



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: December 11, 2018
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Planning and Development
Dianne M. Black, Director, (805) 568-2086
Contact Info: Jeff Wilson, Deputy Director, (805) 934-6559
Development Review Division
SUBJECT: Gainey Notice of Nonrenewal of Agricultural Preserve Contract, Santa Ynez Area,
Third Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: No

Recommended Actions:

That the Board of Supervisors:

- a) Receive and consider the Agricultural Preserve Advisory Committee (APAC) recommendation to non-renew Agricultural Preserve Contract 07-AP-035;
- b) Approve the Nonrenewal of Agricultural Preserve Contract 07-AP-035 (Attachment 1) due to non-compliance with Uniform Rule 6 – Nonrenewal; and direct the Clerk of the Board to record the approved Notice of Nonrenewal; and
- c) Find that the proposed action is an administrative activity of the County which will not result in direct or indirect physical changes in the environment and is therefore not a “project” as defined for purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378(b)(5).

Summary Text:

On July 6, 2018, the Agricultural Preserve Advisory Committee (APAC) reviewed the ongoing eligibility of agricultural contract 07-AP-035 as an agricultural preserve and its consistency with the Uniform Rules. The property owner was notified of APAC’s review and did not attend the meeting.

APAC voted 4-0 (Ricardo absent) to recommend to the Board of Supervisors that agricultural preserve contract 07-AP-035 be placed in nonrenewal due to noncompliance with contract requirements per Uniform Rule 6-1.1 Nonrenewal. The APAC meeting minutes are included as Attachment 4.

Uniform Rule 6-1.1(Nonrenewal) states that when landowners seek to nonrenew a part of their contracted land, they must serve notice of nonrenewal for the whole contract and seek a replacement contract for the remaining land; the part to continue must separately be able to meet County eligibility requirements. Contract 07-AP-035 consists of five parcels. The property owner sold two of the parcels to the Wine Group, LLC, which is applying for a replacement contract. The property owner does not intend to use the three remaining parcels for agricultural production. The County is processing a contract nonrenewal based upon the sale of the property and non-use of the remaining land for agricultural production.

The contract went into effect in 2009 and applies to an approximately 138.36-acre area identified as Assessor's Parcel Numbers 141-440-015, 141-440-022, 141-440-025, 141-440-027, and 141-440-028. In accordance with Section 6-1.1 of the Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones, the property must continue to comply with the Williamson Act and Uniform Rules for the duration of the contract, which would expire on December 31, 2027.

Background:

Government Code §51200 (known as the California Land Conservation Act of 1965 or the Williamson Act) provides that local jurisdictions may establish an agricultural preserve program having the goal of retaining land in an agricultural use. The County of Santa Barbara has adopted such a program, which is codified under the Uniform Rules for Agricultural Preserves and Farmland Security Zones. Both the County's Uniform Rules and the Government Code provide that agricultural preserve contracts between the County and landowners are voluntary.

Section 51245 of the Government Code provides that if either the landowner or the County desires in any year not to renew an agricultural preserve contract, that party shall serve written notice of nonrenewal of the contract upon the other party at least 60 days in advance of the annual renewal date of the contract. Pursuant to Uniform Rule 6-1.7, APAC may recommend that the Board issue a notice of nonrenewal after providing the landowners with notice of the recommendation. APAC held a hearing on the matter on July 6, 2018 and provided notice to the landowners. Upon receiving the Board approved notice of nonrenewal, the Clerk of the Board is required to record the notice of nonrenewal. Upon recordation, the County's role related to the notice of nonrenewal is complete.

Fiscal and Facilities Impacts:

Budgeted: Yes

The total estimated cost to process this agricultural preserve contract non-renewal is approximately \$3,000. This is a county-initiated case, thus no processing fees were collected. Processing for this project is budgeted in the Permitting Budget Program on page D-272 of the FY 2018-19 budget.

Special Instructions:

Clerk of the Board shall distribute copies of the recorded non-renewal contract (with legal description and vicinity map) and Minute Order, as follows:

- David Villalobos, Planning and Development Department, Hearing Support
- Amber Long, Planning and Development Department
- Assessor's Office
- Surveyor's Office
- Clerk Recorder's Office
- Owner: Gainey Joint Ranch LLC, 256 N Refugio Road, Santa Ynez, CA 93460


Attachments:

1. County-Initiated Application for Non-Renewal
2. Approved Legal Description
3. Vicinity Map
4. Excerpt from July 6, 2018 APAC Minutes

Authored by:

Amber Long, Planner, (805) 934-6587
Development Review Division, Planning and Development Department

ATTACHMENT 1: COUNTY-INITIATED APPLICATION FOR NON-RENEWAL

	PLANNING & DEVELOPMENT PERMIT APPLICATION
SITE ADDRESS: <u>approximately 0.5 mile east of the intersection of S. Refugio Road and Mesa Verde Road</u> ASSESSOR PARCEL NUMBER: <u>141-440-015, 141-440-022, 141-440-025, 141-440-027, and 141-440-028</u> PARCEL SIZE (acres/sq.ft.): Gross <u>138.36 acres</u> Net _____ ZONING: <u>AG-II-100</u> COMPREHENSIVE/COASTAL PLAN DESIGNATION: <u>AC</u> Are there previous permits/applications? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes numbers: _____ (include permit # & lot # if tract) Did you have a pre-application? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes if yes, who was the planner? _____ Are there previous environmental (CEQA) documents? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes numbers: _____ Project description summary: <u>County initiated nonrenewal of contract 07-AP-035</u>	
1. Financially Responsible Person _____ Phone: _____ FAX: _____ (For this project) Mailing Address: _____ Street City State Zip	
2. Owner: <u>Gainey Joint Ranch LLC</u> Phone: _____ FAX: _____ Mailing Address: <u>256 N Refugio Road, Santa Ynez, CA 93460</u> E-mail: _____ Street City State Zip	
3. Agent: _____ Phone: _____ FAX: _____ Mailing Address: _____ E-mail: _____ Street City State Zip	
4. Arch./Designer: _____ Phone: _____ FAX: _____ Mailing Address: _____ State/Reg Lic# _____ Street City State Zip	
5. Engineer/Surveyor: _____ Phone: _____ FAX: _____ Mailing Address: _____ State/Reg Lic# _____ Street City State Zip	
6. Contractor: _____ Phone: _____ FAX: _____ Mailing Address: _____ State/Reg Lic# _____ Street City State Zip	

I hereby certify to the best of my knowledge, the information contained in this application and all attached materials are correct, true and complete.

[Signature]
 Signature

Debra Trupe 11-13-18
 Print name/date

Case Number **18AGP-00000-00021**
 Supervisoric GAINEY JOINT RANCH, LLC COUNTY INIT
 Applicable Z AIRPORT RD 10/2/18
 Project Plan
 Zoning Desi SANTA YNEZ 141-440-015

COUNTY USE ONLY
 Companion Case Number: _____
 Submittal Date: _____
 Receipt Number: _____
 Accepted for Processing _____
 Comp. Plan Designation _____

ASSESSOR'S DESCRIPTION OF PROPERTY
 Assessor's Parcel No. 141-440-015

TheTax Code Area No.	Book – Page - Parcel	Acreage	Assessed Value Land Only
062-023	Bk 141 – Pg 44	7.66	\$41,203

Attach copy of Current Assessor's Map showing proposed Preserve Boundaries
 (NOTE: Only latest Assessor's Map; do not substitute others.)

STATUS OF OWNERSHIP (check box):

Fee ___; Probate ___; Trust ___; Escrow

Other: _____

LAND TENURE (check): Owner-operated ___; Rented ___; Leased ___; Sharecropped ___; Other _

The following section must be filled out completely and accurately. Please do not leave any of the boxes blank. If there are no crops or acreage in a particular land class, then indicate that by writing in NONE.

PRESENT LAND USE, CLASS, AND ACREAGE

Land Class	Crop or Use	Soil Class, Rating, or Income/acre	Acreage
PRIME Farmland 9570	none		~7
Total Prime Land Acreage			
NONPRIME Farmland Rangeland			
Total Nonprime Acreage			
NONFARM and/or 570 Open Space and/or Recreation (This includes all structures. Please indicate what kinds of structures exist on the property.)			~0.106
Total NonFarm Acreage			
Total Acreage in Preserve			7.66

ASSESSOR'S DESCRIPTION OF PROPERTY
 Assessor's Parcel No. 141-440-022

TheTax Code Area No.	Book – Page - Parcel	Acreage	Assessed Value Land Only
090-002	Bk 141 – Pg 44	29.71	\$4,130

Attach copy of Current Assessor's Map showing proposed Preserve Boundaries
 (NOTE: Only latest Assessor's Map; do not substitute others.)

STATUS OF OWNERSHIP (check box):

Fee___; Probate___; Trust___; Escrow

Other: _____

LAND TENURE (check): Owner-operated___; Rented___; Leased___; Sharecropped___; Other__

The following section must be filled out completely and accurately. Please do not leave any of the boxes blank. If there are no crops or acreage in a particular land class, then indicate that by writing in NONE.

PRESENT LAND USE, CLASS, AND ACREAGE

Land Class	Crop or Use	Soil Class, Rating, or Income/acre	Acreage
PRIME Farmland			
		Total Prime Land Acreage	
NONPRIME Farmland Rangeland 100%	grazing		29.71
		Total Nonprime Acreage	
NONFARM and/or Open Space and/or Recreation (This includes all structures. Please indicate what kinds of structures exist on the property.)			
		Total NonFarm Acreage	
Total Acreage in Preserve			29.71

ASSESSOR'S DESCRIPTION OF PROPERTY
 Assessor's Parcel No. 141-440-025

TheTax Code Area No.	Book – Page - Parcel	Acreage	Assessed Value Land Only
062-009	Bk 141 – Pg 44	47.13	\$1,003,604

Attach copy of Current Assessor's Map showing proposed Preserve Boundaries
 (NOTE: Only latest Assessor's Map; do not substitute others.)

STATUS OF OWNERSHIP (check box):

Fee ; Probate ; Trust ; Escrow
 Other: _____

LAND TENURE (check): Owner-operated ; Rented ; Leased ; Sharecropped ; Other

The following section must be filled out completely and accurately. Please do not leave any of the boxes blank. If there are no crops or acreage in a particular land class, then indicate that by writing in NONE.

PRESENT LAND USE, CLASS, AND ACREAGE

Land Class	Crop or Use	Soil Class, Rating, or Income/acre	Acreage
PRIME Farmland 50%	Irrigated crops		~24
Total Prime Land Acreage			
NONPRIME Farmland Rangeland 40%	grazing		~18
Total Nonprime Acreage			
NONFARM and/or 10% Open Space and/or Recreation (This includes all structures. Please indicate what kinds of structures exist on the property.)			~5
Total NonFarm Acreage			
Total Acreage in Preserve			47.13

ASSESSOR'S DESCRIPTION OF PROPERTY
 Assessor's Parcel No. 141-440-027

TheTax Code Area No.	Book – Page - Parcel	Acreage	Assessed Value Land Only
062-009	Bk 141 – Pg 44	7.52	\$24,470

Attach copy of Current Assessor's Map showing proposed Preserve Boundaries
 (NOTE: Only latest Assessor's Map; do not substitute others.)

STATUS OF OWNERSHIP (check box):

Fee___; Probate___; Trust___; Escrow

Other: _____

LAND TENURE (check): Owner-operated___; Rented___; Leased___; Sharecropped___; Other_

The following section must be filled out completely and accurately. Please do not leave any of the boxes blank. If there are no crops or acreage in a particular land class, then indicate that by writing in NONE.

PRESENT LAND USE, CLASS, AND ACREAGE

Land Class	Crop or Use	Soil Class, Rating, or Income/acre	Acreage
PRIME Farmland 50%	none		~3.5
Total Prime Land Acreage			
NONPRIME Farmland Rangeland 50%	none		~4
Total Nonprime Acreage			
NONFARM and/or Open Space and/or Recreation (This includes all structures. Please indicate what kinds of structures exist on the property.)			
Total NonFarm Acreage			

Total Acreage in Preserve 7.52

ASSESSOR'S DESCRIPTION OF PROPERTY
 Assessor's Parcel No. 141-440-028

The Tax Code Area No.	Book – Page - Parcel	Acreage	Assessed Value Land Only
062-009	Bk 141 – Pg 44	46.34	\$84,320

Attach copy of Current Assessor's Map showing proposed Preserve Boundaries
 (NOTE: Only latest Assessor's Map; do not substitute others.)

STATUS OF OWNERSHIP (check box):

Fee___; Probate___; Trust___; Escrow

Other: _____

LAND TENURE (check): Owner-operated___; Rented___; Leased___; Sharecropped___; Other__

The following section must be filled out completely and accurately. Please do not leave any of the boxes blank. If there are no crops or acreage in a particular land class, then indicate that by writing in NONE.

PRESENT LAND USE, CLASS, AND ACREAGE

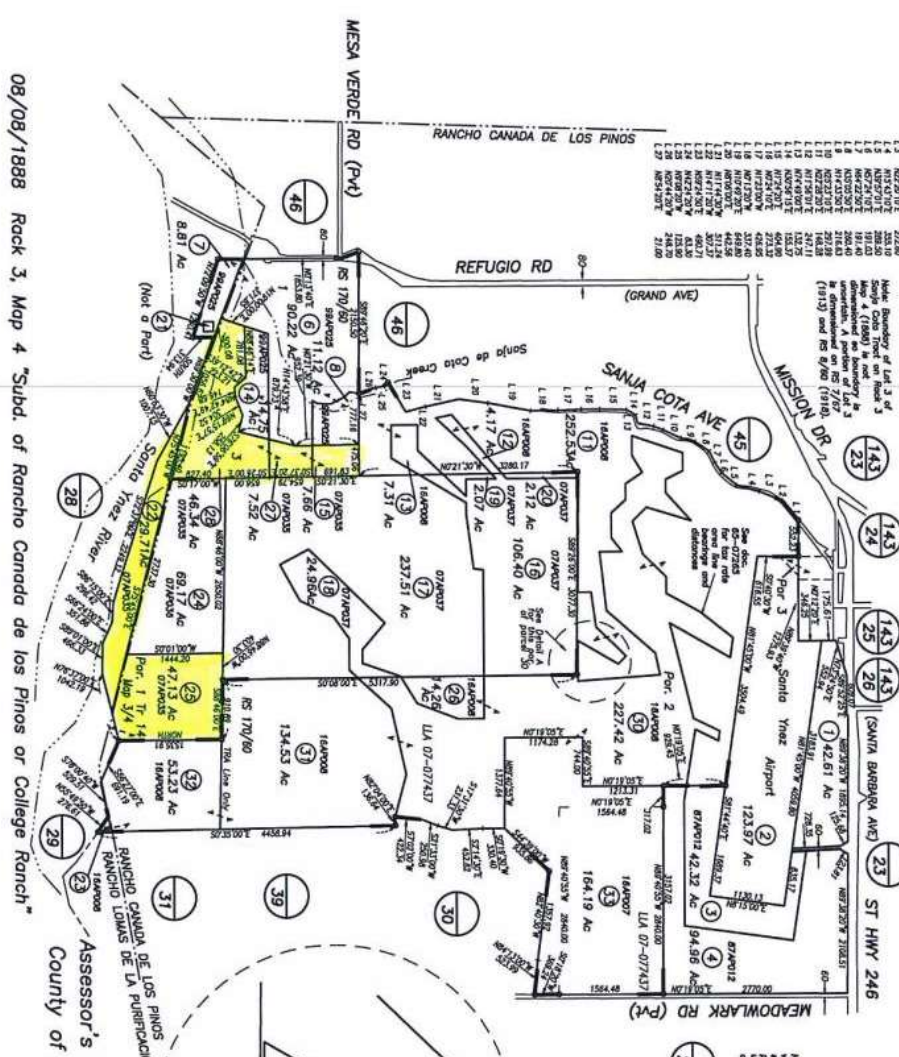
Land Class	Crop or Use	Soil Class, Rating, or Income/acre	Acreage
PRIME Farmland 2590	none		~12
Total Prime Land Acreage			
NONPRIME Farmland Rangeland 7590	none		~34
Total Nonprime Acreage			
NONFARM and/or Open Space and/or Recreation (This includes all structures. Please indicate what kinds of structures exist on the property.)			
Total NonFarm Acreage			

Total Acreage in Preserve 46.34

POR. RANCHOS CANADA DE LOS PINOS
 & LOMAS DE LA PURIFICACION

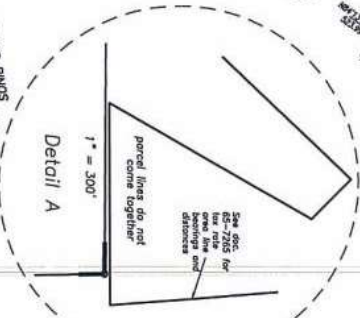
141-44

LINE NUMBER	ACRES
1	1.00
2	1.00
3	1.00
4	1.00
5	1.00
6	1.00
7	1.00
8	1.00
9	1.00
10	1.00
11	1.00
12	1.00
13	1.00
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90	1.00
91	1.00
92	1.00
93	1.00
94	1.00
95	1.00
96	1.00
97	1.00
98	1.00
99	1.00
100	1.00



1" = 1500'
 feet
 acres

NOTICE
 Assessor's Parcels are for tax assessment purposes only and do not indicate either Parcel legality or a valid building etc.



08/08/1888 Rock 3, Map 4 "Subd. of Rancho Canada de los Pinos or College Ranch"

Assessor's Map Bk, 141-Pg, 44
 County of Santa Barbara, Calif.

11-13, 25, 26, 30-32, portions Map 4
 10/18 2 to 29 Maps 23 to 29 Map 4

ATTACHMENT 2: APPROVED LEGAL DESCRIPTION

*County of Santa Barbara
Public Works Department*

Office of the County Surveyor

123 E. Anapamu Street
Santa Barbara, California 93101
805/568-3020 FAX 805/568-3318

Aleksandar Jevremovic, County Surveyor



TRANSMITTAL

TO: Amber Long, Planner

DATE: 11/6/2018

ADDRESS/DEPARTMENT: Planning and Development

FROM: Aleksandar Jevremovic, County Surveyor *AJ*

PHONE: 3012

SUBJECT: **18AGP-00000-00021**

**Gainey County Initiated Ag Preserve Non-Renewal
APN: 141-440-015, 141-440-027, 141-440-028**

QTY	DESCRIPTION
1	Approved Legal Description with exhibit map

ACTION:

- As Requested
- For Your Use
- Approved as Noted
- For Review and Comment

REMARKS:

Gainey Agricultural Preserve
No. 18 AGP-00000-00021

Legal Description

APN: 141-440-015, 027, 028

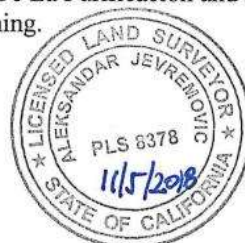
Parcel 3 of Lot line Adjustment No. 99-LA-011 in the County of Santa Barbara, State of California, recorded October 26, 2000 in Book 170, Page 60 and 61 of Record of Surveys, in the Office of the County Recorder of said County, described as follows:

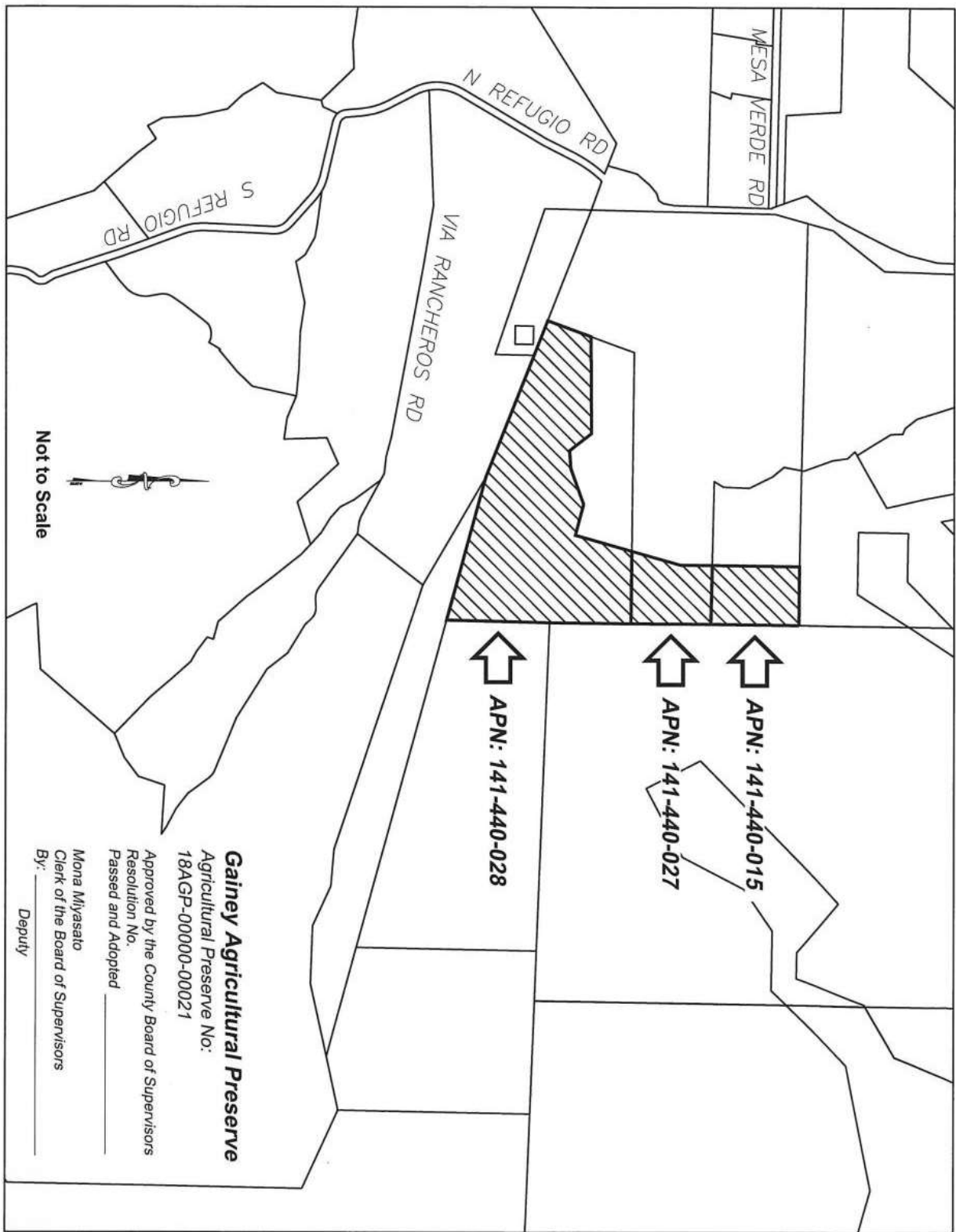
That portion of the Rancho Canada De Los Pinos, or College Rancho, as shown on the map of the subdivision thereof filed in the Office of the County Recorder of Santa Barbara County, State of California, August 8, 1888 and being Map No.4, in Rack No.3, in the office of the County Recorder of said County, described as follows:

Beginning at the Southwesterly corner of Lot "A" of Sanja Cota Tract as shown on map recorded in Book 8, Page 60, of Maps and Surveys, in the Office of said County Recorder;
Thence (1), South 69° 31' 00" East, along the Southerly line of said Lot "A", 1356.70 feet to and angle point in the Southerly line of said Lot "A";
Thence (2), continuing along the Southerly line of said Lot "A", South 75° 45' 00" East 1195.40 feet to the Southeasterly corner of said Lot "A";
Thence (3), North 00° 17' 00" East, along the Easterly line of said Lot "A", 827.40 feet;
Thence (4), continuing along the Easterly line of said Lot "A", North 00° 26' 00" west 656.00 feet to the Northeast corner of said Lot "A";
Thence (5), North 00° 37' 20" west 654.79 feet to a 2" survey pipe;
Thence (6), North 00° 21' 30" west, along the Westerly boundary of The Con Murphy Tract as shown on said Book 6, Page 92 of Maps and Surveys, 6.91.83 feet;
Thence (7), leaving said Westerly boundary of the Con Murphy Tract, South 89° 38' 30" West 475.06 feet;
Thence (8), South 00° 21' 30" East 952.39 feet;
Thence (9), South 14° 43' 58" West 879.73 feet;
Thence (7), North 76° 06' 59" West 258.13 feet;
Thence (8), South 69° 15' 57" West 304.52 feet;
Thence (9), South 84° 42' 49" West 146.58 feet;
Thence (10), North 39° 12' 42" West 223.21 feet;
Thence (11), South 66° 46' 14" West 781.08 feet to a point on the Northwesterly line of said Lot "A";
Thence (12), South 19° 00' 00" West, along said Northwesterly line of Lot "A", 371.65 feet to the common boundary line between Rancho Lomas De La Purificacion and Rancho Canada De Los Pinos or College Rancho and the point of beginning.

APPROVED AS TO FORM
AND SURVEY CONTENT

Alexandar Jevremovic
ALEKSANDAR JEVREMOVIC
COUNTY SURVEYOR
LICENSE EXP. 2/21/2019





Gainey Agricultural Preserve
Agricultural Preserve No:
18AGP-00000-00021

Approved by the County Board of Supervisors
Resolution No. _____
Passed and Adopted _____

Mona Miyasato
Clerk of the Board of Supervisors
By: _____
Deputy

ATTACHMENT 3: VICINITY MAP



ATTACHMENT 4: EXCERPT FROM JULY 6, 2018 APAC MINUTES



COUNTY OF SANTA BARBARA

**AGRICULTURAL PRESERVE ADVISORY COMMITTEE
APPROVED MINUTES**

**MEETING OF JULY 6, 2018
9:00 A.M.**

The regular meeting of the Agricultural Preserve Advisory Committee was called to order by Debbie Trupe at 9:00 A.M. in the Santa Barbara County Planning and Development, Third Floor Conference Room, 123 E. Anapamu Street, Santa Barbara, CA 93101.

<u>COMMITTEE MEMBERS</u>	<u>PRESENT:</u>
Debbie Trupe, Agricultural Commissioner	x
Sergio Ricardo, Assessor's Office	<input type="checkbox"/>
David Lackie, Planning and Development	x
Aleks Jevremovic, County Surveyor	x
Matthew Shapero, U.C Cooperative Extension	x

<u>STAFF MEMBERS</u>	<u>PRESENT</u>
Michelle Montez, Deputy County Counsel	x
Aylin Bilir, Deputy County Counsel	x
Sharon Foster, Planning & Development	x

NUMBER OF INTERESTED PERSONS: 11

ADMINISTRATIVE AGENDA:

I. MEETING CALLED TO ORDER: *by Chair, Debbie Trupe*

II. PUBLIC COMMENTS: None

III. MINUTES: The Minutes of June 1, 2018 were considered as follows:

ACTION: Lackie moved, seconded by Jevremovic, and carried by a vote of 4-0 (Ricardo absent) to approve the Minutes of June 1, 2018 as amended.

IV. NEW ITEMS:

1. 76-AP-008 De Bruin, 415 S. Olive, Strange

Consider the ongoing eligibility of agricultural preserve contract 76-AP-008 and the consistency of Assessor's Parcel Numbers 099-210-076 (415 South Olive, LLC) and 099-210-077 (Brian Strange) with the Uniform Rules and any enforcement actions pursuant to Uniform Rule 6. All of the properties are located in the Mail Road-Drum Canyon area, Third Supervisorial District.

AGRICULTURAL PRESERVE ADVISORY COMMITTEE APPROVED MINUTES
Meeting of July 6, 2018
Page 2

ACTION: Lackie moved, seconded by Jevremovic, and carried by a vote of 4-0 (Ricardo absent) to recommend to the Board of Supervisor's non-renew contract 76-AP-008.

2. 70-AP-026 Moretti, Cotti

Consider the ongoing eligibility of agricultural preserve contract 70-AP-026 and the consistency of Assessor's Parcel Number 113-080-031 with the Uniform Rules and any enforcement actions pursuant to Uniform Rule 6. The parcel is located south of Highway 166 and east of Simas Street in the Santa Maria area, Fourth Supervisorial District.

ACTION: Trupe moved, seconded by Shapero, and carried by a vote of 4-0 (Ricardo absent) to recommend to the Board of Supervisor's non-renew contract 70-AP-026.

3. 07-AP-035 Gainey Joint Ranch, LLC/Wine Group, LLC

Consider the ongoing eligibility of agricultural preserve contract 07-AP-035 and the consistency of Assessor's Parcel Numbers 141-440-015, 141-440-022, 141-440-025, 141-440-027, and 141-440-028 with the Uniform Rules and any enforcement actions pursuant to Uniform Rule 6. All the parcels are located in the Santa Ynez Valley area, Third Supervisorial District.

ACTION: Shapero moved, seconded by Trupe and carried by a vote of 4-0 (Ricardo absent) to recommend to the Board of Supervisor's non-renew contract 07-AP-035.

4. 07-AP-035
07-AP-036 The Wine Group New Contract Santa Ynez
18AGP-00000-00012 Gwen Beyeler, Planner (805) 934-6269

Consider the request of Brett Jones agent for the owner, The Wine Group LLC, of Case No. 18AGP-00000-00012 for a new contract for parcels 141-440-022, and 141-440-025 previously under 07-AP-035 with parcel 141-440-024 presently under 07-AP-036 into a new contract, and its consistency with the Uniform Rules and consider ongoing eligibility of the property as an agricultural preserve consistent with the Uniform Rules and any enforcement actions pursuant to Uniform Rule 6. The property is 146.53 total acres identified as Assessor's Parcel Numbers 141-440-022 (29.71 acres), 141-440-024 (69.17 acres), and 141-440-025 (47 acres) zoned AG-II-100 with an AC Comprehensive Plan designation, in the Santa Ynez area, Third Supervisorial District.

ACTION: Lackie moved, seconded by Jevremovic and carried by a vote of 4-0 (Ricardo absent) to continue the project to the August 10, 2018 APAC meeting. The APAC Committee has requested the following information from the applicant:

- Map depicting the structures on the contracted land and identifying the habitable and agricultural employee structures.