

WYTHE COUNTY ORDINANCE No. 2022 - 3

SOLAR ENERGY PROJECT REVENUE SHARE ORDINANCE

WHEREAS, the Virginia General Assembly enacted Virginia Code Annotated §58.1- 2636 titled “Revenue Share for Solar Energy Projects”, effective July 1, 2020; and

WHEREAS, Virginia Code Annotated §58.1-2636 authorizes any locality to adopt an ordinance to assess a revenue share of up to \$1,400.00 per megawatt, as measured in alternating current (AC) generation capacity of the facility, based on submissions by the solar facility owners to the interconnecting utility, on any solar photovoltaic (electric energy) project, subject to certain exemptions set out in Virginia Code §58.1-2636; and

WHEREAS, the County desires to adopt and implement this “Solar Energy Project Revenue Share Ordinance” to implement the provisions of Virginia Code Annotated §58.1-2636.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of the County of Wythe, Virginia as follows:

Section 1: Purpose, Definition, Relation to Other Ordinances.

- a. The purpose of this article is to implement Virginia Code Annotated §58.1-2636 titled “Revenue Share for Solar Energy Projects” approved by the 2020 Regular Session of the Virginia General Assembly and signed into law by the Governor, effective July 1, 2020.
- b. Terms used in this chapter shall have the defined meanings found in Virginia Code Annotated §58.1-2636, §58.1-3660, §58.1-3507, or §58.1-3508.6, as amended.
- c. To the extent that the provisions of this chapter conflict with any other prior ordinance or provision of the Wythe County, Virginia Code of Ordinances, this chapter shall control.

Section 2: Applicability.

- a. This chapter shall apply to all solar photovoltaic (electric energy) systems except those:
 - i. Described in §56-594, §56-594,.01 §56-594.2 or Chapters 358 and 382 of the Acts of Assembly of 2013, as amended;
 - ii. 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018.

Section 3: Revenue Share Rate per Megawatt and Waiver of Machine and Tool Tax.

- a. The County hereby imposes a revenue share to be assessed at a rate of \$1,400.00 per megawatt on any solar photovoltaic (energy) project. The generation capacity shall be measured in alternating current (AC) generation capacity of the facility and the determination of the generation capacity shall be based on submissions by the facility owners to the interconnecting utility.
- b. Except as prohibited by subdivision 3 of Virginia Code Annotated §58.1- 2636, the maximum amount of the revenue share that may be imposed shall be increased on July 1, 2026, and every five years thereafter by 10 percent.
- c. The exemption for solar photovoltaic (electric energy) projects greater than five megawatts as provided by Virginia Code Annotated §58.1-3660, as amended, shall be one hundred percent (100%) of the assessed value.
- d. Nothing contained herein shall be construed to prevent any other tax or fee as provided by the Code of Virginia.

Section 4: Effective Date.

This ordinance was duly considered following the required public hearing held on the ____ of _____, 2022. _____ made a motion to approve this ordinance; the motion was seconded by _____, and this ordinance was adopted by the Board of Supervisors of Wythe County, Virginia. This ordinance shall become effective on 12:01 a.m. on _____, 2022. The Board of Supervisors voted in the following manner:

<u>Name</u>	<u>For</u>	<u>Against</u>	<u>Absent</u>
Jesse R. Burnett			
Rolland R. Cook			
B.G. Horney, Jr.			
Ryan M. Lawson			
James D. Smith			
Stacy A. Terry			
Brian W. Vaught			

I certify that this is a true and correct copy taken from the _____, 2022 minutes of the Wythe County Board of Supervisors meeting.

Martha Collins, Clerk