

Middlesex County Board of Supervisors



At a meeting of the Middlesex County Board of Supervisors held on December 7, 2021 at 7:00 p.m. in the Board Room of the Historic Courthouse, Saluda, Virginia: On a motion duly made by Supervisor Koontz, and seconded by Supervisor Kimbrough, the following Ordinance was adopted by the following vote:

John B. Koontz, Jr.	Aye
Wayne H. Jessie, Sr.	Aye
Reginald A. Williams, Sr.	Aye
Lud H. Kimbrough, III	Aye
Peter W. Mansfield	Absent

AN ORDINANCE TO IMPLEMENT “REVENUE SHARE FOR SOLAR ENERGY PROJECTS AND ENERGY STORAGE SYSTEMS” PURSUANT TO VA. CODE ANN. § 58.1-2636

WHEREAS, Va. Code Ann. §58.1-2636 titled “Revenue Share for Solar Energy Projects and Energy Storage Systems” is effective July 1, 2021;

WHEREAS, Va. Code Ann. §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 solar energy project or storage capacity, based on submissions by the facility owners to the interconnecting utility, on any solar photovoltaic (electric energy) project or energy storage system, and subject to certain exemptions set out in Va. Code Ann. §58.1-2636;

WHEREAS, the \$1,400.00 per megawatt on any solar photovoltaic (energy) project or energy storage system, shall be increased by 10 percent on July 1, 2026, and every 5 years thereafter by 10 percent; and

WHEREAS, a duly advertised public hearing was held on December 7, 2021 to receive public comment regarding this Ordinance; and

WHEREAS, the Middlesex County Board of Supervisors finds this Ordinance to be appropriate and desires to adopt this ordinance to implement the provisions of Va. Code Ann. §58.1-2636, as amended.

NOW THEREFORE BE IT ORDAINED by the Middlesex County Board of Supervisors this 7th day of December, 2021, that the Ordinance To Implement “Revenue Share For Solar Energy Projects and Energy Storage Systems” is hereby enacted as follows:

1. Title

This Ordinance shall be entitled “**Revenue Share for Solar Energy Projects and Energy Storage Systems**”.

2. Purpose, Definition, Relation to Other Ordinances.

- (a) The purpose of this article is to implement Va. Code Ann. § 58.1-2636, as amended, titled “Revenue Share for Solar Energy Projects and Energy Storage Systems”.
- (b) Terms used in this article shall have the defined meanings found in Va. Code Ann. §§ 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 article conflict with any other prior ordinance or provision of the Middlesex County ordinances, this article shall control.

3. Applicability.

- (a) This Article shall apply to all solar photovoltaic (electric energy) systems except those:
 - (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.
- (b) This Article shall not apply to any solar photovoltaic (electric energy) project or energy storage system for which an application was filed with the County and approved by the County prior to January 1, 2021.

4. Revenue Share Rate Per Megawatt and Waiver of Machinery 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 or energy storage system, which rate shall be increased by 10 percent on July 1, 2026, and every 5 years thereafter by 10 percent. The generation or storage capacity shall be measured in alternating current (AC) generation or storage capacity of the facility and the determination of the generation or storage capacity shall be based on submissions by the facility owner to the interconnecting utility.
- (b) The exemption for solar photovoltaic (electric energy) projects and energy storage systems greater than five megawatts as provided by Va. Code Ann. § 58.1-3660, as amended, shall be one hundred percent (100%) of the assessed value.
- (c) Nothing contained herein shall be construed to prevent any other tax or fee as provided by the Code of Virginia.

This Ordinance shall become effective on December 7, 2021.