



27700
COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: October 6, 2016

To: Humboldt County Planning Commission

From: Robert Wall, Interim Director of Planning and Building Department

Subject: **Humboldt County General Plan Conformance Review**
Application Number 11062
Case Number GPC-16-003
Assessor Parcel Number 507-141-021
McKinleyville Area

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Please contact Michelle Nielsen, Planner, at (707) 268-3708 or email at mnielsen@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date October 6, 2016	Subject General Plan Conformance	Contact Michelle Nielsen
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Project Description: General Plan Conformance Review of the proposed transfer of a 2.5 acre parcel of land from the County of Humboldt to the McKinleyville Community Service District (CSD). The McKinleyville CSD would like the County to transfer the property to McKinleyville CSD for the purpose of providing recreation and fishing access to the Mad River and also to facilitate parking for park and recreation purposes on the subject property and on adjacent property owned by McKinleyville CSD.

Project Location: The project is located in Humboldt County, in the McKinleyville area, on the south side of North Bank Road, approximately 100 feet south from the intersection of Azalea Avenue and North Bank Road, on the property known to be in the southeast quarter of Section 08 and the southwest quarter of Section 09 of Township 06 North, Range 01 East.

Present Plan Land Use Designations: Agriculture Exclusive/Prime Lands (AEP), Density: 60 to 20 acres per dwelling unit, and Natural Resources (NR), Density: None Specified, McKinleyville Area Plan (MCAP); Agriculture (A), McKinleyville Community Plan 1965 (MCP 1965), Density: NA; Slope Stability: Relatively Stable (0).

Present Zoning: (AE;PR/G,F,R;NR/R) Agriculture Exclusive (AE); Public Recreation (PR), Alquist-Priolo Fault Hazard (G), Flood Hazard Areas (F), Streams and Riparian Corridor Protection (R); Natural Resources (NR) Streams and Riparian Corridor Protection (R); Agricultural Exclusive (AE).

Case Number: GPC 16-003

Application Number: 11062

Assessor Parcel Number: 507-141-021

Applicant

Attn: Tom Mattson
Humboldt County
1106 2nd Street
Eureka, CA 95501

Owner

Same as Applicant

Agent

Attn: Deb Vining
Humboldt County
3303 H Street
Eureka, CA 95501

Environmental Review: No. CEQA Exemption Section 15316-Transfer of Ownership of Land in Order to Create Parks—CEQA Guidelines.

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

Major Issues: None

HUMBOLDT COUNTY
GENERAL PLAN CONFORMANCE REVIEW

Case Number GPC-16-003
Assessor Parcel Number 507-141-021

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: The County of Humboldt (County) has requested a general plan conformance review for their intent to transfer property to the McKinleyville Community Services District (MCSD). MCSD would like to acquire APN 507-141-021 to provide recreation, fishing access to the Mad River, and to facilitate parking for park and recreation purposes. The subject parcel is located on the south side of North Bank Road and is adjacent to property owned by MCSD since 2012. Prior to acquisition of this adjacent parcel, APN 507-141-017, MCSD filed a request for a general plan conformance review. As part of that request, MCSD indicated that the intent of acquisition was for open space and eventual park and recreation development. On July 12, 2012, the Planning Commission found this proposed acquisition to be in conformance with the General Plan. Today's requested general plan conformance review involves a parcel of land with similar land use designations, and is consistent with the action considered by the Commission in 2012. The parcel to be transferred to MCSD is largely riparian forest. There is a turnout area with paving and gravel adjacent to North Bank Road. The adjacent MCSD parcel is riparian forest, with Mad River frontage. The land use to the east is agricultural production. To the southwest, agriculture uses are present outside the Mad River riparian corridor. The area on the north side of North Bank Road is residential suburban intermixed with forested areas. The subject property was acquired by the County in 1972 by a [Caltrans] director's deed. The County obtained the parcel with the intent that it would be used for fishing access to the Mad River and has retained the parcel as unimproved park property. MCSD was established and organized by Board of Supervisor's Resolution 70-36 for the purpose of supplying the residents of its district with recreation, amongst other functions. The proposed transfer of fee title is consistent with surrounding and adjacent land uses, with the policies of the various applicable land use planning documents and will carry forward the original intended use of this property when the County acquired it.

Project Location: The project is located in Humboldt County, in the McKinleyville area, on the south side of North Bank Road, approximately 100 feet south from the intersection of Azalea Avenue and North Bank Road.

General Plan Designation: The majority of the property is located in the Coastal Zone and is designated under the McKinleyville Area Plan as Agricultural Exclusive/Prime Lands (AEP), with a small portion of the southwesterly corner designated as Natural Resources (NR). The portion of the property lying outside of the Coastal Zone is designated as Agriculture under the 1965 McKinleyville Community Plan. (The southerly community planning area boundary of the 2002 McKinleyville Community Plan, in this location, is North Bank Road, so the lands on the south side of the road are outside of the 2002 plan.) The Agriculture Exclusive/Prime (AEP) land use designation is to protect prime agricultural lands for the long term productive agricultural use. It is typically reserved for lands suitable for the production of food, fiber or plants with residential use incidental to the agricultural uses. Conditional AEP uses include watershed management, management for fish and wildlife habitat and recreation. The proposal for fishing access, park and recreational purposes is consistent with the conditionally permitted uses identified in the AEP plan designation provided it does not significantly detract from or inhibit agricultural production on the project site or adjoining lands. Although the property is designated AEP, some of its physical characteristics may limit its viability for agricultural production. Such as the property is largely forested; it is small, being only about 2.5 acres in size; does not contain mapped prime agricultural soils; and has slopes greater than 15 percent. The transfer will consolidate the ownership of

the subject parcel and that to south (and owned by MCSD since 2012) into a single management unit. Once the 2.5 acre parcel is acquired and restricted to exclusive park and open space uses it may be appropriate to redesignate the MCSD lands to a land use category that allows for public access and recreation and also acknowledges the presence of natural resources.

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

**Case Number GPC-16-003
Assessor Parcel Number 507-141-021**

Humboldt County, McKinleyville area. A General Plan Conformance Review pursuant to Government Code Section 65402 involving the County's transfer of fee title to an approximately 2.5 acre parcel of land, known as Assessor Parcel Number 507-141-021, to the McKinleyville Community Services District, a Local Agency.

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 October 6, 2016.

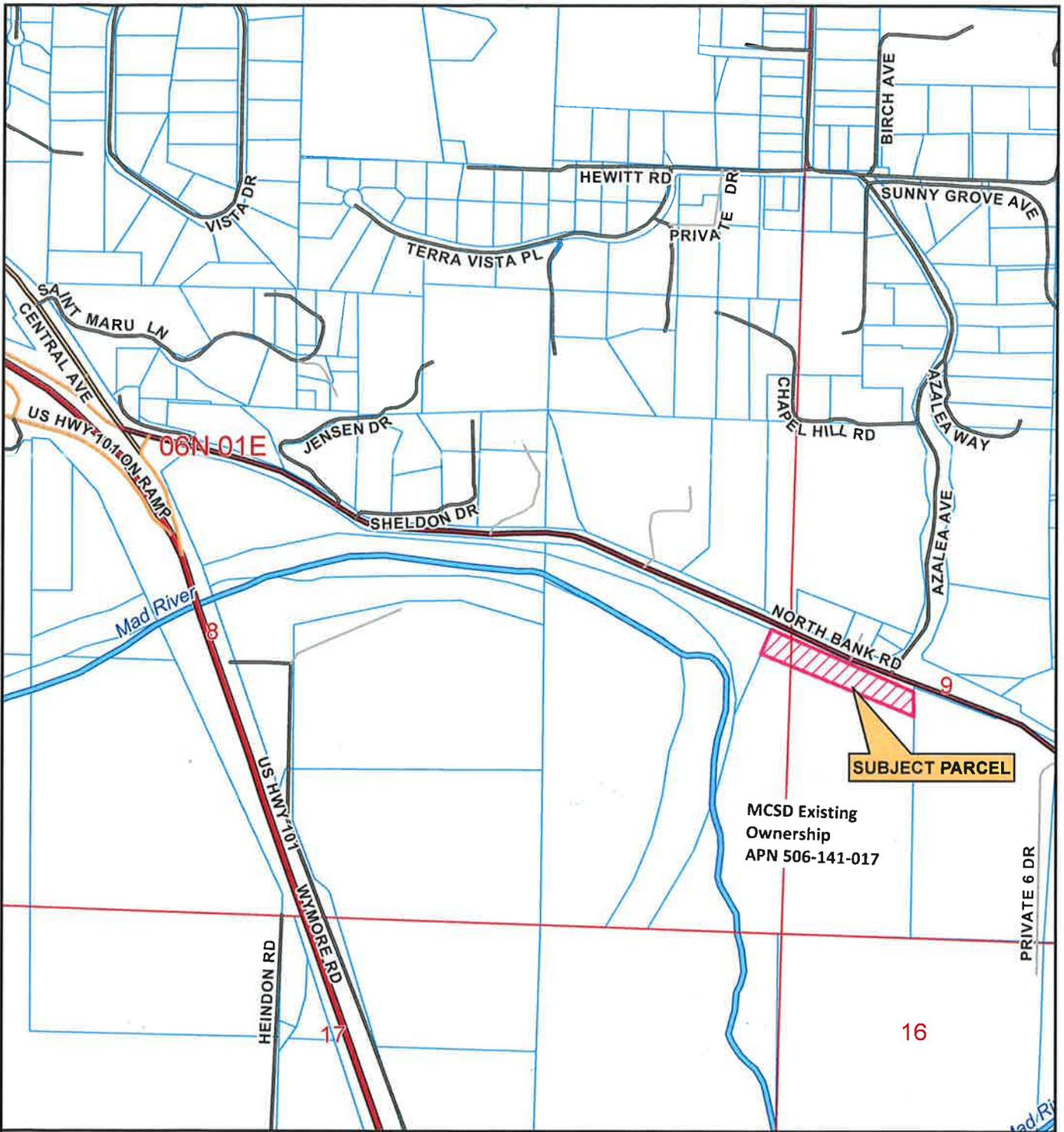
The motion was made by Commissioner ____ and seconded by Commissioner ____.

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

Robert Morris, Chair

I, Suzanne , 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 Hegler, Clerk



LOCATION MAP

**PROPOSED HUMBOLDT COUNTY
GENERAL PLAN CONFORMANCE REVIEW
MCKINLEYVILLE AREA
GPC-16-003**

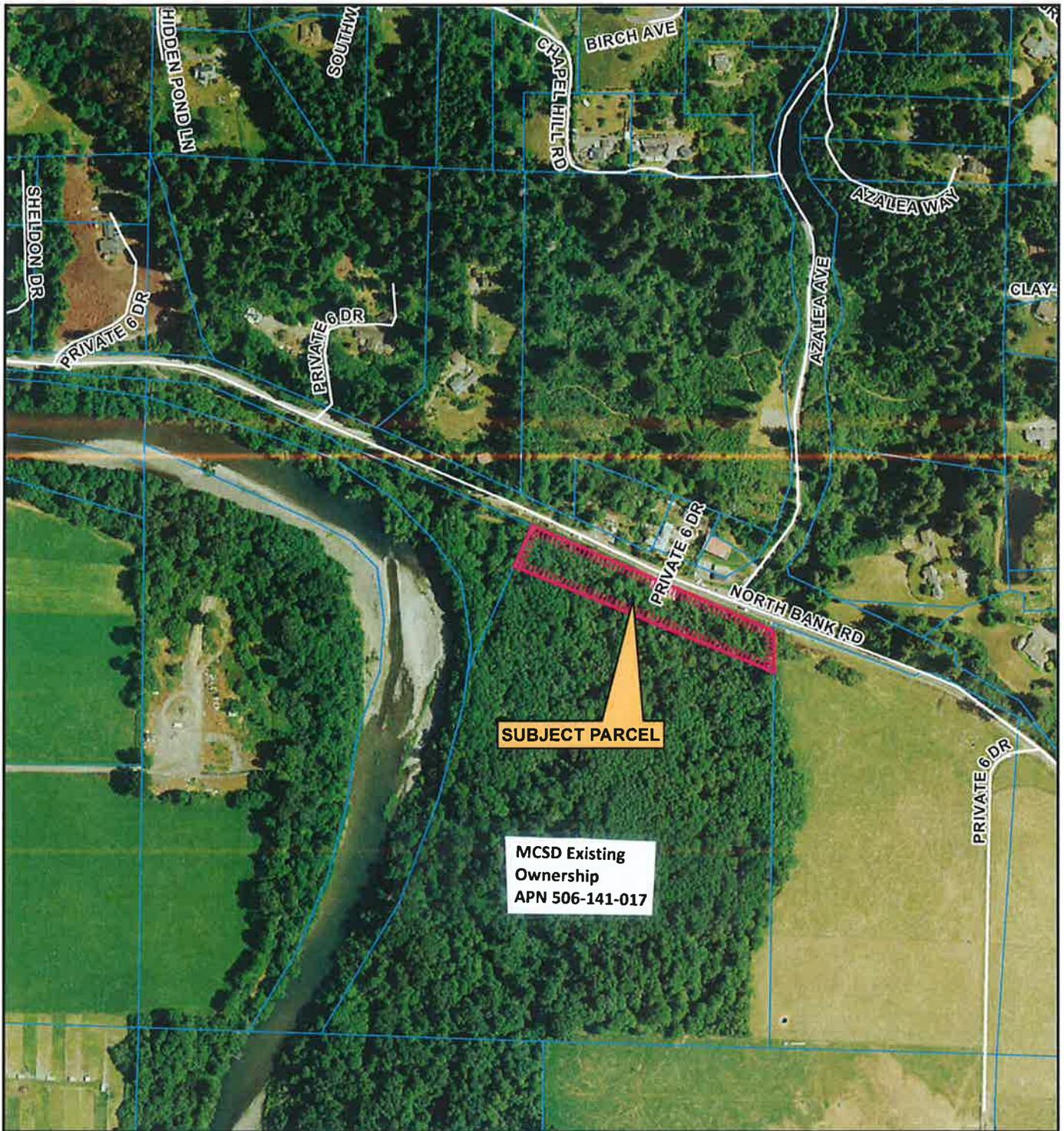
APN: 507-141-021-000

T06N R01E S08,09 HB&M (Arcata North)

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.





AERIAL MAP

**PROPOSED HUMBOLDT COUNTY
GENERAL PLAN CONFORMANCE REVIEW
MCKINLEYVILLE AREA
GPC-16-003**

APN: 507-141-021-000

T06N R01E S08,09 HB&M (Arcata North)

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.



Assessor's Map Bk. 507, Pg. 14
 County of Humboldt, CA.

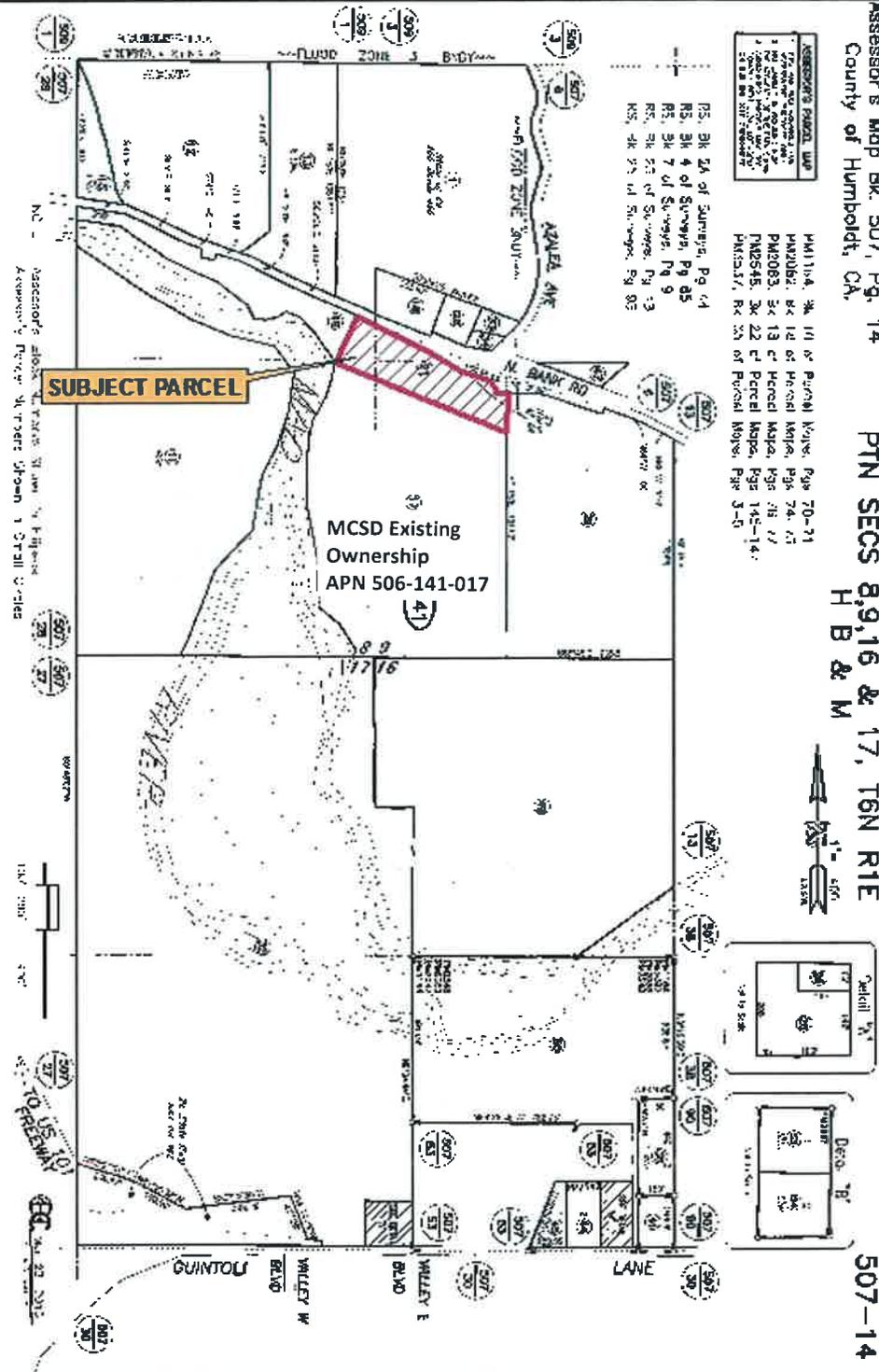
PTN SECS 8,9,16 & 17, T6N R1E
 HB & M

507-14

ASSESSOR'S PARCEL MAP
 1. PREPARED BY: [Name]
 2. DATE: [Date]
 3. SCALE: [Scale]
 4. SHEET NO. [Number]

Map 104, 34, 111 & 112 of [Name], Page 70-71
 Map 106, 84, 12 of [Name], Page 74, 75
 Map 108, 54, 13 of [Name], Page 78, 79
 Map 109, 34, 22 of [Name], Page 145-146
 Map 110, 34, 21 of [Name], Page 147-148

RS, 34, 24 of [Name], Pg. 4
 RS, 34, 4 of [Name], Pg. 85
 RS, 34, 7 of [Name], Pg. 9
 RS, 34, 23 of [Name], Pg. 13
 RS, 34, 23 of [Name], Pg. 93

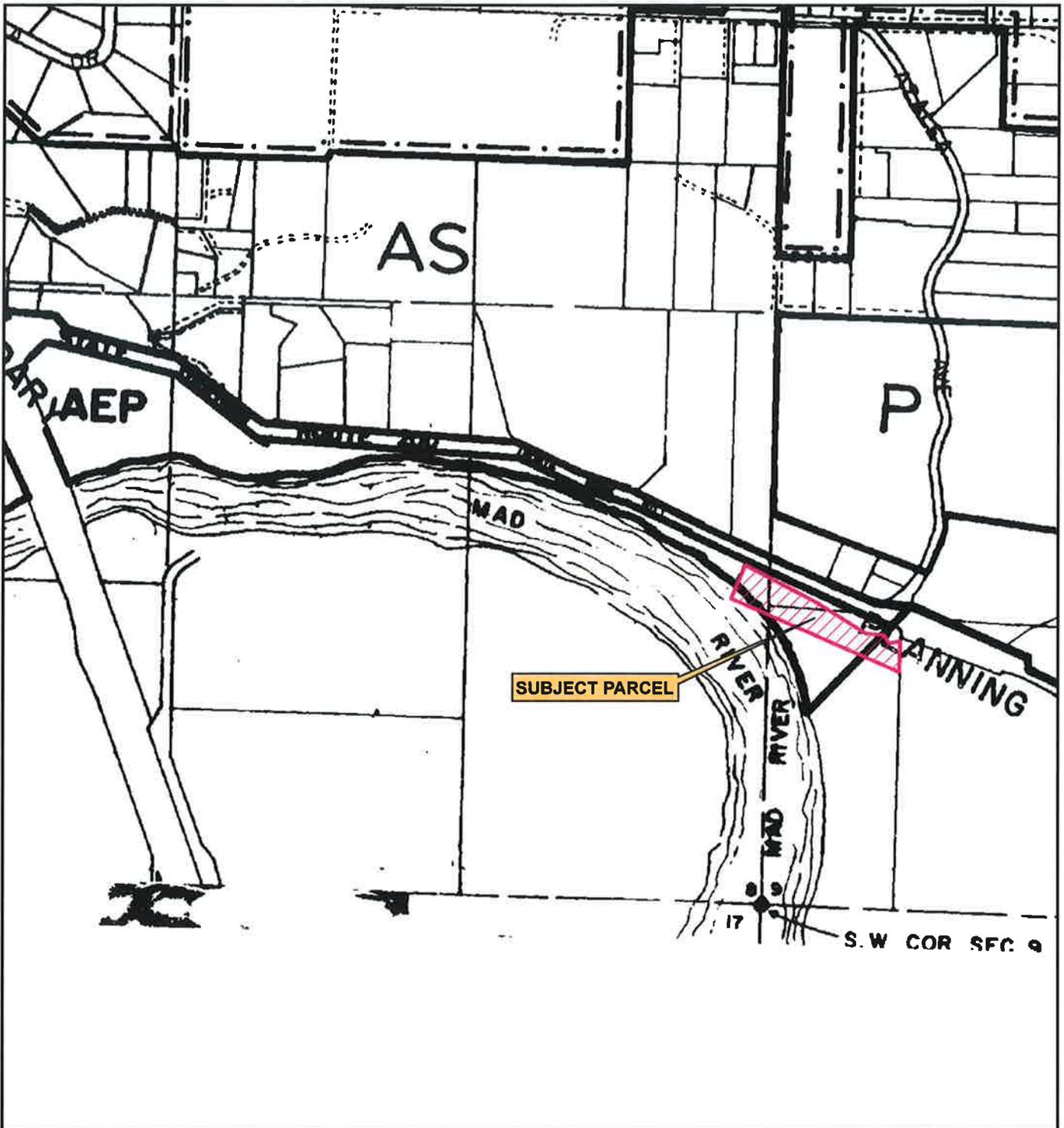


ASSESSOR PARCEL MAP
PROPOSED HUMBOLDT COUNTY
GENERAL PLAN CONFORMANCE REVIEW
MCKINLEYVILLE AREA
GPC-16-003
APN: 507-141-021-000
T06N R01E S08,09 HB&M (Arcata North)

Project Area = 

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MAP NOT TO SCALE



LAND USE (COASTAL)

**PROPOSED HUMBOLDT COUNTY
GENERAL PLAN CONFORMANCE REVIEW
MCKINLEYVILLE AREA
GPC-16-003**

APN: 507-141-021-000

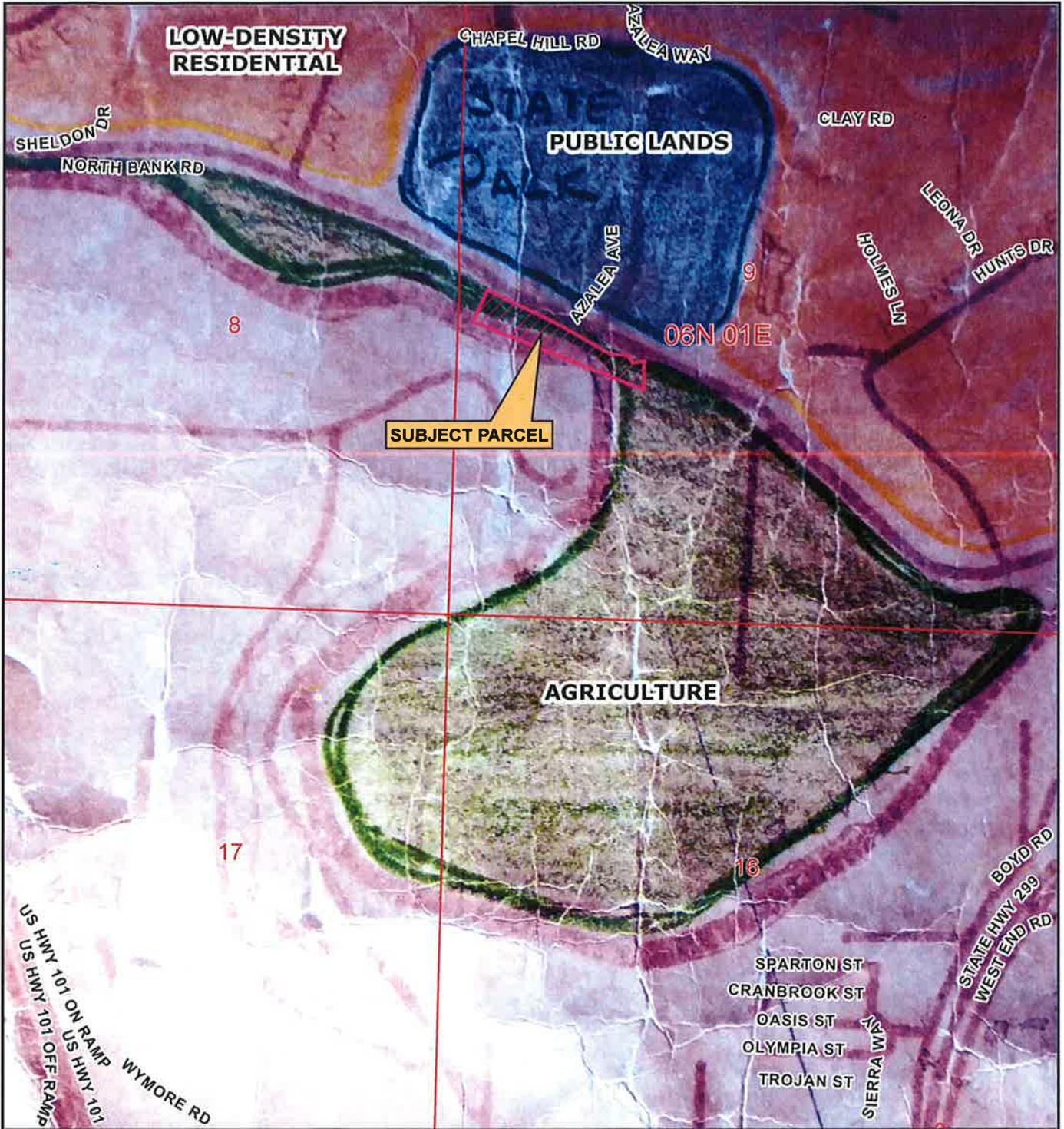
T06N R01E S08,09 HB&M (Arcata North)

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.





LAND USE (INLAND)

**PROPOSED HUMBOLDT COUNTY
GENERAL PLAN CONFORMANCE REVIEW
MCKINLEYVILLE AREA
GPC-16-003**

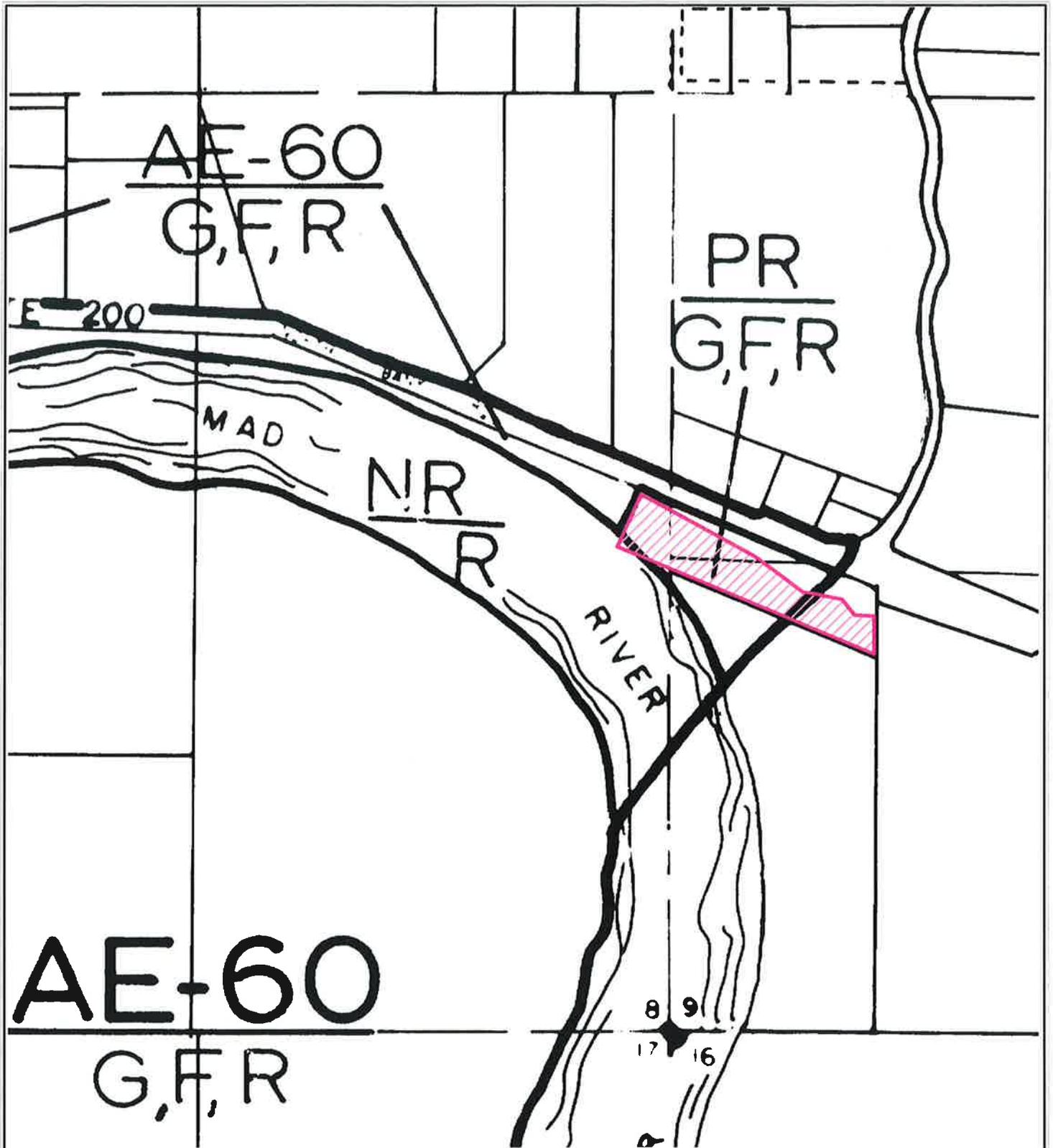
APN: 507-141-021-000

T06N R01E S08,09 HB&M (Arcata North)

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.





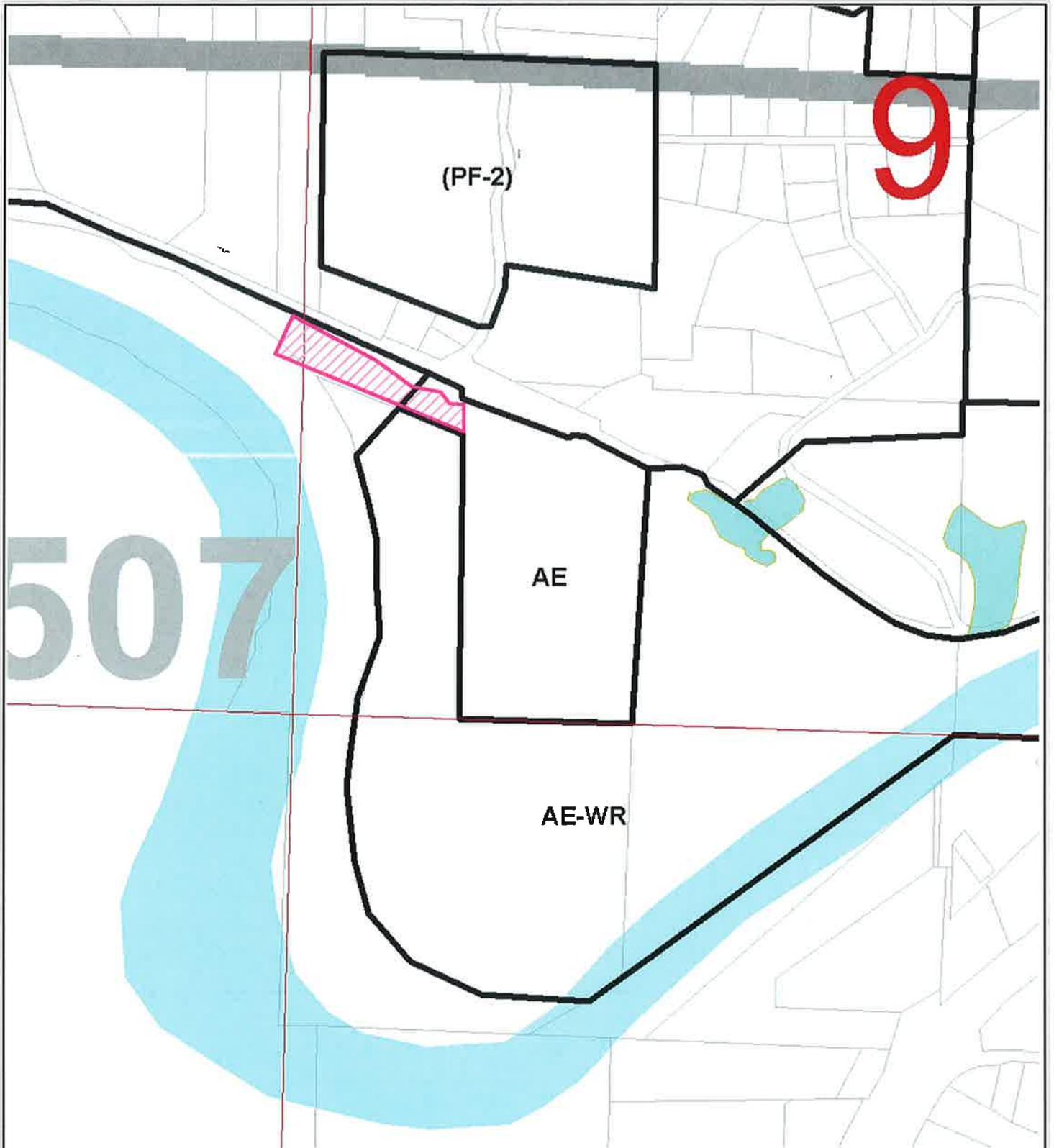
ZONING MAP (Coastal)

**PROPOSED HUMBOLDT COUNTY
 GENERAL PLAN CONFORMANCE REVIEW
 MCKINLEYVILLE AREA
 GPC-16-003
 APN: 507-141-021-000
 T06N R01E S08,09 HB&M (Arcata North)**

PROJECT AREA = 

MAP NOT TO SCALE





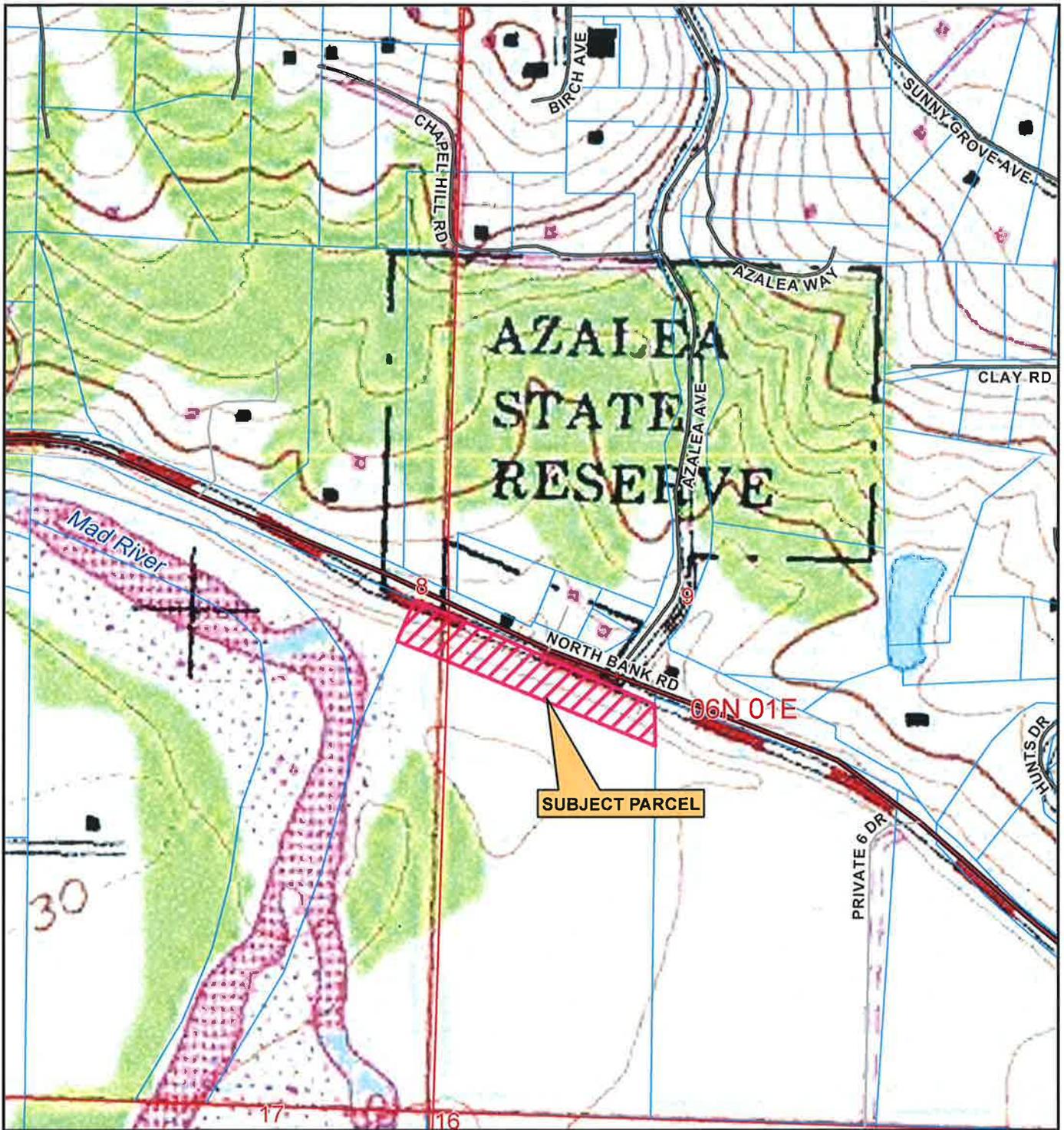
ZONING MAP (Inland)

**PROPOSED HUMBOLDT COUNTY
 GENERAL PLAN CONFORMANCE REVIEW
 MCKINLEYVILLE AREA
 GPC-16-003
 APN: 507-141-021-000
 T06N R01E S08,09 HB&M (Arcata North)**

PROJECT AREA = 

MAP NOT TO SCALE





TOPO MAP

**PROPOSED HUMBOLDT COUNTY
GENERAL PLAN CONFORMANCE REVIEW
MCKINLEYVILLE AREA
GPC-16-003**

APN: 507-141-021-000

T06N R01E S08,09 HB&M (Arcata North)

Project Area = 

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STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

ATTACHMENT 1

Staff believes that the Planning Commission can find that the proposed project is consistent with the Humboldt County Framework General Plan, the 1965 McKinleyville Community Plan, and McKinleyville Area Plan based on the following:

- A. The future use will provide additional park and open space uses for the community, and will enhance public access opportunities to the Mad River.
- B. The parcel lies within the Local Responsibility Area (LRA) for fire protection.
- C. All applicable policies of the Local Coastal Program, including the McKinleyville Area Plan, the Framework Plan, and the McKinleyville Community Plan of 1965 remain in full force.
- D. The County of Humboldt, acting as lead agency, found the project exempt from CEQA pursuant to Section 15316 of the CEQA guidelines.
- E. Once McKinleyville Community Services District (MCSD) is the fee title owner of the subject property, it will be responsible for annexation into the service district prior to providing services to the subject parcel.
- F. Once MCSD is the fee title owner, it will be responsible for obtaining all necessary permits, including necessary Building Permits, Coastal Development Permits, or other discretionary permits from Humboldt County Planning and Building Department for any future development.

The following table identifies the evidence which supports finding that the proposed transfer of fee ownership of real property from the County of Humboldt to the McKinleyville Community Services District is in conformance with all applicable policies and standards in the Framework Plan (FRWK), the McKinleyville Community Plan of 1965 (MCP 65), and the McKinleyville Area Plan (MCAP).

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use §5.30 MCAP Agriculture Exclusive/Prime Lands (AEP)	Purpose: to protect prime agricultural lands for long term productive agricultural use. Conditional uses include watershed management, management for fish and wildlife habitat, and recreation.	The majority of the subject parcel is located in the Coastal Zone and is planned AEP. Even though the subject parcel does not contain mapped prime agricultural soils, it is designated as such under the McKinleyville Area Plan, the land use component of the LCP. The AEP conditional uses include recreation provided it does require non-agricultural development. The future use of the property contemplated by MCSD would be consistent with the AEP land use designation, and would be subject to securing a Coastal Development Permit prior to initiating the use.

<p>Land Use §5.30 MCAP Natural Resources (NR)</p>	<p>Purpose: to protect and enhance valuable fish and wildlife habitats, and provide for public and provide use of their resources, including hunting, fishing, and other forms of recreation.</p>	<p>A small portion of the southwesterly corner is planned NR. The application of this land use designation is due to the riparian forest that parallels the Mad River. As indicated, NR does allow for recreational uses related to those resources. The future use of the property contemplated by MCSD would be consistent with the NR land use designation.</p>
<p>Land Use Agriculture (A) MCP 65 and</p>	<p>The AE designation is applied to areas suitable for the production of food, fiber, plants, timber and agriculturally related uses and agriculture related recreational uses.</p>	<p>The subject parcel is designated as Agricultural under the 1965 McKinleyville Community Plan. This plan does not contain specific policies regarding this land use designation; therefore this discussion relies on the Agricultural Lands policies contained in Section 2521 of the Framework Plan. The policy language of the referenced Framework Plan section can be summarized as protecting and maintaining viable agricultural lands, and minimizing conflicts between agricultural and non-agricultural uses. This subject parcel's small size, lack of prime agricultural soils, and that much of the parcel has slopes greater than 15 percent makes its viability for agricultural purposes limited. The transfer will consolidate the ownership of the subject parcel and that to south (and owned by MCSD since 2012) into a single management unit. Once the 2.5 acre parcel is acquired and restricted to exclusive park and open space uses it may be appropriate redesignation it to a public use land use designation would be appropriate.</p>

Urban Land Use	Development to be consistent with the provision of urban services and adequate circulation systems. New development shall be located within existing developed areas or in areas with adequate public services.	The property is currently vacant, and no development is proposed at this time. The subject parcel is outside the mapped Urban Limit line of the MCAP and the MCP 65. The proposed fee ownership transfer will facilitate improved recreational opportunities by providing access to the Mad River. MCSD already owns the adjacent property to the south, APN 507-141-017, which they acquired in 2012. While APN 507-141-017 parcel has greater frontage along the Mad River, the addition of 507-141-021 will enhance public access, and also area for visitor parking. Future development proposed to occur within the Coastal Zone portion of the property will be subject to the applicant first securing a Coastal Development Permit. Much of the property is located within the Alquist-Priolo fault hazard zone, and has subject to flooding and liquefaction. Open space and other non-residential uses are compatible within the limitations. The parcel is outside the service district boundary and would require annexation to be served with community water and/or sewer. Any additional proposed uses will be required to demonstrate conformance with applicable General Plan policies.
Housing	The development does not reduce the residential density below that utilized by the Department of Housing and Community Development (HCD) in determining compliance with housing element law.	The approximately 2.5 acre parcel is planned under both the MCAP and the MCP 65 for agricultural purposes. As it is not planned for residential uses, the parcel was not used by the Department of Housing and Community Development and therefore is not anticipated to provide any housing units and a finding of consistency with this standard can be made.
Geologic	New construction shall be built to help protect occupants from geologic hazards.	The project site is located in an area rated relatively stable; however, it is within the Alquist-Priolo fault hazard zone and is subject to liquefaction, both of which limit development potential. The proposed use is consistent with the Alquist-Priolo Fault Zoning Act. The project site is not subject tsunami inundation according to the County's GIS mapping of this hazard.

Flood Hazards	All new development shall conform with the County Flood Insurance Program and certificate regulations.	Under adopted FEMA flood zone mapping, the entire parcel is within Flood Zone "A". Under the 2015 FEMA preliminary flood zone mapping, a narrow strip fronting North Bank Road will be outside the flood zone. All future development proposals on the parcel will be required to comply with FEMA guidelines for development within a flood zone.
Fire Hazards	New development shall minimize risk to life and property in areas of high fire hazards.	The property is located in an area of low to moderate fire hazard rating. The site is within the fire jurisdiction of the Arcata Fire Protection District.
Drainage	To protect natural drainage by minimizing erosion and runoff and minimize risks from flooding.	No development is proposed at this time, however, any future development will be required to comply with the policy of the MCCP that requires that development shall not increase downstream peak flows.
Biological Resources	To protect designated sensitive habitats and cultural resources.	The parcel is located along the Mad River. Aerial photos indicate that the majority of the parcel is covered by a riparian forest. Any development proposal will be required to comply with the County Streamside Management Area Ordinance, and Resource Protection policies detailed in the LCP.
Cultural Resources	To protect designated historical and archeological resources.	Formal cultural resource review will be performed as part of any development proposal on the site. No impacts are anticipated with the transfer of fee ownership of the subject parcel.
Public Facilities	Development shall be consistent with the goals and policies relating to public services and facilities. All subdivisions shall provide road access to County maintained roads.	The parcel lies outside the boundaries of the McKinleyville Community Services District. Extending services to the site will require annexation by LAFCO. The parcel has frontage on North Bank Road.
Public Access	New development shall maintain and where feasible provide new opportunities for public access to the coast consistent with public safety needs, property rights protection, and protection of fragile coastal resources.	The proposed acquisition by MCSD, and that the District is looking to improve Mad River access is consistent with and implements the MCAP Coastal Access policies. MCAP Map Index Number 32 states that "there are several sites along the Mad River that offer streamside access...in McKinleyville on the east side of Highway 101 along North Bank Road there are numerous streambank access points which are currently informally used."
Noise	Conform with noise standards.	Future development will be required to comply with noise standards.

Recommendation

Planning Staff recommends the Planning Commission find the Humboldt County proposed fee title transfer of APN 517-141-021 to the McKinleyville Community Services District to be in conformance with the General Plan and McKinleyville Area Plan.

ATTACHMENT 2

APPLICATION REQUESTING GENERAL PLAN CONFORMANCE REVIEW



APPLICATION FORM
Humboldt County Planning and Building Department
 Current Planning Division 3015 H Street Eureka, CA 95501-4484
 Phone (707) 445-7541 Fax (707) 268-3782

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/submital 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

APPLICANT (Project will be processed under Business Name, if applicable.)		AGENT (Communications Dept. will be directed to agent)	
Business Name: <u>Humboldt County</u>	Contact Person: <u>Tom Mattson</u>	Business Name: <u>Humboldt County</u>	Contact Person: <u>Deb Vining</u>
Mailing Address: <u>1106 2nd Street</u>	City, St, Zip: <u>Eureka, CA 95501</u>	Mailing Address:	City, St, Zip:
Telephone: <u>889-7491</u> Fax:		Telephone: <u>648-3768</u> Fax:	
Email:		Email: <u>dvining@co.humboldt.ca.gov</u>	<u>US</u>
OWNER(S) OF RECORD (If different from applicant)		Owner's Name:	
Owner's Name:	Mailing Address:	Owner's Name:	Mailing Address:
City, St, Zip:	Telephone:	City, St, Zip:	Telephone:
Fax:		Fax:	
LOCATION OF PROJECT			
Site Address: <u>Northbank Rd, w. of Arden Ave</u>		Assessor's Parcel No(s): <u>507-141-021</u>	
Community Area: <u>McKinleyville</u>		Parcel Size (acres or sq ft): <u>3.54 acres</u>	
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 type="checkbox"/> NO			

SECTION II

PROJECT DESCRIPTION
 Describe the proposed project (attach additional sheets as necessary): McKinleyville Community services District (MCSD) would like the County to transfer the property to MCSD for the purpose of providing recreation, fishing access to the Mad River and to facilitate parking for park and recreation purposes on the property and on adjacent lands owned by MCSD.
For General Plan Conformance Review.

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.

Thomas H. Mattson 8/31/16
 Applicant's Signature Date

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.

 Owner of Record Signature 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.