



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

3015 H Street • Eureka CA 95501
Phone: (707) 445-7541 • Fax: (707) 268-3792

Hearing Date: December 16, 2021

To: Humboldt County Planning Commission

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

Subject: **McKinleyville Community Services District General Plan Conformance Review**
Case Number PLN-2021-17528
Assessor's Parcel Numbers 509-061-001, 509-062-004, 509-063-003, 510-011-014,
510-011-016, 511-111-057
McKinleyville Area

Table of Contents

Page

Agenda Item Transmittal	2
Executive Summary	3
Record of Action	4
Maps	
Applicant's Map Set	5
Attachments	
Attachment 1: Staff Analysis of the Evidence Supporting the Required Findings	8
Attachment 2: Application requesting General Plan Conformance Review	13
Attachment 3: California Government Code Section 65402	14

Please contact Michael Richardson, Supervising Planner, at (707) 268-3723 or email at mrichardson@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date December 16, 2021	Subject General Plan Conformance Review	Contact Michael Richardson
--	---	--------------------------------------

Project Description: General Plan Conformance Review of the acquisition by MCSD of approximately 550 acres of timberlands adjacent to McKinleyville to establish a community forest for the public. Acquisition to be funded by State of California Natural Resource Agency grant funding awarded to Trust for Public Lands (TPL). TPL to purchase land from Green Diamond Resource Company and deed land to McKinleyville CSD (MCSD). The Community Forest will thereafter be owned and maintained by MCSD. The property will be managed for multiple purposes including public access and recreation, timber harvest, and watershed and resource conservation. Forest & Trail Management Plans to be developed by MCSD after land acquisition.

Project Location: The proposed Community Forest is approximately 550 acres in size and comprised of six parcels on the western slope of the hills separating McKinleyville and Fieldbrook on the east side of McKinleyville stretching from approximately 1/2 mile east of Hunts Drive to Murray Road.

Present Plan Land Use Designations: Timberland (T); density range: 40 to 160 acres per dwelling unit, Rural Residential Agriculture (RA) density range: 5 to 20 acres per dwelling unit; McKinleyville Community Plan. Slope stability: Low and Moderate Instability (1 and 2).

Present Zoning: Timber Production Zone (TPZ); Agriculture Exclusive (AE); Agriculture Exclusive with Wetland and Riparian Combining Zone (AE/WR)

Case Number: PLN-2021-17528

Assessor's Parcel Number: 509-061-001, 509-062-004, 509-063-003, 510-011-014, 510-011-016, 511-111-057

Applicant: McKinleyville Community Services District PO Box 2037 McKinleyville CA 95519	Owner Green Diamond Resource Company 1301 5 th Avenue, #2700 Seattle, WA. 98101	Agent None
---	---	----------------------

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

Major Issues: None

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

**COUNTY OF HUMBOLDT
GENERAL PLAN CONFORMANCE REVIEW**

Case No. 2021-PLN-17528

Assessor's Parcel Numbers 509-061-001, 509-062-004, 509-063-003, 510-011-014, 510-011-016, 511-111-057

Executive Summary: A report on conformance with the general plan is required under California Government Code Section 65402 when a public agency acts to acquire or dispose of real property or intends to construct a new public building or structure. Also, review of public works projects is required by Chapter 3 of the General Plan, Governance policy G-P19 and implementation measure G-IM8. The referenced section of the Government Code section is included as Attachment 3 to this staff report.

The McKinleyville Community Services District has requested a General Plan Conformance review of the proposed purchase of approximately 550 acres of redwood/douglas fir forest in a coastal watershed. The subject parcels are owned by Green Diamond Resource Company and has been used for industrial timber production. The parcels are along the western slope of the hills separating McKinleyville and Fieldbrook on the east side of McKinleyville stretching from Hunts Drive to Murray Road.

The MCSD Community Forest will likely have many of the same features as the McKay Community Forest in Eureka which was established in 2014 for multiple purposes including public access and recreation, timber harvest, and watershed and resource conservation. Like the McKay Community Forest, the MCSD Community Forest is expected to become a place for residents and visitors of all ages and abilities to enjoy walking, hiking, mountain-biking, wheeling, horseback-riding, learning, and connecting with the natural world. A management plan for the forest and trails will be developed by MCSD after the land is acquired.

Findings and Recommendations:

For the purpose of this General Plan Conformance Review, staff is assuming the Forest & Trail Management Plans developed by MCSD in the future will allow multiple uses including public access and recreation, timber harvest, and watershed and resource conservation. These proposed uses are consistent with continued management of the timber resource along with the provision of new and expanded recreational opportunities for the community. By maintaining the unit as a "working forest" it will conserve the property's resource values, maintain timber harvest to offset operating costs, and will create opportunities for expanded public access and recreation. The proposed uses conform to the primary or compatible uses described in the affected land use designations. Once these lands are under MCSD ownership, re-designation to Public Lands (P) may be advisable to streamline permitting of improvements to the property.

Staff believes that the Planning Commission may report that the proposed acquisition of the MCSD Community Forest conforms to the McKinleyville Community Plan and the General Plan based on the analysis in Attachment 1. Alternatively, your Commission may make such modifications to the report as deemed appropriate.

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

Case Number 2021-PLN-17528

**Assessor's Parcel Numbers: 509-061-001, 509-062-004, 509-063-003, 510-011-014,
510-011-016, 511-111-057**

County of Humboldt, McKinleyville area. A General Plan Conformance review for MCSD to purchase 550 acres of timberland for a future Community Forest.

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 December 16, 2021.

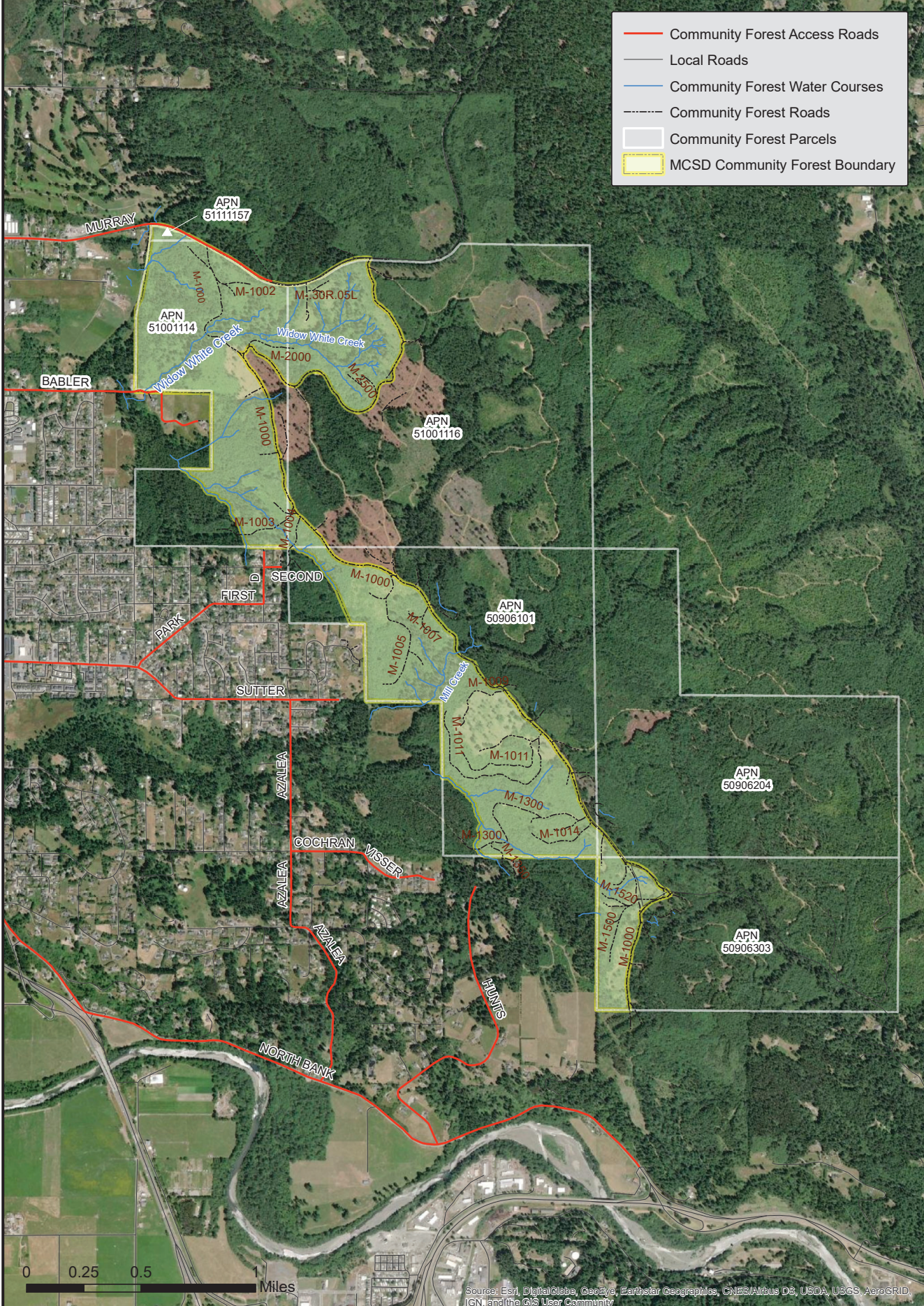
The motion was made by Commissioner _____ and seconded by Commissioner _____.

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

I, John H. Ford, Secretary 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.

John H. Ford, Director
Planning and Building Department

- Community Forest Access Roads
- Local Roads
- Community Forest Water Courses
- - - Community Forest Roads
- Community Forest Parcels
- MCSD Community Forest Boundary



McKinleyville Community Forest






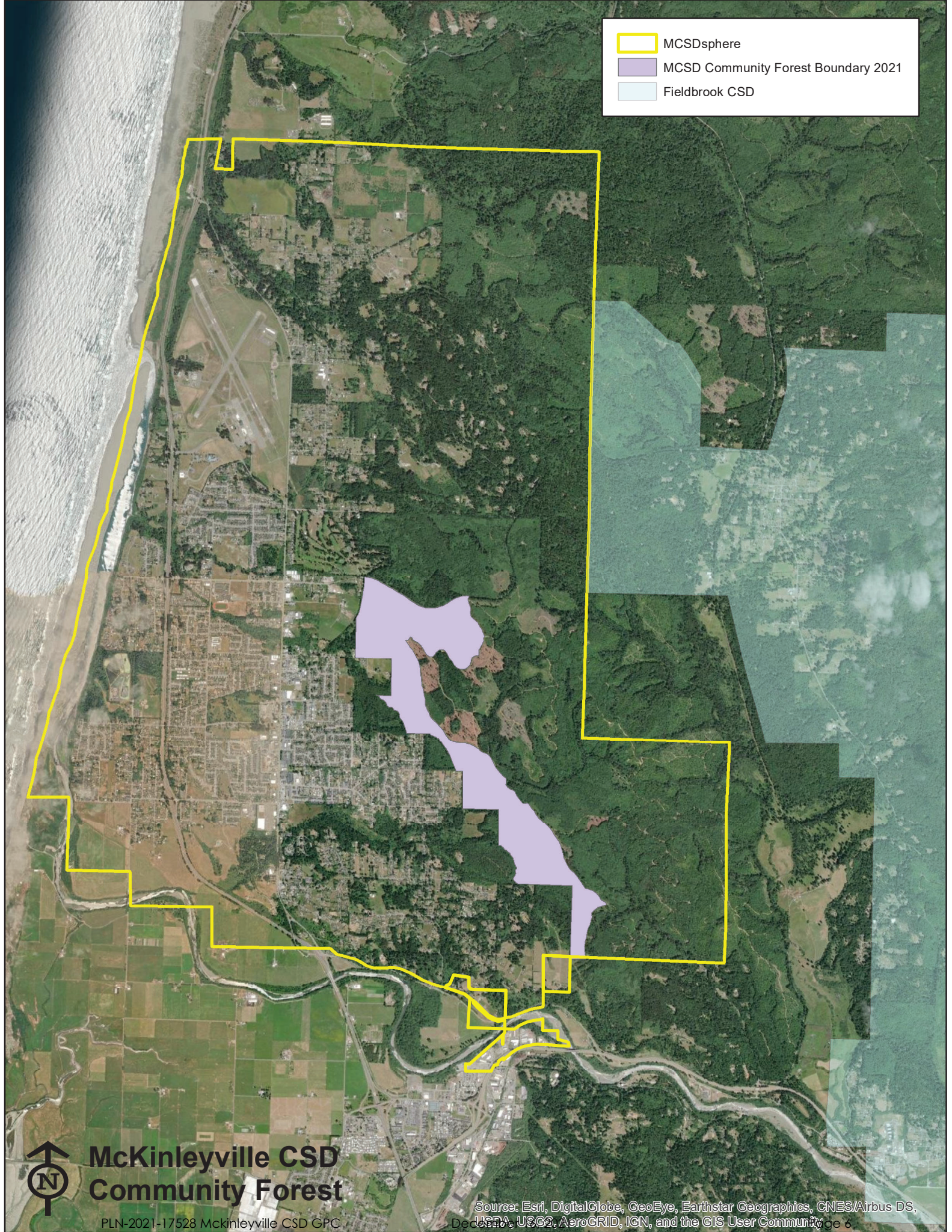
Drawn By: MCSD GIS

Date: June 2021

Map #1

Page 5

-  MCSDsphere
-  MCSD Community Forest Boundary 2021
-  Fieldbrook CSD

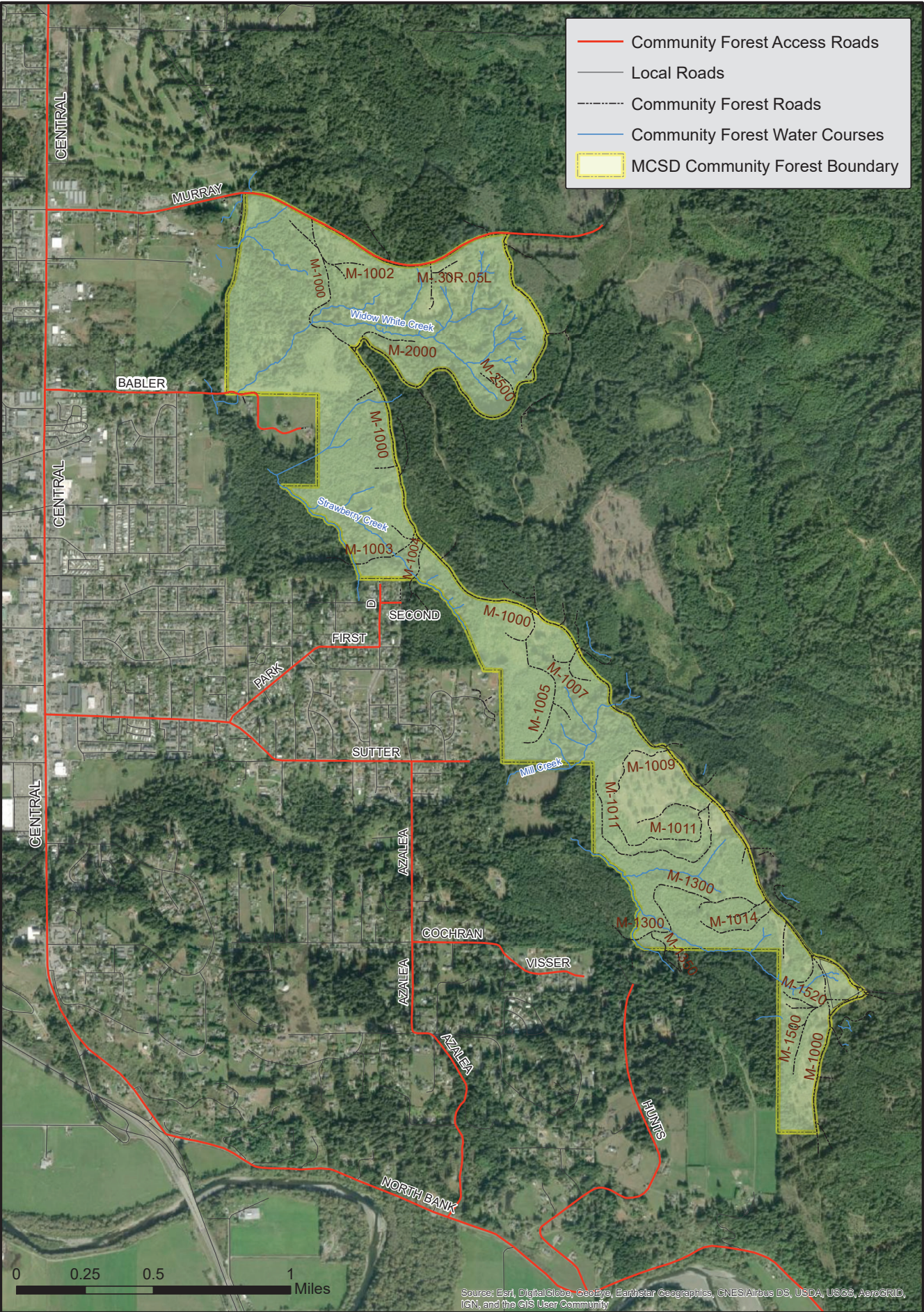


**McKinleyville CSD
Community Forest**

PLN-2021-17528 McKinleyville CSD GPC

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
December 2021, Page 6

- Community Forest Access Roads
- Local Roads
- - - Community Forest Roads
- Community Forest Water Courses
- MCSD Community Forest Boundary



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



McKinleyville Community Forest



Drawn By: MCSD GIS

Date: Feb 1, 2021

Map # 1

Page 7

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 2017 Humboldt County General Plan based on the following:

- A. All applicable goals, policies, standards, and implementation measures of the McKinleyville Community Plan and General Plan remain in full force.
- B. The applicant will be responsible for obtaining all necessary Federal, State, and local permits, including necessary Building Permits from Humboldt County Planning and Building Department as applicable.

The following table identifies the evidence which supports finding that MCSD's acquisition of APN's 509-061-001, 509-062-004, 509-063-003, 510-011-014, 510-011-016, 511-111-057 is in conformance with all applicable policies and standards in the 2002 McKinleyville Community Plan (MCP), the General Plan adopted in 2017, and the 2019 Housing Element.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
General Plan Land Use Chapter 4, §4.6.3	Development is dependent in part on the protection of economically viable resource production land from incompatible uses.	The proposed acquisition is intended to conserve the resource values, maintain timber harvest, and create opportunities for public access and recreation are consistent with the General Plan's land use objectives to protect high quality timberlands, minimize encroachment of incompatible uses and manage for inclusion of compatible uses (FR-G4, FR-P8).
General Plan Land Use Chapter 4, §4.8 and MCP Land Use Chapter 2 Timberland (T) § 2530	The Timberlands designation is used to classify land that is primarily suitable for the growing, harvesting and production of timber. It is an MCP Goal to "protect and conserve timberlands for long-term economic utilization". Density range is 40 -160 acres/unit.	Most of the area proposed for purchase is designated T and is undeveloped. Most of the area is zoned Timber Production zone (TPZ) consistent with the Timberland land use designation. According to Figure 3 of the MCP, much of the property is classified as Forested Hillside and is primarily intended for timber production. Standards for unified development of the area based upon retention of open space and forested areas are to be established in the event the area is re-designated for non-timber production uses (i.e., residential development) Compatible uses for the "T" land use designation, other than the direct growing, harvesting and portable timber processing include watershed management, management for fish and wildlife habitat, and recreational uses under the control of the owner which will not significantly detract from or inhibit timber or agricultural production on the project site or adjoining lands. In addition to selective and sustainable timber harvesting, watershed management for habitat and recreational uses that do not inhibit timber

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		production are also central to the purpose for acquiring the property. The acquisition is consistent with the Timberland land use designation because it will conserve the resource values, maintain timber harvest, and create opportunities for public access and recreation.
<p>General Plan Land Use</p> <p>Chapter 4, §4.8</p> <p>Rural Residential Agriculture (RA)</p>	<p>This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues.</p>	<p>Portions of APN 509-061-001 and 510-011-016 are designated "Rural Residential Agriculture" which allows Non-Commercial Recreation, Timber Production, and Fish and Wildlife Management which are all uses that are likely to be incorporated into the future management plan for the community forest.</p>
<p>General Plan Community Infrastructure and Services</p> <p>Chapter 5</p> <p>Law Enforcement</p> <p>Fire Protection Services</p> <p>Water and Wastewater Systems</p> <p>Parks and Recreation</p>	<p>Goals and Policies contained in this chapter relate to adequate public infrastructure and services as a foundation for growth and area essential for community health, safety and quality of life.</p>	<p>The acquisition will create a community forest for public access and recreation, timber harvest, and watershed and resource conservation. This activity does not involve development that would create permanent residential, commercial, or industrial development with the corresponding demand for high levels of service for public infrastructure. While the permanent infrastructure demand may be less than other forms of development, there will be demands for public safety, especially for law enforcement and fire services. Typical management plans include objectives to provide regular safety patrols with a combination of staff presence and volunteer "eyes and ears", and coordination with fire agencies, the Humboldt County Sheriff's Office, and mutual aid agencies. This report assumes objectives will be incorporated into the future management plans developed by MCSD.</p> <p>The subject parcel is in the State Responsibility Area meaning that CALFire will be the lead emergency responder. To facilitate timely emergency response the internal road and trail network will be used to provide access for fire-fighting and emergency response to different locations within the new community forest. Emergency response could be performed by a variety of vehicle types—fire engines, all-terrain vehicles—and modes, e.g., by foot.</p> <p>Overall, the community forest is expected to provide for a multi-use trail network to meet the</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>needs of the region with sustainable funding as required by MCSD policies. For all identified long-term access opportunities land owner engagement and planning will be necessary before developing these further.</p> <p>Public restrooms and trash receptacles are typically provided in community forests and included in management plans. The range of amenities at future access points would be determined as part of the planning process for those sites.</p> <p>For all the above reasons the proposed acquisition is consistent with the Community Infrastructure and Services goals, policies and standards of the General Plan.</p>
<p>General Plan Circulation Chapter 7 Pedestrian and Bicycle System</p>	<p>Support efforts to develop a regional trails system particularly in the greater Humboldt Bay area.</p>	<p>The McKinleyville Community Forest is expected to provide a multi-use trails network to meet the needs of the region with sustainable funding as required by MCSD policies. The proposed acquisition is consistent with the Circulation goals, policies and standards of the General Plan.</p>
<p>General Plan 2019 Housing Element Chapter 8 Statutory Findings: Gov't Code § 65863, also referenced as No-Net Loss</p>	<p>Policies, Standards, and Implementation Measures for achieving target residential densities, incentivizing affordable housing production, promoting infill development, providing an adequate supply.</p> <p>Gov't Code § 65863: Each jurisdiction shall ensure that its housing element inventory sites can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated.¹</p>	<p>The subject parcels are not included in the 2019 Housing Element Inventory (Appendix G). As such, the proposed acquisition will not affect the County's ability to meet its 6th cycle Regional Housing Needs Allocation (RHNA). Moreover, because the parcels are not 2019 Housing Element inventory sites, the proposed acquisition will not permit or cause a reduction of the residential density with either fewer units or a different income category. The acquisition is consistent with the 2019 Housing Element and Gov't Code § 65863.</p>

¹ The "planning period" refers to the RHNA planning period, which is 2019 to 2027.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>General Plan Conservation and Open Space, Chapter 10</p> <p>Open Space and Parks Lands</p> <p>§ 10.2</p>	<p>To provide and adequately maintain an accessible park and recreation offering a range of recreation opportunities and a regional trails system that meets the future recreational and non-motorized transportation demands. Support acquisition, development and management of parklands and trails primarily in locations that are highly accessible to the public in order to serve the outdoor recreation and ADA needs of current and future residents, and where such uses do not reduce the agricultural capability, timber productivity and ecological services on open space lands. Also, planning objectives for a regional trails system, equestrian trails, and neighborhood connectivity.</p>	<p>The McKinleyville Community Forest is expected to provide a unique recreation resource that would meet the needs of the MCP and regional area with sustainable funding as required by MCSD policies.</p> <p>In particular, it will fulfill the policy to facilitate County acquisition, development and maintenance of parks and recreational areas to serve the outdoor recreational needs of County residents and tourists.</p> <p>The development of the McKinleyville Community Forest proposal, and the associated Management Plan, will involve public outreach and participation consistent with MCSD requirements.</p> <p>The acquisition is consistent with the Conservation and Open Space goals, policies and standards of the General Plan for open space and parks.</p>
<p>General Plan Conservation and Open Space, Chapter 10</p> <p>Biological Resources, Sensitive and Critical Habitats § 10.3</p> <p>Also MCP Chapter 3 § 3400</p>	<p>The protection of sensitive or critical habitat</p>	<p>The proposed acquisition of the McKinleyville Community Forest does not involve site disturbing activities. Formal biological resource review will be performed as part of any subsequent development proposal on the property and the proposed management concept involves biological resource protections. Streamside Management Area (SMA) buffers along streams will apply to new trail and facility development not conducted as part of timber operations under the California Forest Practices Act.</p> <p>The acquisition is consistent with the Conservation and Open Space goals, policies and standards of the General Plan for protection of biological resources.</p>
<p>General Plan Conservation and Open Space, Chapter 10</p> <p>Cultural Resources § 10.6</p>	<p>Where new development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.</p>	<p>The proposed acquisition of the McKinleyville Tract Community Forest does not involve site disturbing activities. Formal cultural resource review will be performed as part of any subsequent development proposal on the property.</p> <p>The acquisition is consistent with the Conservation and Open Space goals, policies and standards of the General Plan for cultural resources.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>General Plan Water Resources</p> <p>Chapter 11, § 11.4</p>	<p>Maintain or enhance the quality of the County's water supply and water resources and the fish and wildlife habitat utilizing those resources.</p>	<p>The community forest acquisition of does not involve site disturbing activities that could affect water quality or quantity. In addition, management plans typically incorporate sustainable forestry and water resource protections. Formal water resource review will be performed as part of any subsequent development proposal on the property.</p>
<p>Safety Element</p> <p>Chapter 14</p> <p>Airport Safety</p> <p>Geologic and Seismic</p> <p>Flooding</p> <p>Fire Hazards</p>	<p>Goals and Policies contained in this Chapter identify hazards and hazard risk reduction policies to guide local decisions related to airport, geologic, flooding, and fire hazards.</p> <p>The principal airport/airspace/land use compatibility issues at most airports are noise, airspace, safety.</p>	<p>The proposed acquisition of the McKinleyville Community Forest does not involve development that would permanently place people in potentially hazardous areas. Typically management plans address fire hazard public safety issues such as coordination with fire agencies, the Humboldt County Sheriff's Office, and mutual aid agencies.</p> <p>The parcel has a high fire hazard severity rating. The property is located in the State Responsibility Area and CALFire provides wildland fire services.</p> <p>The site's seismic safety and slope stability ratings reflect the presence of slopes greater than 25 percent, and historic landslides. The slope stability ratings range from low to high instability, i.e., "1" to "3" A portion of the parcels are within the Alquist-Priolo Fault Hazard Zone.</p> <p>The site is outside areas subject to flooding and tsunami hazards. The parcels are in an area subject to restrictions associated with a proximate airport. APN 510-011-014 is within Airport Safety Zone 4 and 6, and APN 510-011-016 is within Airport Safety Zone 6. The management plan will need to address consistency with these safety zones. Typically community forest management plans do not involve development that would permanently place people in potentially hazardous areas.</p> <p>The proposed project is not incompatible with measures to protection people and property from hazards related to airport safety, geologic instability, flooding, and fire hazard.</p>

Recommendation

Planning Staff recommends the Planning Commission find the proposed acquisition of the McKinleyville Community Forest to be in conformance with the McKinleyville Community Plan and the General Plan.

ATTACHMENT 2

APPLICATION REQUESTING GENERAL PLAN CONFORMANCE REVIEW

DocuSign Envelope ID: 40E473AF-EDC3-401D-B6F6-DBAF07F5F29E



PLANNING APPLICATION FORM
Humboldt County Planning Department
 Current Planning Division 3015 H Street Eureka, CA 95501-4484
 Phone (707) 445-7541 Fax (707) 268-3792

INSTRUCTIONS:

1. Applicant/Agent complete Sections I, II and III below.
2. It is recommended that the Applicant/Agent schedule an Application Assistance meeting with the Assigned Planner. Meeting with the Assigned Planner will answer questions regarding application submittal requirements and help avoid processing delays. A small fee is required for this meeting.
3. Applicant/Agent needs to submit all items marked on the reverse side of this form.

SECTION I

<p>APPLICANT (Project will be processed under Business name, if applicable.)</p> <p>Business Name: <u>McKinleyville Community Services District</u></p> <p>Contact Person: <u>Patrick Kaspari</u></p> <p>Mailing Address: <u>PO Box 2037</u></p> <p>City, St, Zip: <u>McKinleyville CA 95519</u></p> <p>Telephone: <u>(707) 839-3251</u> Alt. Tel: <u>(707) 599-5123</u></p> <p>Email: <u>pkaspari@mckinleyvillecsd.com</u></p> <p>OWNER(S) OF RECORD (if different from applicant)</p> <p>Owner's Name: <u>Green Diamond Resource Company</u></p> <p>Mailing Address: <u>PO Box 68</u></p> <p>City, St, Zip: <u>Korbel CA 95550</u></p> <p>Telephone: <u>(707) 668-4424</u> Alt. Tel: <u>(707) 498-9714</u></p> <p>LOCATION OF PROJECT</p> <p>Site Address: _____</p> <p>Community Area: <u>McKinleyville</u></p>	<p>AGENT (Communications from Department will be directed to agent)</p> <p>Business Name: <u>McKinleyville CSD</u></p> <p>Contact Person: <u>Patrick Kaspari</u></p> <p>Mailing Address: <u>PO Box 2037</u></p> <p>City, St, Zip: <u>McKinleyville CA 95519</u></p> <p>Telephone: <u>(707) 839-3251</u> Alt. Tel: <u>(707) 599-5123</u></p> <p>Email: <u>pkaspari@mckinleyvillecsd.com</u></p> <p>Owner's Name: _____</p> <p>Mailing Address: _____</p> <p>City, St, Zip: _____</p> <p>Telephone: _____ Alt. Tel: _____</p> <p>Assessor's Parcel No(s): <u>509-061-001, 509-062-004, 509-063-003, 511-111-057, 510-011-014, -016</u></p> <p>Parcel Size (acres or sq. ft.): <u>Approx. 550 acres</u></p> <p>Is the proposed building or structure designed to be used for designing, producing, launching, maintaining, or storing nuclear weapons or the components of nuclear weapons? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>
---	---

SECTION II

PROJECT DESCRIPTION
 Describe the proposed project (attach additional sheets as necessary):

Acquisition of approximately 550 acres of timberlands adjacent to McKinleyville to establish a community forest for the public. Acquisition to be funded by State of California Natural Resource Agency grant funding awarded to Trust for Public Lands (TPL). TPL to purchase land from Green Diamond Resource Company and deed land to McKinleyville CSD (MCSD). Community Forest will thereafter be owned and maintained by MCSD. Forest & Trail Management Plans to be developed by MCSD after land acquisition.

SECTION III

OWNER'S AUTHORIZATION & ACKNOWLEDGEMENT

I hereby authorize the County of Humboldt to process this application for a development permit and further authorize the County of Humboldt and employees of the California Department of Fish and Wildlife to enter upon the property described above as reasonably necessary to evaluate the project. I also acknowledge that processing of applications that are not complete or do not contain truthful and accurate information will be delayed and may result in denial or revocation of approvals.

_____ Applicant Signature	<u>6/23/2021</u> _____ Date
<p>If the applicant is not the owner of record: I authorize the applicant/agent to file this application for a development permit and to represent me in all matters concerning the application.</p> _____ Owner of Record Signature	06/23/2021 _____ Date
_____ Owner of Record Signature	_____ Date

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.