



PLANNING DEPARTMENT COUNTY OF TEHAMA

STAFF REPORT

DATE: October 8, 2024

TO: Tehama County Board of Supervisors

FROM: Jessica Martinez, Interim Director of Planning

SUBJECT: TEHAMA COUNTY DEPARTMENT OF EDUCATION (TCDE) & GERBER UNION SCHOOL ELEMENTARY SCHOOL DISTRICT (GUESD) ACQUISITION FOR THE GERBER ELEMENTARY SCHOOL/TCDE SPECIAL EDUCATION EXPANSION SITE WILLIAMSON ACT NON-RENEWAL AND CANCELLATION OF 3.1+/- ACRES

PROJECT TITLE:

Williamson Act Non-Renewal/Cancellation for the Gerber Elementary School/TCDE special education expansion site.

SUPERVISOR DISTRICT:

District 2, Candy Carlson

PROJECT DESCRIPTION:

Immediate Partial Cancellation and Non-Renewal of a 3.1 +/- acre portion of Williamson Act Contract No. 244 containing APN: 037-200-005, which is approximately 34.63 acres. Contract #244 contains several parcels with a total of 135.45 acres. The 3.1 acres of land area proposed for the Tehama County Department of Education (TCDE) and Gerber Union Elementary School District (GUESD) acquisition for the Gerber Elementary School/TCDE special education expansion site. The project will allow for the expansion of the special education facility for the severely handicapped which currently operates on the Gerber Union Elementary School Site. The site is located on the north side of Chard Avenue approximately half mile west of State Highway 99 and adjacent to Gerber Elementary (See Attachment A, Vicinity Map). T26N, R03W, Sec. 35 M.D.B.&M.

PROJECT LOCATION:

The project site is located at the north side of Chard Avenue approximately half mile west of State Highway 99 and adjacent to Gerber Elementary. T26N, R03W, Sec. 35 M.D.B.&M.

SUMMARY:

The applicant is requesting that the County accept/approve the partial non-renewal and immediate cancellation of a 3.1 +/- acre portion of Williamson Act Contract #244 containing **APN 037-200-005**,

which is ± 34.63 acres. Contract #244 contains several parcels with a total of 135.45 acres. The existing Gerber Union Elementary School site is not large enough to accommodate the expansion of the special education facility. The expansion project will include construction of four new special education classrooms, a 4,500 square foot medical therapy unit, bus and parent drop off areas, parking, and site access. There is no other land within or outside the preserve on which it is reasonable feasible to locate this public improvement. The findings for cancellation are outlined below. A Resolution that includes the findings with their supporting information will be considered for adoption by the Board of Supervisors regarding the partial Williamson Act Cancellation of Contract #244, along with the conditions and contingencies required pursuant to Government Code Sections 51283(a) and 51283.4(b) (Attachment C, Resolution Granting Tentative Approval of Williamson Act Partial Cancellation).

Government Code section 51282 authorizes a city or county to approve cancellation of land subject to a Williamson Act contract if the agency makes one of the following findings:

1. That cancellation is consistent with the purpose of this chapter, or
2. That cancellation is in the public interest

Cancellation of a contract is considered consistent with the purpose of the Williamson Act if the Board approves the following findings:

- A. The cancellation is for land on which a notice of non-renewal has been served/recorded pursuant to Government Code 51245.
- B. The cancellation is not likely to result in removal of adjacent lands from agricultural use.
- C. Cancellation is for an alternative use that is consistent with the applicable provisions of the County General Plan.
- D. The cancellation will not result in discontinuous patterns of urban development.

Additionally, The County must find that 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 pursuant to Government Code section 51282 (c). This requirement is also identified under the public interest provisions.

ENVIRONMENTAL REVIEW:

This proposal for Williamson Act Contract #244 partial non-renewal and immediate cancellation for the Gerber Union School District operations and Facilities is considered Categorically Exempt as specified in the California Environmental Quality Act (CEQA) Guidelines Section 15308, Class 14, Minor additions to Schools. The expansion of the Gerber Union School District operational area will allow for the addition of four new special education classrooms, 4,500 square foot medical therapy unit, bus and parent drop off areas, parking and site access.

PUBLIC NOTICE:

A public hearing notice was sent to property owners within 1 mile of the project on October 15, 2024.

RECOMMENDATION:

Staff recommends that the Board of Supervisors take the following action(s):

- a) **PUBLIC HEARING-** Conduct a public hearing to consider the Gerber Union School District Partial Williamson Act Cancellation of 3.1+/- acres (APZC# 23-01).
- b) Request that the Board of Supervisors accept/approve the partial Non-renewal of Williamson Act Contract No. 244 for the 3.1+/- acres as described in Attachment B;
- c) Request to adopt the finding that the Tehama County Board of Supervisors has determined a Categorical Exemption applies, as specified in Section 15308 (Class 14 Categorical Exemption) Minor addition to schools; and
- d) **RESOLUTION** - Request adoption of a resolution adopting findings and granting (APZC#23-01) the tentative approval of cancellation of a land conservation contract on land owned by T.A.D. Farms for the Gerber Union School District, subject to the conditions and contingencies set forth in Attachment C.

Or

- e) Deny the cancellation of a land conservation contract on land owned by T.A.D. Farms, Inc.

ATTACHMENTS:

- A. Vicinity Map
- B. Notice of Partial Non-Renewal; Williamson Act Contract No. 244
- C. BOS Resolution Granting Tentative Approval of Williamson Act Partial Cancellation
- D. Tehama County Assessors Partial Cancellation and Fee Valuation
- E. Williamson Act Cancellation Fee Certification
- F. Proposed Williamson Act Partial Cancellation (Contract No. 244)