

# ATTACHMENT C

RESOLUTION NO.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA  
GRANTING TENTATIVE APPROVAL OF CANCELLATION FOR A PORTION OF A  
LAND CONSERVATION CONTRACT ON LAND OWNED BY T.A.D. FARMS FOR  
THE GERBER UNION SCHOOL DISTRICT OPERATIONAL EXPANSION  
(A PORTION OF APN: 037-200-005)**

**WHEREAS**, T.A.D. FARMS own approximately 34.63 acres adjacent to the Gerber Union Elementary School District eastern property line in the unincorporated area of Tehama County, California, a portion of Assessor's Parcel Number 037-200-005 (the "Property") that is subject to a land conservation contract #244 executed by the County of Tehama and the Owner's predecessors in interest pursuant to the California Land Conservation Act of 1965 ("Williamson Act"), Government Code section 51200 *et seq.* ("Contract"); and

**WHEREAS**, the owners are requesting to transfer the 3.1 acre portion of their 34.63 acre property to the Gerber Union Elementary School District for their use and operations; and

**WHEREAS**, the owners filed with the County a notice of nonrenewal of the Contract and a petition to cancel the Contract on the property pursuant to provisions within the Williamson Act; and

**WHEREAS**, the County promptly notified the California Department of Conservation of the Contract cancellation petition pursuant to Government Code section 51284.1. The Department of Conservation submitted comments to the County, and the Board of Supervisors has considered those comments; and

**WHEREAS**, the County Assessor certified the cancellation valuation of the land for the purpose of determining the cancellation fee pursuant to Government Code section 51283, which is contained in Attachment "E" within the staff report; and

**WHEREAS**, at the regular meeting of October 29, 2024 the Board of Supervisors convened a duly noticed public hearing to consider tentative approval of the Contract cancellation. Notice of this hearing was published in full compliance with Government Code section 51284 and all other applicable requirements; and

**WHEREAS**, the Board of Supervisors has considered all of the oral and written evidence submitted regarding the Contract cancellation; and

**WHEREAS**, the Board of Supervisors find the project CEQA Exempt pursuant to CEQA Guidelines Section 15308. The proposal for Williamson Act Contract# 244's partial non-renewal and immediate cancellation for the Gerber Union Elementary School District operations and Facilities is considered Categorically Exempt pursuant to Section 15308, Class 14, Minor additions to schools; and

**WHEREAS**, the Board of Supervisors find the Cancellation is for land on which a Notice of Nonrenewal has been served pursuant to Government Code Section 51245. The applicant filed a request for a Notice of Non-Renewal on December 4, 2024 with the Planning Department. The Notice of Non-renewal will be considered by the Board of Supervisors on October 29, 2024 and recorded prior to the Tentative Cancellations; and

**WHEREAS**, the Board of Supervisors find the cancellation is not likely to result in removal of adjacent lands from agricultural use. Existing and planned uses for adjacent parcels have been identified by the Tehama County General Plan as Valley Floor Agriculture. This proposal is a partial non-renewal and cancellation of 3.1 +/- acres in a total of 135.45 acres under contract. The existing Gerber Union Elementary School District have been operating continuously for over 40 years at its location. There is no evidence to demonstrate that the removal of the subject acreage would prevent the agricultural operator or neighboring agricultural operations from continuing their existing Agricultural uses. The subject area (3.1 acres) is currently being used for agricultural operations, this partial non-renewal and cancellation will not affect the adjacent agricultural land uses. Furthermore, pre-existing agricultural uses on properties in the area are protected by the County's Right to Farm Ordinance; and

**WHEREAS**, the Board of Supervisors find the cancellation is for an alternative use that is consistent with the applicable provisions of the county general plan. The Gerber Union Elementary School District serves the public interest by providing services to all severely handicapped K-8 students within Tehama County. The Gerber Union School District site is centrally located in the county making it as the best option to transport Special Education students to the site. The State Department of Education requires Special Education programs to be located on school campuses in order to integrate the Special Education students into regular education programs. The Gerber school site is the best option and has been approved by the state. The General Plan Public Services Element contains goals, policies and implementation measures to develop full range of local services (i.e. schools, libraries, and recreation facilities) that meet local needs in a cost-effective manner. Policy PS-1.1 states that the County shall foster the provision of comprehensive services targeted to meet the needs of the County's growing population.

**WHEREAS**, the Board of Supervisors find the cancellation will not result in discontinuous patterns of urban development. County policies preclude discontinuous growth. The property's proposed use will be the same or similar to that of the existing facility. The school has been present at this site for over 40 years. The partial cancellation of the 3.1 acres within the Williamson Act contract will not result in additional urban development for the area. The approval of the project will actually promote the safe development of the County. Accordingly, this is not a discontinuous pattern of urban development but instead a development pattern that is consistent with the development

policies of the County. The Department of Conservation has reviewed the proposed cancellation and is in concurrence that the cancellation will not result in discontinuous patterns of urban development; and

**WHEREAS**, the Board of Supervisors find there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land. The Gerber School site is centrally located in the county making it as the best option to transport Special Education students to the site. Furthermore the existing school site has provided space for this program for over 25 years. Therefore, a suitable property needs to be located on or near the existing Gerber School site. As part of the site selection process the County Department of Education worked with the California Department of Education and local School District Superintendents to evaluate all potential schools sites in Tehama County to locate and expansion of the special education program. After a year of evaluation of options, it was determined that the Gerber School site was the best option due to its central location in the county for the safe transportation of the students; and

**WHEREAS**, the Board of Supervisors find that the cancellation of the contract is in the public interest because other concerns substantially outweigh the objectives of California Government Code Section 51200 et seq. The impact on Williamson Act interests from cancellation would be negligible. Cancellation will not change the rural character of the area. Cancellation will continue to allow the existing Gerber School site to continue with daily operations. The cancellation therefore will have little, if any, impact on the interests protected by the Williamson Act and those interests are substantially outweighed by the public interest of providing services to all severely handicapped K-8 students of Tehama County; and

**WHEREAS**, based on the information provided by the County Assessor in Attachment "E" of the staff report, The Board of Supervisors find that the cancellation fee is \$6,875.00, and certifies to the County Auditor the amount of the cancellation fee; and

**NOW, THEREFORE, BE IT RESOLVED** the Board of Supervisors County of Tehama, State of California, has made the above findings, the cancellation of a portion of contract #244 is considered consistent with the purposes of the Williamson Act pursuant to Government Code Section 51282[b][1] through [b][5].

**NOW, THEREFORE, BE IT FUTHER RESOLVED** the Board of Supervisors of the County of Tehama, State of California, based upon all of the oral and documentary evidence in the record, the following requirements are now imposed:

- 1) The tentative approval of the Contract cancellation with respect to a 3.1 acre portion of APN: 037-200-005 is hereby granted and the conditions to be satisfied by the Property owners before final Contract cancellation may be approved are set forth in "Exhibit A" attached hereto; and



## **EXHIBIT A CONDITIONS AND CONTINGENCIES**

The Board of Supervisors has made findings and adopted a RESOLUTION approving APZC #23-01, for non-renewal and the immediate cancellation of a 3.1 acre portion of Williamson Act Contract #244, subject to the following conditions and contingencies:

- A. **PAY FEES IN FULL.** Pursuant to Government Code Section 51283(a) the applicant shall submit payment in full in the amount of \$6,875.00.
  
- B. **NOTIFICATION.** Pursuant to Government Code Section 51283.4 (b) the landowner/Gerber Union Elementary School District shall notify the County when he/she/they have satisfied the conditions and contingencies enumerated in the certificate of tentative cancellation. Within 30 days of receipt of the notice, and upon a determination that the conditions and contingencies have been satisfied, the County shall execute a certificate of cancellation of contract, cause the certificate to be recorded, and send a copy to the Director of Conservation.