE REVIEW

Case No. GPC-17-002
Assessor Parcel Number 303-012-020-000

A report on conformance with the general plan is required under California Government Code Section 65402 when a local agency acts to acquire or dispose of real property or intends to construct a new public building or structure. The applicable code is included as Attachment 3 to this staff report.

Executive Summary: A General Plan Conformance review for the Humboldt Community Service District's 2015 acquisition by of APN 303-012-020 a parcel approximately 0.47 acres in size, located in the Timber Production (TPZ) district, with a Framework Plan land use designation of Timberland (T). The parcel is utilized as a water transmission facility located approximately 0.32 of a mile directly east of Beechwood Drive and Lucile Lane in the Ridgewood Heights neighborhood. The subject parcel is currently developed with a 0.50 million gallon water tank that provides water service to the Ridgewood Heights area and neighborhoods to the north. This location is particularly important because the elevation of 440 feet provides for necessary gravity flow to ensure adequate water pressure for household uses and fire suppression. In 1982, Humboldt Community Services District leased this parcel and from Louisiana Pacific and built the water tank, pipelines and water mains. Subsequently, the land was purchased by Green Diamond Resource Company. Access to the Ridgewood tank site is via easement located approximately one hundred feet north of the intersection at Beechwood Drive and Briarwood Circle.

Project Location: All of the subject property is located outside the coastal zone. The Ridgewood Tank Site parcel is located approximately 0.32 of a mile directly east of the intersection at Beechwood Drive and Lucile Lane in the Ridgewood Heights neighborhood.

General Plan Designation: The land use designation is Timberlands (T). The goals and policies for the T land use is discussed in the two documents – the Framework Plan (adopted in 1984) and the Eureka Community Plan (ECP) (adopted in 1995). The ECP discusses the character of the T land use designation as land that is primarily suitable for the growing, harvesting, and production of timber. The designation is restricted to those parcels originally zoned Timberland Production (TPZ). The ECP identifies primary and compatible uses of T to include [Section 2721 (D)]

The erection, construction, alteration or maintenance of gas, electricity, water or communication transmission-facilities consistent with (Framework Plan policy) Section 2514.2.

Framework Plan Policy Section 2514.2, "Avoid, wherever practical, the location of any state or local public improvements and any improvements of public utilities, and the acquisition of land therefore, in Timberland Production Zones where the project will have a significant adverse effect on the production of timber."

While the accessory use of a water transmission facility is listed as a "Principal Permitted Use Compatible with Timber Production" in the Humboldt County Code section 314-7.4, both the Framework Plan and the ECP include goals and policies that allow for improvements to public utilities in the TPZ, as long as the project does not have a "significant adverse effect on the production of timber" (Framework Policy 2514.2), or "for the logical expansion of the existing community" (ECP Goal 2531.1).

The 0.50 million gallon water tank currently operating on this parcel, serves the entire Ridgewood Heights community, and to the north at the Humboldt Community Services District station at 5055 Walnut Drive which boosts this water to other nearby neighborhoods. The location of the water tank is particularly important because the elevation is approximately 440 feet and this provides the necessary gravity flow action for adequate pressure to neighborhoods that are approximately 400 feet in elevation. The communities served rely on this water pressure for household use and fire suppression. Additionally, the postage stamp sized parcel is currently being utilized for one tank, but can accommodate another tank should possible future growth expand into the Pine Hills neighborhood and other nearby tracts of land.

Expanding water services with a second tank on the existing parcel would not impact the surrounding timber lands any more than the first tank because there would be no increase in size of the footprint of the parcel, and the path of the underground water transmission pipeline would follow the same westerly direction as the existing water transmission pipeline. This pipeline is buried three feet under the dirt road that traverses through the timberland, and into the Ridgewood Heights neighborhood to the west. There are no plans to increase the size of the Ridgewood Tank Site footprint or the location and path of travel of the underground pipeline. This water transmission facility is an allowed accessory use in the Humboldt County Code section 314-7.4, and does not significantly detract from the primary use of the zoning district (TPZ), or the goals and policies of the (T) land use designation, or inhibit growing and harvesting of timber.

**RECORD OF ACTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

**Case Number GPC-17-002
Assessor Parcel Number: 303-012-020**

Humboldt Community Services District, southeast of Eureka area. A General Plan Conformance review for the Humboldt Community Service District's 2015 acquisition of APN 303-012-020-000 a parcel approximately 0.47 acre in size that is developed with a 0.50 million gallon water tank, located approximately 0.32 of a mile directly east of Beechwood Drive and Lucile Lane in the Ridgewood Heights neighborhood.

Recommendation

- ☒ Find project to be in conformance with the General Plan based on findings in the staff report.
- ☐ Adopt finding that project does not conform with the General Plan for the reasons specified in the staff report.

Record of Action

- ☒ Adopt Planning Division's recommendation.
- ☐ Adopt Planning Division's recommendation with revisions as made by the Planning Commission.

Adopted after review and consideration of all the evidence on April 6, 2017.

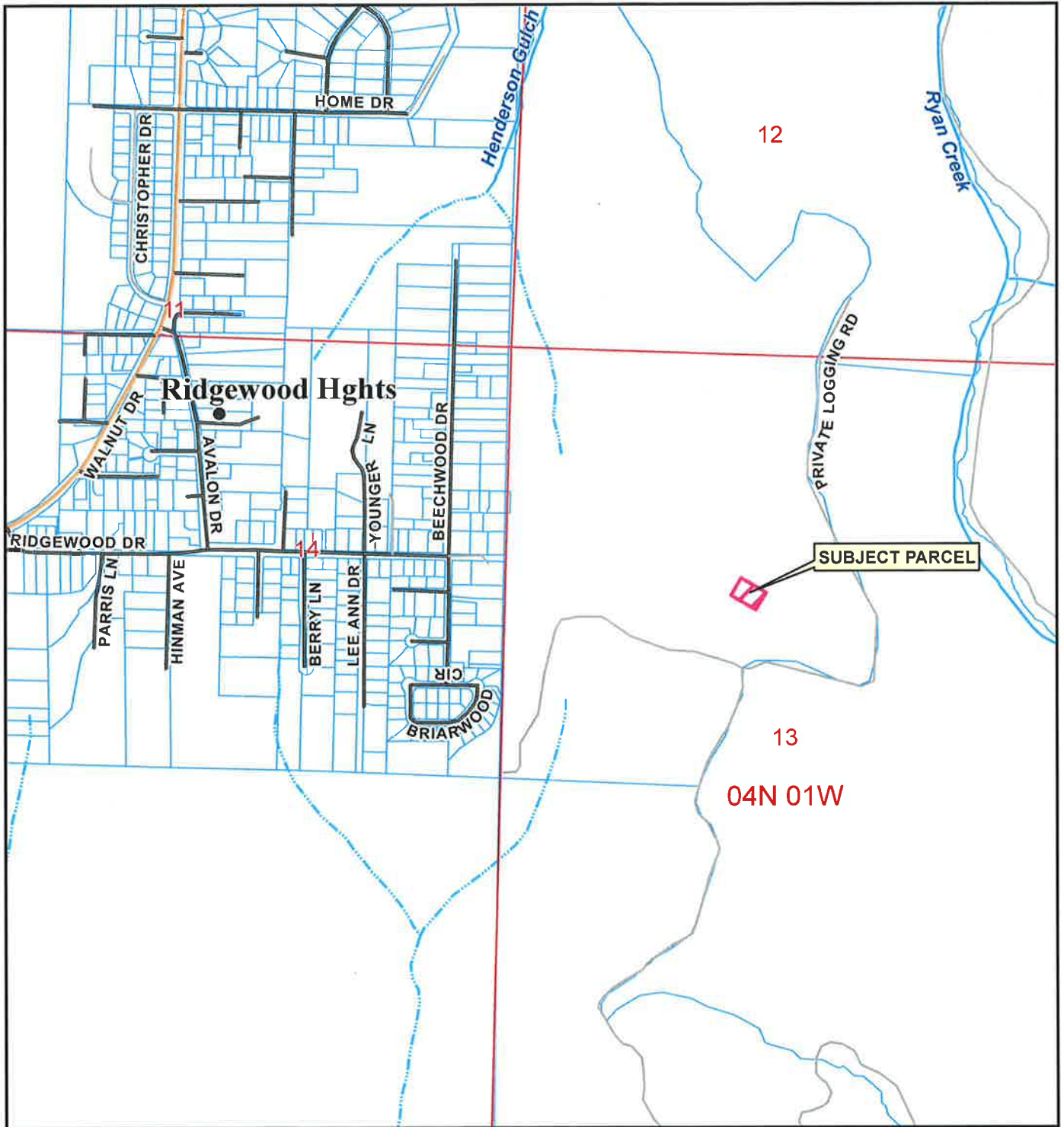
The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

Robert E. Morris, Chair

I, Suzanne Lippre, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

Suzanne Lippre, Clerk



LOCATION MAP

PROPOSED HUMBOLDT COMMUNITY SERVICES DISTRICT GENERAL PLAN CONFORMANCE REVIEW RIDGEWOOD HEIGHTS AREA

GPC-17-002

APN: 303-012-020

T04N R01W S13 HB&M (Fields Landing)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500 750 1,000 Feet



AERIAL MAP

PROPOSED HUMBOLDT COMMUNITY SERVICES DISTRICT GENERAL PLAN CONFORMANCE REVIEW RIDGEWOOD HEIGHTS AREA

Project Area = 

**GPC-17-002
APN: 303-012-020**

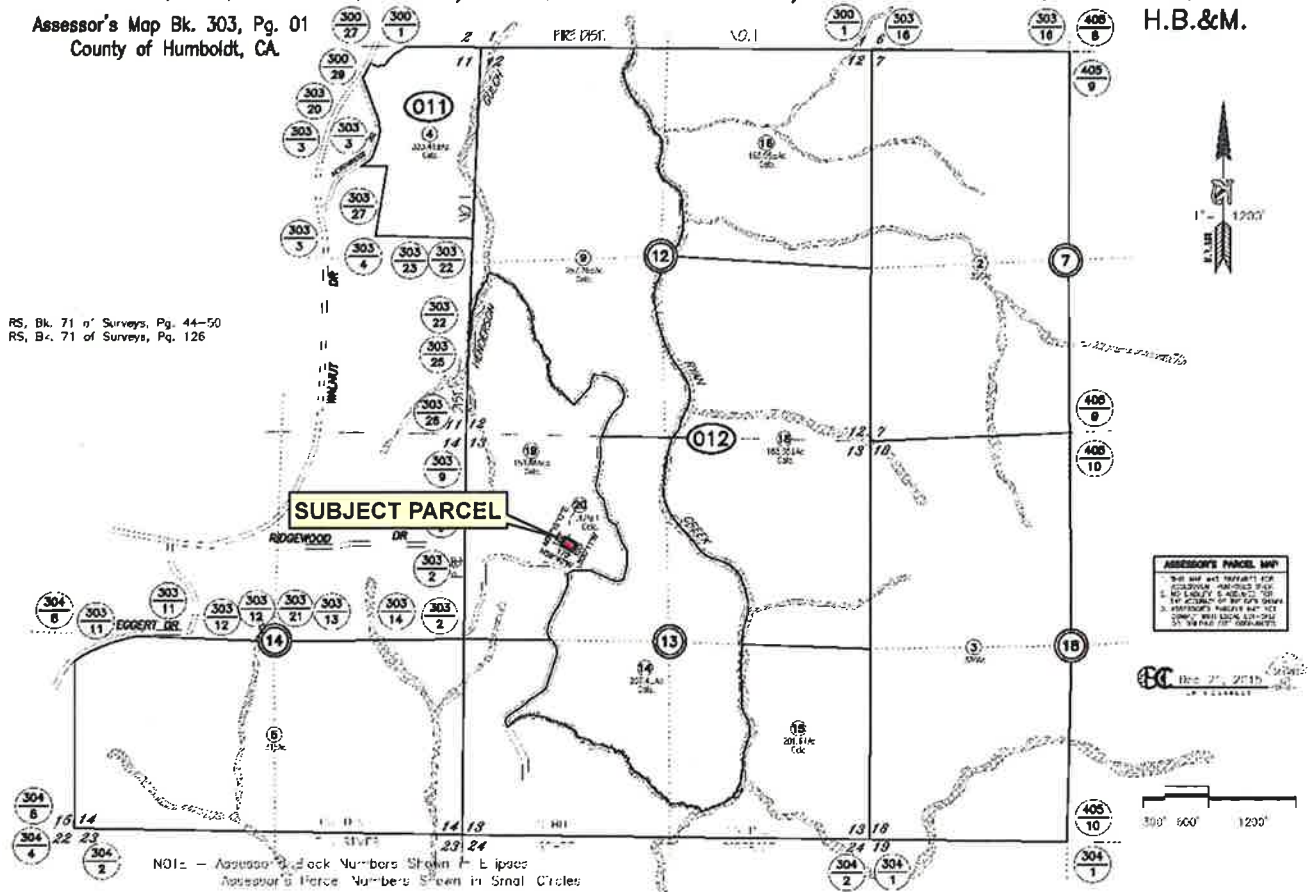
T04N R01W S13 HB&M (Fields Landing)

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500
Feet

SECS 12, 13, PTN 11, & S1/2 14, T4N R1W & W1/2 SECS 7 & 18, T4N R1E, 303-01
 Assessor's Map Bk. 303, Pg. 01
 County of Humboldt, CA H.B.&M.



ASSESSOR PARCEL MAP

PROPOSED HUMBOLDT COMMUNITY SERVICES DISTRICT GENERAL PLAN CONFORMANCE REVIEW RIDGEWOOD HEIGHTS AREA

GPC-17-002

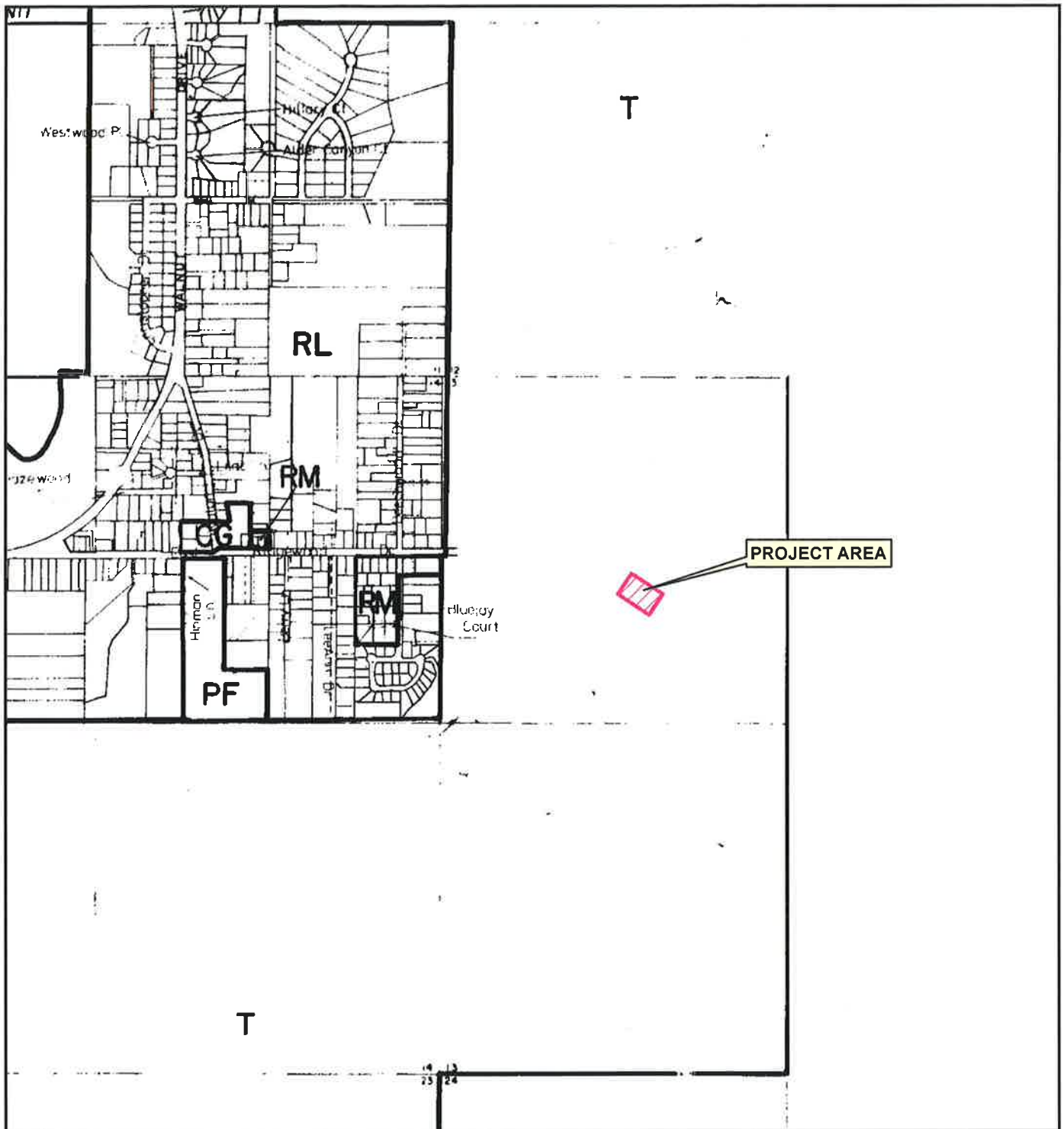
APN: 303-012-020

T04N R01W S13 HB&M (Fields Landing)

Project Area =

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

MAP NOT TO SCALE



LAND USE MAP

PROPOSED HUMBOLDT COMMUNITY SERVICES DISTRICT GENERAL PLAN CONFORMANCE REVIEW RIDGEWOOD HEIGHT AREA

GPC-17-002

APN: 303-012-020

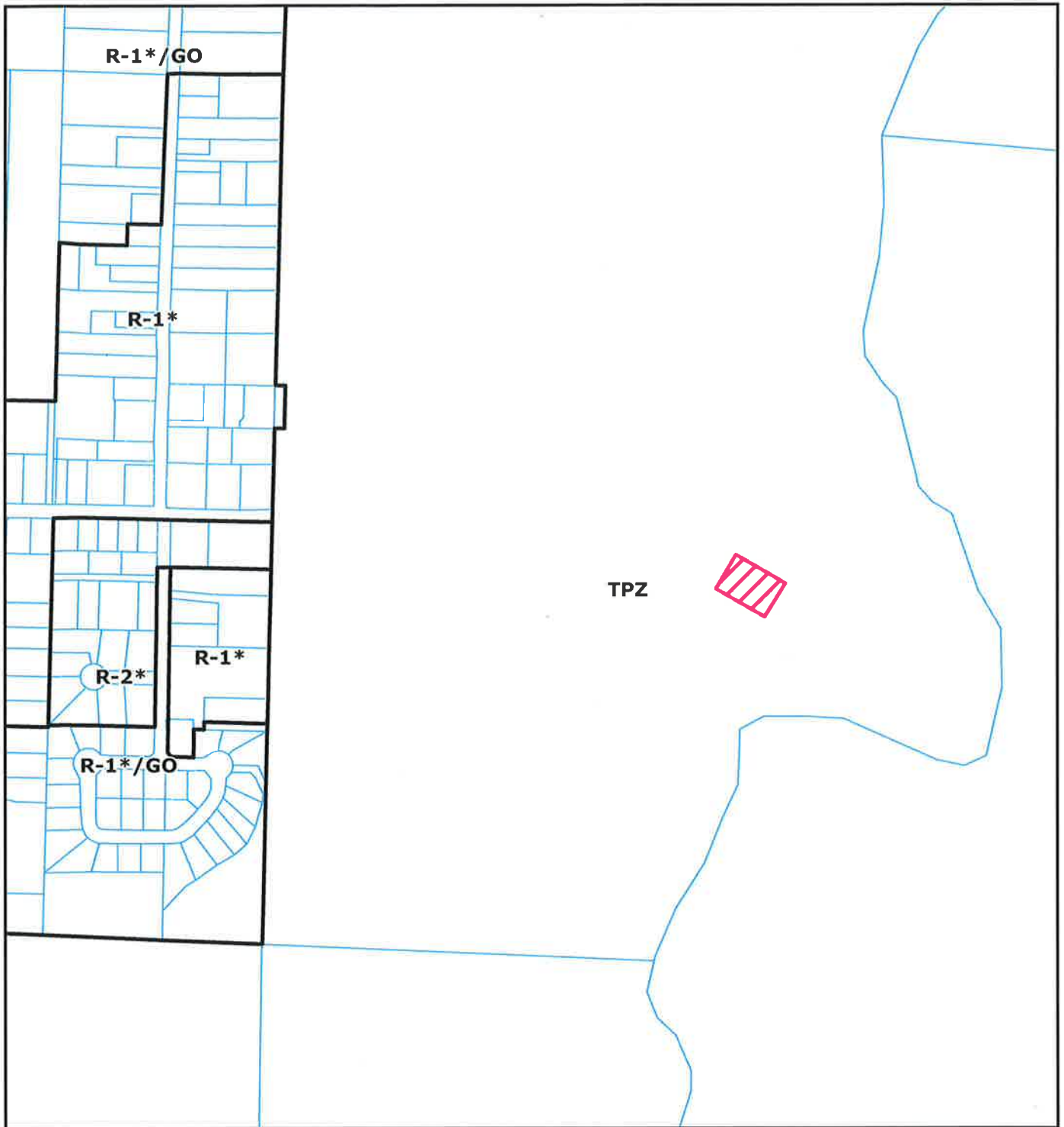
T04N R01W S13 HB&M (Fields Landing)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



MAP NOT TO SCALE



ZONING MAP

PROPOSED HUMBOLDT COMMUNITY SERVICES DISTRICT GENERAL PLAN CONFORMANCE REVIEW RIDGEWOOD HEIGHTS AREA

GPC-17-002

APN: 303-012-020

T04N R01W S13 HB&M (Fields Landing)

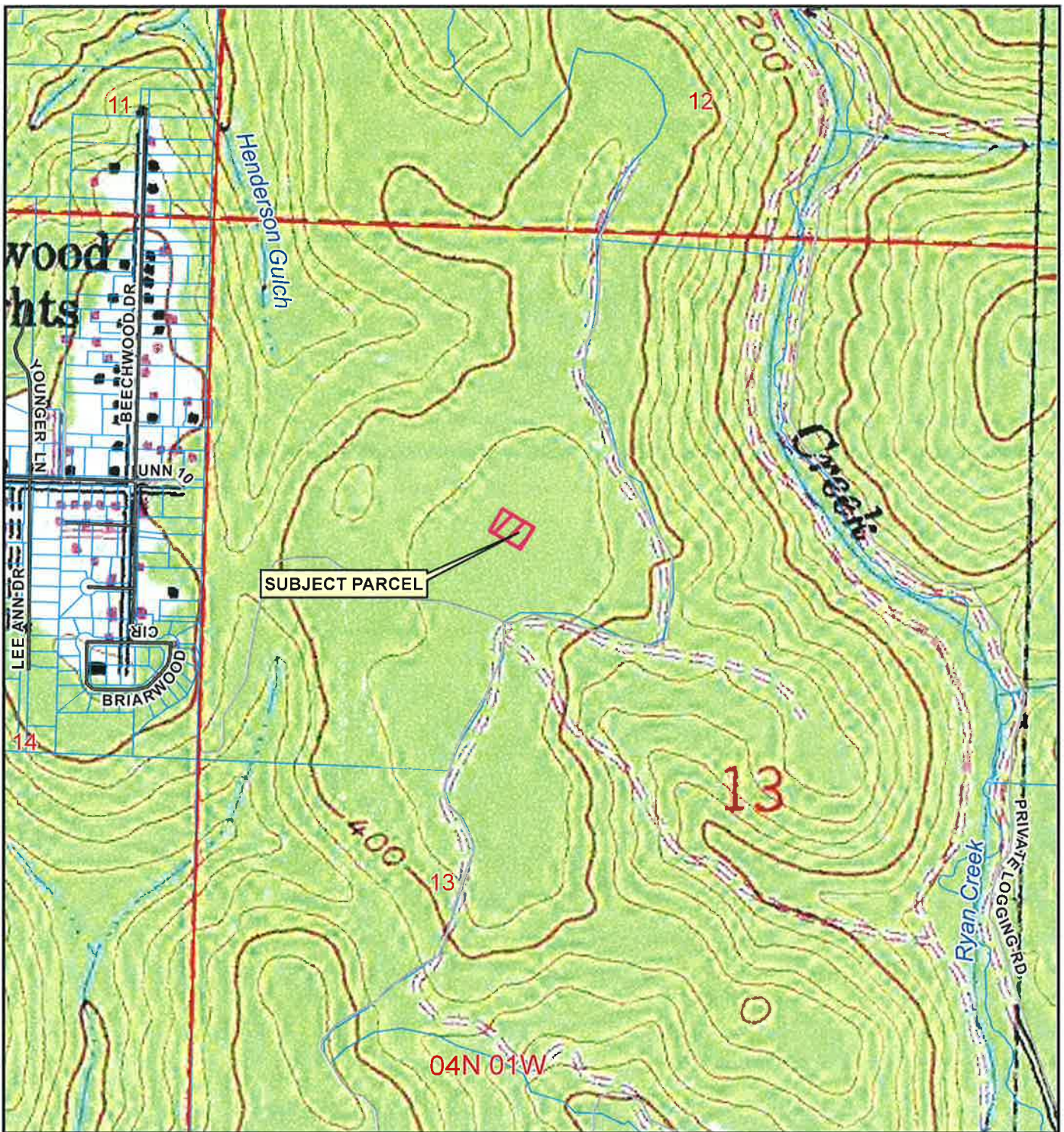
Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500 Feet





TOPO MAP

PROPOSED HUMBOLDT COMMUNITY SERVICES DISTRICT GENERAL PLAN CONFORMANCE REVIEW RIDGEWOOD HEIGHTS AREA

GPC-17-002

APN: 303-012-020

T04N R01W S13 HB&M (Fields Landing)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500 750 Feet

CORNER NOTES

A Found a 3/4" x 30" galvanized iron pipe (gip) with an LS 4560 brass washer in top per 40-R/S-77. Monument was found bent and leaning. 1 dug down to base of monument, tied, removed, and re-monument position with a 3/4" x 24" gip with an LS 8153 brass washer affixed with a 2" bronze wood screw in a concrete plug. Top of new monument is 6" below surface of ground. Most northerly corner of a chainlink fence bears S8°22'W 13.09'.

B Found and accepted a 3/4" gip with an LS 4560 brass washer in top per 40-R/S-77.

C Set a 3/4" x 24" gip with an LS 8153 plastic plug. An 18" redwood stump bears S0° 18'W, 5.64' to LS 8153 washer in face scribed "PC BT". Top of monument is 1 foot below surface of ground.

D Set a 3/4" x 24" gip with an LS 8153 plastic plug. A 6 foot diameter +/- redwood stump bears S73°37'W 22.61' to LS 8153 washer in face scribed "PC BT". Top of monument is 1 foot below surface of the ground.

E Searched for and did not find monument set per 40-R/S-77. Calculated position by holding the record interior angle at Corner Note B and the record distance of 120.00 feet per 40-R/S-77. Not re-monumented this survey.

F Found a 3/4" x 30" gip bent and leaning and with a crimped top. No washer or plug found. The original position of this monument is indeterminate. Removed and re-monumented this corner with a 3/4" x 24" gip with an LS 8153 plastic plug. Position calculated by holding the record interior angle at Corner Note E and the record distance of 150.00 feet per 40-R/S-77. The most westerly corner of a chainlink fence bears N45°08'E, 16.64'.

PURPOSE OF SURVEY

In 1982 Louisiana-Pacific (now GDRCo) entered into a 40 year agreement to lease a tank site with access to the Humboldt Community Services District (HCSD), see 1670-OR-817. Said parties now desire to transfer an expanded tank site and make permanent the access easement. The purpose of this survey is to monument the boundaries of the expanded tank site, see Instrument No. 2015-010688-3.

This conveyance is exempt from the subdivision mapping requirements pursuant to Section 66428 of the Subdivision Map Act (CA Government Code).

SURVEY NOTE

- All distances are in feet and decimals thereof
- 40-R/S-77 shows the centerline of a 30 ft easement as per 1670-OR-817. Said document actually created a 23 ft wide easement.
- Distances per 1670-OR-817 and shown per 40-R/S-77 were held over bearings. See Corner Notes for information on how Corners E and F were calculated.

LEGEND

- Set 3/4" x 24" galvanized iron pipe (gip) hereon, see Corner Note for more information
- Found 3/4" gip set per 40-R/S-77, see Corner Note for more information
- Calculated position only, no monument set hereon
- 6 foot high Chainlink Fence

Green Diamond Resource Co. (GDRCo)
Ika Simpson Resource Co.
Inst. No. 2003-37209-137 (page 67 thereon)
Informational Note: Portions of GDRCo's lands described on said deed have been conveyed to the County of Humboldt per Instrument No. 2014-014702-19 and are shown per 71-R/S-44-50.

Basis of Bearings per 40-R/S-77 based on a tie between Corners A and B hereon

Green Diamond Resource Co. (GDRCo)
Ika Simpson Resource Co.
Inst. No. 2003-37209-137 (page 67 thereon)
Informational Note: Portions of GDRCo's lands described on said deed have been conveyed to the County of Humboldt per Instrument No. 2014-014702-19 and are shown per 71-R/S-44-50.

VICINITY MAP
NO SCALE

Beechwood Dr.
HumCo Rd # 3J370
Ridgewood Dr.
HumCo Rd # 3J350
Briarwood Circle

Access Easement described in Instr. No. 2015-010688-3

Hum. Community Services Dist.
See Instr. No. 2015-010688-3
Twp. 4N, Rng. 1W, H.M.
S. 13

Recorder's Serial # 2015-13312-1

RECORDER'S STATEMENT

Filed this 18th day of July, 2015, at 11:45 a.m. in Book 71 of Surveys at page 126 at the request of Peter D. Jackson.

Fee: \$13.00

Kelly E. Sanders
County Recorder
Humboldt County
by Deputy J. Holman

COUNTY SURVEYOR'S STATEMENT

This map has been examined in accordance with Section 8766 of the Professional Land Surveyor's Act this 7th day of July, 2015.



David B. Ryan
County Surveyor, LS 6212

SURVEYOR'S STATEMENT

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Professional Land Surveyor's Act at the request of Green Diamond Resource Company in January, 2015.



Peter D. Jackson
L.S. 8153
Date 6/29/15

RECORD OF SURVEY

for
GREEN DIAMOND RESOURCE COMPANY

Portion of NW/4 Section 13
in
Twp. 4N., Rng. 1W., H.M.

Unincorporated Area of Humboldt County, State of California

Scale 1" = 20' January 2015 SHEET 1 OF 1

ATTACHMENT 1

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Staff believes that the Planning Commission can find that the proposed project is consistent with the Humboldt County Framework General Plan and the Eureka Community Plan based on the following:

- A. The proposed project site and use is a principal permitted use compatible with the TPZ zoning district (Humboldt County Code section 314-7.4), and has been in existence since 1982, prior to the adopted goals and policies of the ECP and the Framework Plan. The existing parcel is located at an elevation (approximately 440 feet) such that it provides the necessary water flow for the neighborhoods serviced, which are approximately 400 feet in elevation. The site is less than one half acre and there are no plans to acquire more property to expand the footprint of the parcel does the area of the parcel or the use do not significantly detract from the primary use of the zoning district (TPZ), or the goals and policies of the (T) land use designation, or inhibit growing and harvesting of timber.
- B. The HCSD acquisition of this land for public water services will ensure continued, uninterrupted water to the service area.
- C. All applicable policies of the Eureka Community Plan and Framework Plan remain in full force.
- D. The acquisition of the subject 0.47 acre portion by the Humboldt Community Services District to secure fee ownership of the lease area for the 0.50 million gallon water storage tank is consistent with its governmental purpose and function and no substantial evidence has been presented to show that public policy necessitates a parcel map for the division in this individual case pursuant to the State Subdivision Map Act [Government Code §66428(a)(2)].
- E. The remaining property owned by Green Diamond Resource Company consists of industrial timberlands and is of a size and character to be managed and used for timber production consistent with the Eureka Community Plan and Framework Plan Timberland land use designation.
- F. The Humboldt Community Services District, acting as lead agency found the project exempt from CEQA pursuant to Section 15325(f) of the CEQA guidelines.

The following table identifies the evidence which supports findings that the Humboldt Community Service District's 2015 acquisition of APN 303-012-020-000, a parcel approximately 0.47 acre in size, approximately 0.32 of a mile directly east of the intersection Beechwood Drive and Lucile Lane in the Ridgewood Heights neighborhood. The property acquisition is in conformance with all applicable policies and standards in the Framework Plan (FRWK) and the Eureka Community Plan (ECP).

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Designation Timber Production (T) FP 2721.2(D) and 2514.2	<p>2721(D): The erection, construction, alteration or maintenance of gas, electricity, water or communication transmission-facilities consistent with (Framework Plan policy) Section 2514.2.</p> <p>2514.2: Avoid, wherever practical, the location of any state or local public improvements and any improvements of public utilities, and the acquisition of land therefore, in Timberland Production Zones where the project will have a significant adverse effect on the production of timer."</p>	<p>The parcel is listed as a principal permitted use in TPZ per Humboldt County Code section 314-7.4, as long as the use does not significantly detract from the use of the surrounding timberland or inhibit the growth and harvesting of timber. The Humboldt County Code is consistent with, and implements the goals and policies of both the ECP and the Framework Plan. The Framework Plan specifically calls out water transmission facilities as a compatible use with the T land use designation (2721.2(D)), as long as it does not have a significant and adverse effect on the surrounding principal use – Timberland (2514.2). The 0.47 acre parcel has been used as a public water transmission facility since it was first leased in 1982 and there have been no documented significant impacts to the growth or harvesting of the surrounding timberland, demonstrating continuous conformance with the goals and policies of the ECP and the FP.</p>
Geologic Hazards	<p>The parcel and the existing 0.50 million gallon water tank is not within proximity to areas of human use or habitation.</p>	<p>The project site is located in an area rated "1", Low Instability, and does not fall within the Alquist-Priolo Fault Hazard zone. The existing parcel and water tank does not affect potential exposure of people to geologic hazards.</p>
Flood Hazards	<p>All new development shall conform with the County Flood Insurance Program and certificate regulations.</p>	<p>The parcel is not located within a FEMA Flood Zone.</p>
Fire Hazards	<p>No new development is proposed at this time. Should a new water tank be proposed in the future, it shall be constructed such that it minimizes risk to life and property in areas of high fire hazards</p>	<p>The property is located in an area that is rated as high fire hazard, as is the surrounding region. The site is within the fire jurisdiction of the Humboldt #1 Fire Protection District and Calfire. The acquisition aspect of the project does not affect potential exposure of people to fire hazards because it is the purchase of an existing parcel, which is not located in an area surrounded by human uses or habitation. As for the water tank use component, the parcel has been utilized as a water transmission facility since 1982 and there are no documented issues with regard to non-conformance with the health, safety and welfare of the adjacent community located 0.37 miles to the west.</p>

Sensitive And Critical Habitats	To protect designated sensitive habitats and critical habitats	No sensitive habitat is located on the Ridgewood tank parcel. However, the parcel is located within a forest that has documented positive observations and an activity center of the spotted owl. The nearest observation to the Ridgewood water tank site is 0.51 miles to the north and the nearest activity center is 0.79 miles to the south. There is no proposed construction of a second water tank and any future proposals will be analyzed to consider the protection of the species and appropriate measures will be applied to ensure protection of the this species.
Cultural Resources	To protect designated historical and archeological resources.	The 2015 transfer of fee ownership of the subject parcel would not result in impacts to potentially existing cultural resources. No new development is proposed at this time. Any future proposed construction of an additional water tank will require consultation with the appropriate tribes prior to ground disturbance.
Public Facilities	Development shall be consistent with the goals and policies relating to public services and facilities.	The existing water tank and transmission pipeline provide potable water and fire suppression to households and businesses located in the Ridgewood Heights neighborhood and the adjacent neighborhoods to the north of Ridgewood Heights.
Noise	Conform with noise standards.	The parcel is surrounded by tall timberland and is located far enough away (0.37 of a mile) from human uses that noise attenuation of any water tank related equipment is not an issue.

Recommendation

Planning Staff recommends the Planning Commission find both the acquisition of a parcel that has been leased and used since 1982, as a Humboldt Community Services District water transmission facility, to be in conformance with the General Plan.

ATTACHMENT 2

APPLICATION REQUESTING GENERAL PLAN CONFORMANCE REVIEW



APPLICANT (Project will be processed under Business name, if applicable.)
 Business Name: Humboldt Community Services District
 Contact Person: Mickey Hulstrom
 Mailing Address: P.O. Box 158
1, Ca 95534
 Telephone: 707 443 4558 707 443 08
 Email: mhulstrom@humboldtcsd.org

OWNER(S) OF RECORD

Ridgewood

ac.

Building or structure designed to be used for _____

g, la
X

Humboldt Community Services District
is requesting a GPC review for a roughly 1/2 acre
water tanks in the Ridgewood area. The parcel
has one 1/2 million gallon water tank on it that
was constructed in 1982.

OWNER'S AUTHORIZATION & ACKNOWLEDGEMENT

I hereby authorize and acknowledge that the information provided is true and correct, and that I understand the project, and the project is necessary and accurate.

approvals: _____, 2/2017

Applicant's Signature

If the applicant is not the owner of record:

ATTACHMENT 3

GOVERNMENT CODE SECTION 65402

- (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body. If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonment for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonment for street widening, or alignment projects are of a minor nature.
- (b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.
- (c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency. Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.