

Halifax County Board of Supervisors



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2022-9 ORDINANCE

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AN ORDINANCE AMENDING AND REENACTING
CHAPTER 53, ZONING, OF THE CODE OF THE
COUNTY OF HALIFAX, VIRGINIA 2006
BY AMENDING AND REENACTING
SECTION 53-162, REVENUE SHARING.

WHEREAS, the 2020 Session of the Virginia General Assembly enacted Virginia Code § 58.1-2636, which permitted a locality to assess, by ordinance, a revenue share of up to \$1,400 per megawatt on certain solar photovoltaic projects; and

WHEREAS, the Board of Supervisors of the County of Halifax, Virginia (the "Board"), on April 5, 2021, passed and adopted Ordinance No. 2021-13 enacting Section 53-162, Revenue Sharing, to assess a \$1,400 per megawatt revenue share on qualifying solar photovoltaic projects; and

WHEREAS, Virginia Code § 58.1-2636 was amended, effective July 1, 2021, to provide that the maximum amount of the revenue share that may be imposed on certain solar photovoltaic projects shall be increased on July 1, 2026, and every five years thereafter by 10 percent; and

WHEREAS, Virginia Code § 58.1-2636 also was amended, effective July 1, 2021, to permit the locality to assess, by ordinance, a revenue share of up to \$1,400 per megawatt on certain energy storage systems, which revenue assessment shall be increased on July 1, 2026, and every five years thereafter by 10 percent; and

WHEREAS, the Board has determined that is in the best interests of the County of Halifax, Virginia to assess a \$1,400 per megawatt revenue share on qualifying energy storage projects and to increase the revenue share assessment on qualifying solar photovoltaic projects and qualifying energy storage projects on July 1, 2026, and every five years thereafter by 10 percent; and

WHEREAS, the Board has determined that is in the best interests of the County of Halifax, Virginia that Chapter 53, Zoning, Section 53-162, Revenue Sharing, of the Code of the County of Halifax, Virginia (the "Code"), be amended to assess the \$1,400 per megawatt revenue share on qualifying energy storage projects and to provide for a 10 percent increase of the amount of the revenue share that may be imposed on qualifying solar photovoltaic projects and qualifying energy storage projects, beginning on July 1, 2026 and occurring every five years thereafter; and

WHEREAS, this Ordinance has been advertised as required by Virginia Code §§ 15.2-1427(F) and 15.2-2204 and has undergone properly advertised public hearings by the Halifax County Board of Supervisors on April 4, 2022.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF HALIFAX, VIRGINIA:

Section 1. That Chapter 53, Zoning, of the Code of the County of Halifax, Virginia, 2006, is hereby amended and reenacted by amending and reenacting Section 53-162, Revenue Sharing, as follows:

Sec. 53-162. – Revenue sharing.

(a) In accordance with the authority granted localities pursuant to Section 58.1-2636 of the Code of Virginia (1950, as amended), the county hereby assesses: (i) a revenue share of

\$1,400 per megawatt, as measured in alternating current (AC) generation capacity of the nameplate capacity of the facility based on submissions by the facility owner to the interconnecting utility, on any solar photovoltaic (electric energy) project and (ii) a revenue share of \$1,400 per megawatt, as measured in alternating current (AC) storage capacity, on any energy storage system.

(b) The revenue share of \$1,400 per megawatt imposed pursuant to subsection (a) of this section shall be increased on July 1, 2026, and every five years thereafter, by 10 percent.

(1) The provisions of this subsection (b) shall not apply to solar photovoltaic projects or energy storage systems for which an application was filed with the locality, as defined by subsection D of § 58.1-3660, and such application was approved by the locality prior to January 1, 2021.

(2) The provisions of this subsection (b) shall apply to all solar photovoltaic projects and energy storage systems for which an application is approved by the locality on or after January 1, 2021.

(c) For purposes of this section, “solar photovoltaic (electric energy) project” shall not include any project that is (i) described in § 56-594, 56-594.01, or 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; or (iii) five megawatts or less.(Ord. No. 2021-13, § 1, 4-5-2021; Ord. No, 2022-9, § 1, 4-4-2022)

State law references—Revenue share for solar energy projects and energy storage systems, § 58.1-2636.

Section 2. Section 1 of this Ordinance shall be made a part of the Code.

Section 3. This Ordinance shall become effective immediately.

Passed and adopted by the Board of Supervisors of the County of Halifax, Virginia this 2nd day of May, 2022.

Calvin R. Short, Chairman

ATTEST:

Clerk, Halifax County Board of Supervisors

Approved as to form:

County Attorney