

DOCKETED	
Docket Number:	24-OPT-04
Project Title:	Potentia-Viridi Battery Energy Storage System
TN #:	261407
Document Title:	DR Response 2 - Attachment 12, Supporting Williamson Act Information
Description:	This document provides supporting Williamson Act information as requested by the CEC
Filer:	Ronelle Candia
Organization:	Dudek
Submitter Role:	Applicant Consultant
Submission Date:	1/29/2025 8:13:57 AM
Docketed Date:	1/29/2025

Attachment 12

Supporting Williamson Act Information

COMMERCIAL AGRICULTURE DETERMINATION FORM

Name of Owner(s): Mulqueency Ranch Properties, LLC

☐ Check box if this is a Joint Management operation. If a Joint Management operation, please identify the commercial agriculture threshold for which you jointly qualify (Question 1). For Questions 2 and 3, each property owner should provide the information requested.

1. Please check the commercial agriculture threshold, under the Prime Land or Non-Prime Land section, that applies to your agricultural operation.

See attached Commercial Agriculture Guidelines and Endnotes for additional information and definitions.

Thresholds for Prime Land

- ☐ Land that is at least 10 acres in size, has a Natural Resource Conservation Service (NRCS) land capability rating of Class I or Class II, and is planted in annual and/or perennial crops:
 - agricultural production must yield "some" gross annual revenue as substantiated by Schedule F of the federal tax returns or other relevant tax form filed in 3 of the past 5 years, if requested by the County.
 - at least 60% of the property under contract must be used for commercial agriculture
- ☐ Land that is at least 10 acres in size and is planted in annual and/or perennial crops:
 - agricultural production must yield an annual gross revenue equal to or exceeding \$200 per acre per year as substantiated by Schedule F of the federal tax returns or other relevant tax form filed in 3 of the past 5 years, if requested by the County.
 - at least 60% of the property under contract must be used for commercial agriculture
- ☐ Land that is less than 10 acres in size and is planted in annual and/or perennial crops:
 - agricultural production must yield an annual gross revenue equal to or exceeding at least \$3,500 as substantiated by Schedule F of the federal tax returns or other relevant tax form filed in 3 of the past 5 years, if requested by the County.
 - at least 75% of the property under contract must be used for commercial agriculture
- ☐ Land that is less than 10 acres in size and is planted in annual and/or perennial crops:
 - agricultural production must yield an annual gross revenue equal to or exceeding \$10,000 as substantiated by Schedule F of the federal tax returns or other relevant tax form filed in 3 of the past 5 years, if requested by the County.
 - no planting coverage is required unless compatible use development is proposed, in which case at least 50% of the parcel under contract must be used for commercial agriculture to ensure that any development is incidental to the agricultural use

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ABOUT THE COMMERCIAL AGRICULTURE DETERMINATION FORM

This form will be used to determine your qualification for a Williamson Act contract where the primary use is agriculture. It is recommended that the applicant read through the Eligibility Requirements for Williamson Act Contracts for Agricultural Uses: Guidelines for Commercial Agriculture before filling out the form.

As indicated on the Commercial Agriculture Determination form, applicants must meet a commercial agriculture threshold for the property they wish to place under contract as a demonstration of existing commercial viability. The threshold specifies a minimum gross annual revenue that must be met 3 out of the previous 5 years as indicated on Schedule F of the applicant's federal tax returns. There are, however, certain situations where an applicant does not have to have an existing agricultural operation for a minimum of 3 years before applying for a contract. Exceptions to this requirement are outlined in the Endnotes to the Guidelines for Commercial Agriculture.

Once it is determined that the property qualifies for and is placed under a Williamson Act contract, the applicant will be required to maintain eligibility until such time as the contract is non-renewed and the contract expires. The Planning Department will mail out an annual questionnaire (Annual Declaration of Commercial Agricultural Use) to the contract holder in order to make this determination on a yearly basis. If the contract holder fails to return the annual questionnaire in a timely fashion, a late penalty will be applied; if the annual questionnaire is still not received, the County will take the necessary steps to non-renew the contract.

Required Submittals

1. Schedule F's of your federal income tax return showing gross revenue for a minimum of 3 of the past 5 years. *Social security number and other sensitive information should be blacked out.* Schedule E or Form 4835-Farm Rental Income and Expense may be used for rental income from contracted land when the contracted land is leased out for agricultural production. Form 4797 may be appropriate for a horse breeding operation. Other documentation may be acceptable if the owner has recently acquired an existing agricultural operation. See Endnotes to the Guidelines for Commercial Agriculture for guidance.
2. Copy of the Joint Management Agreement if applicable.
3. Copy of the Lease Agreement if applicable.
4. Verification of Class I and/or Class II (prime) soils if applicable.

The applicant may go to the Natural Resource Conservation Service soil survey website at the following URL to identify the Land Classification of the subject property: <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>. Press the big green button and you will be taken to the mapping interface. Alternatively, the applicant may ask the Planning Department for assistance.

Thresholds for Non-Prime Land

- ☒ Land that is at least 40 acres in size and is being used for dryland farming, grazing of livestock or livestock production, the breeding of horses, and/or other types of agricultural pursuits:
- agricultural production must yield "some" gross annual revenue as substantiated by Schedule F (and/or Form 4797 for a horse breeding operation) of the federal tax returns or other relevant tax form filed in 3 of the past 5 years, if requested by the County.
 - at least 60% of the property must be used for commercial agriculture
- ☐ Land that is less than 40 acres in size and is being used for dryland farming, livestock production, and/or other types of agricultural pursuits:
- agricultural production must yield an annual gross revenue equal to or exceeding at least \$2,000 as substantiated by Schedule F of the federal tax returns or other relevant tax form filed in 3 of the past 5 years, if requested by the County.
 - at least 75% of the property must be used for commercial agriculture
- ☐ Land that less than 40 acres in size and is being used for dryland farming, grazing of livestock or livestock production, and/or other types of agricultural pursuits:
- agricultural production must yield an annual gross revenue equal to or exceeding \$10,000 as substantiated by Schedule F of the federal tax returns or other relevant tax form filed in 3 of the past 5 years, if requested by the County.
 - if compatible use is proposed, at least 50% of the parcel must be used for commercial agriculture to ensure that any development is incidental to the agricultural use

2. Please provide the following agricultural use information

For Orchards or Vineyards or Other High Value Crops

Orchard: Acreage 0 Year Planted: _____

Vineyard: Acreage 0 Year Planted _____

Rowcrops: Acreage 0 Planted every year? _____

Other: Type 0 Acreage _____

For Dry Farm Grain and Hay

Type of Crop: 0

Acreage: _____

Planted every year? ☐ Yes ☐ No OR Once every _____ years.

Commercial Agriculture Determination Form for Williamson Act Contract

Grazing

Type of Livestock Beef cattle - cow/calf operation

Number of head normally grazed on property? up to 300 pair depending on available feed in any given year.

Is the property fenced? ☒ Yes ☐ No

Acreage utilized for livestock: 4773 acres Milway Livestock Tenants who
152 acres Robert Vieira lease ranch for
grazing

Is the property grazed yearlong? ☒ Yes ☐ No If no, what months is the land grazed?
Cattle are rotated between fields as needed so there are
cattle present somewhere on the ranch year round.

Commercial Horse Breeding

Number of horses normally stabled? N/A

Acreage utilized for breeding operation: N/A

Other Agricultural Uses

Other animal, nursery or specialty uses? ☐ Yes ☒ No If yes, please describe.

Additional Comments:

I CERTIFY UNDER PENALTY OF PERJURY THAT I am:

☐ legal owner(s) of the subject property (all individual owners must sign as their names appear on the deed to the land); or

☒ corporate officer(s) empowered to sign for the corporation; or

☐ owner's legal agent having Power of Attorney for this action (a notarized "Power of Attorney" document must accompany the application form),

AND THAT THE FOREGOING IS TRUE AND CORRECT.

1. Signature Diane C. Dugan Date 9/28/24

Print Name Diane Dugan

2. Signature _____ Date _____

Print Name _____

3. Signature _____ Date _____

Print Name _____

WILLIAMSON ACT
APPLICATION FOR COMPATIBLE USE DETERMINATION
for Agricultural Contracts

Preserve No: 1972-30 Contract No. 72-25675 Date of Contract: 2/17/1972

Assessor Parcel Number(s) of Contracted Land (if known): See Attachment

Under Joint Management Agreement? ☐ Yes ☒ No

Name of Owner(s): Mulqueeney Ranch Properties LLC

Owner's Representative (if any): Levy Alameda, LLC

Contact Mailing Address: 155 Wellington St W., Toronto, Ontario M5V 3H1, Canada
(Street) (City) (Zip Code)

Contact Telephone: 310-899-5340 Contact Email Address: kstrain@capstoneinfra.com

The farm or ranch is operated by:

☒ Owner ☐ Manager ☐ Lessee Lessee name: _____

Acreage of Contracted Land: 4,990 ☐ Prime Land ☒ Non-Prime Land

Type of Application: ☐ Subdivision ☐ Variance ☐ CUP ☐ Boundary Adjustment
☐ SDR ☐ Re-Zoning ☐ Building Permit ☒ Other AB 205 Opt-In Certification

Detailed Description of Proposed Use: Levy Alameda, LLC, a wholly owned subsidiary of Obra Maestra Renewables, LLC, proposes to construct, operate, and decommission the 400-megawatt Potentia-Viridi Battery Energy Storage System on approximately 85 acres in eastern Alameda County with an expected online date of June 2028. The primary components of the project include an up to 3,200-megawatt-hour battery energy storage system facility, an operations and maintenance building, a project substation, a 500-kilovolt overhead intertie transmission (gen-tie) line, and interconnection facilities within the Pacific Gas and Electric Company owned and operated Tesla Substation. The project would draw electricity from the power grid to charge and store electrical energy and discharge back to the power grid when the stored energy is needed. The project would provide several benefits to the power grid, including reducing the need to operate natural gas power plants to balance intermittent renewable generation and serving as an additional capacity resource that would enhance grid reliability. The project would be remotely operated and monitored year-round and be available to receive or deliver energy 24 hours a day and 365 days a year.

Owner Signature: [Signature] Date: 1-20-25

See Checklist of Required Application Materials on the Following Page

Final Determination:

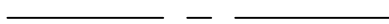








- ☐ Approved
☐ Not Approved

Application Processed By: _____
[Signature of Reviewing Planner]

STRUCTURES/HARDSCAPE SQUARE FOOTAGES

	STRUCTURES	HARDSCAPE
EXISTING	0	98,375
PROPOSED	0	322,884

LEGEND

	CENTERLINE
	EASEMENT LINE
	PROPERTY LINE
	PROPOSED LEASE LINE
	EXISTING CHAIN LINK FENCE
	PROPOSED FENCE
	RAILROAD
	EXISTING UTILITY POLE
	CONTRACTED LAND

SITE INFORMATION

EXISTING COMMERCIAL AGRICULTURAL USES:	BEEF CATTLE GRAZING
EXISTING STRUCTURES:	NOT APPLICABLE
USE AREAS:	PASTURE
PROPOSED USE:	BATTERY ENERGY STORAGE FACILITY

POTENTIA-VIRIDI
BATTERY ENERGY
STORAGE SYSTEM

LEVY ALAMEDA, LLC

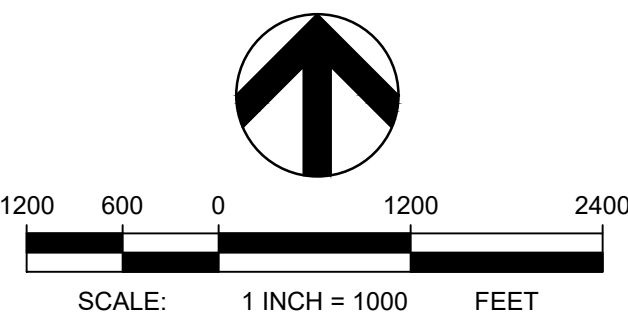
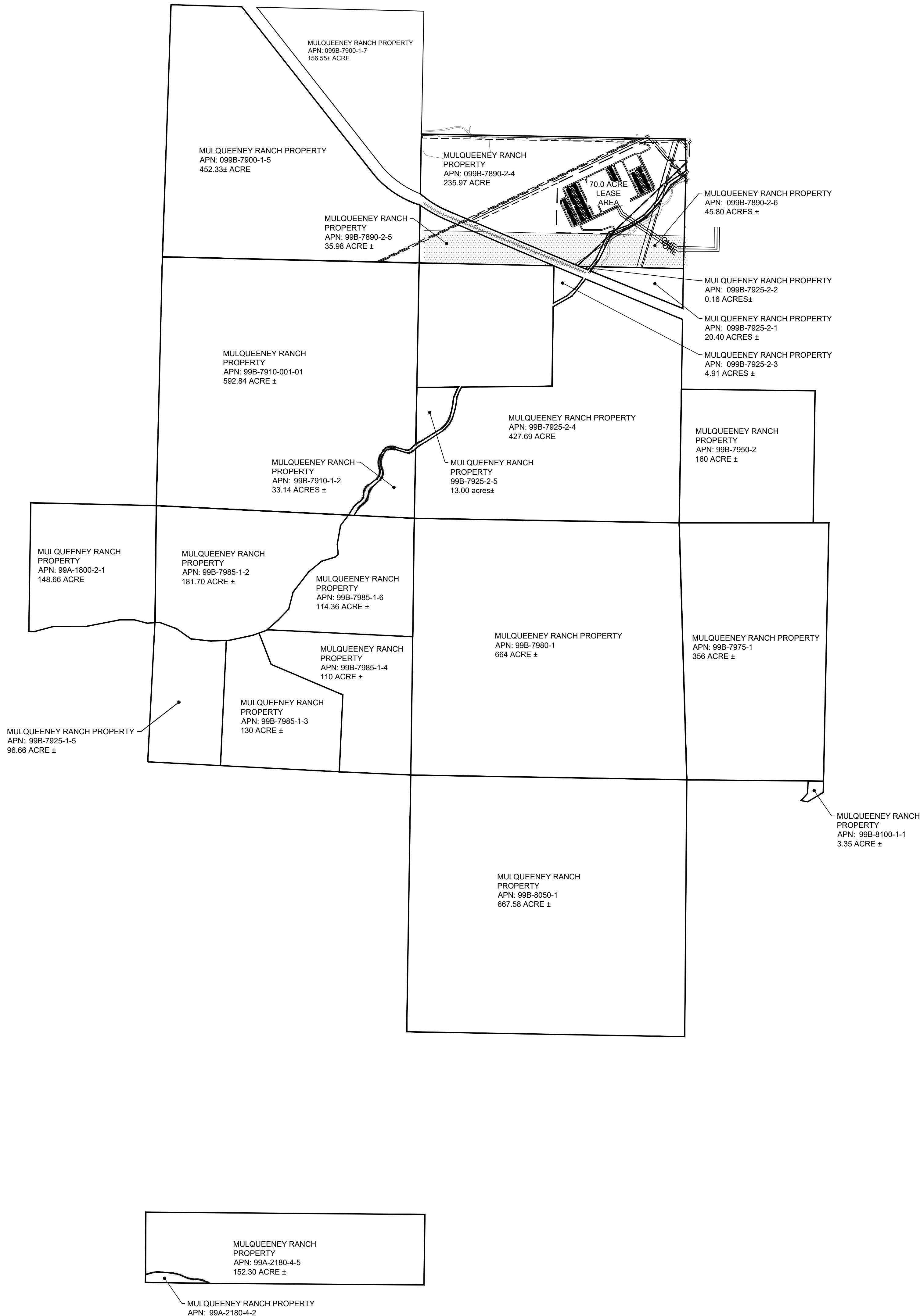
NOT FOR
CONSTRUCTION

REV	DATE	DESCRIPTION
PROJ. NO.	232059	
DRAWN	LB	
CHECKED	RB	
DATE	12/4/23	

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SHEET TITLE:

WILLIAMSON ACT



UTILITY STATEMENT

LOCATION OF EXISTING UNDERGROUND UTILITIES HAVE BEEN TAKEN FROM DRAWINGS AND FIELD LOCATES SUPPLIED BY THE APPROPRIATE UTILITY COMPANIES. UTILITY LOCATIONS SHOWN ON THIS DRAWING ARE APPROXIMATE ONLY. PRIOR TO BEGINNING ANY CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF EACH UTILITY.



