

**AN ORDINANCE TO AMEND THE WISE COUNTY, VIRGINIA
CODE OF ORDINANCES TO IMPLEMENT “REVENUE SHARE FOR SOLAR
ENERGY PROJECTS” PURSUANT TO VIRGINIA CODE §58.1-2636.**

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 amend the Wise County, Virginia Code of Ordinances 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 Wise, Virginia as follows:

1. To add a section to the Wise County, Virginia Code of Ordinances titled “Revenue Share for Solar Energy Projects” as follows:

“Revenue Share for Solar Energy Projects”

Purpose, Definition, Relation to Other Ordinances.

- a. The purpose of this chapter 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 Richmond County, Virginia Code of Ordinances, this chapter shall control.

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; or
- iii. Five megawatts or less, as measured in alternating current (AC) generation capacity.
- b. This Chapter shall not apply to any solar photovoltaic (electric energy) project for which an application was filed with the County before July 1, 2020, unless:
- i. The County and the applicant or owner agree to revise any existing voluntary payment agreement, or enter into any new voluntary payment agreement, under which the applicant or owner agree to voluntarily waive a portion of the exemption from machinery and tools tax as provided in Virginia Code Annotated §58.1-3660, as amended.
 - ii. The County and the applicant or owner agree to substitute the amount of such voluntary payment for a similar amount of solar energy revenue share authorized by Virginia Code Annotated §58.1-2636.
 - iii. For purpose of this subsection, “application has been filed with the locality” means an applicant has filed an application for a zoning confirmation from the County for a by-right use, or an application for land use approval under the County’s zoning ordinance to include an application for a conditional use permit, special use permit, special exception, or other application as set out in the locality’s zoning ordinance.
- c. Nothing in this Section shall preclude an applicant or owner of a solar photovoltaic (electric energy) project previously approved by the County or who filed an application with the County before July 1, 2020, from entering into a written agreement to submit such project to be subject to the provisions of this Ordinance.

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.

2. This Ordinance shall become effective upon adoption.

ADOPTED this the _____ day of _____ 2021.

ATTEST:

WISE COUNTY BOARD OF SUPERVISORS

Michael W. Hatfield, Clerk

J. H. Rivers, Chairman