

MECKLENBURG COUNTY BOARD OF SUPERVISORS

AN ORDINANCE TO AMEND THE MECKLENBURG COUNTY CODE OF ORDINANCES TO IMPLEMENT “REVENUE SHARE FOR SOLAR ENERGY PROJECTS” PURSUANT TO VA. CODE ANN. § 58.1-2636

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

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 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 Va. Code §58.1-2636; and

WHEREAS, the County desires to amend the Mecklenburg County Code of Ordinances to implement the provisions of Va. Code Ann §58.1-2636.

NOW THEREFORE BE IT ORDAINED by the Mecklenburg County Board of Supervisors as follows:

1. To add Article V titled “Revenue Share for Solar Energy Projects” to Chapter 66 titled “Taxation” to be numbered 66-123 through 66-125 of the Mecklenburg County Code of Ordinances as follows:

Article V “Revenue Share for Solar Energy Projects”

Sec. 66-123. Purpose, Definition, Relation to Other Ordinances.

- (a) The purpose of this article is to implement Va. Code Ann. § 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 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 Mecklenburg County, Virginia Code of Ordinances, this article shall control.

Sec. 66-124. 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 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 Va. Code Ann. § 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 a solar energy revenue share authorized by Va. Code Ann. § 58.1-2636.
 - (iii) For purposes 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.

Sec. 66-125. 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. 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) The exemption for solar photovoltaic (electric energy) projects 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.

2. This Ordinance shall become effective immediately upon adoption.

ADOPTED this 14th day of December, 2020.

SUPERVISORS	YEA	NAY	ABSENT/ABSTAIN
Glenn E. Barbour	_____	_____	_____
David A. Brankley	_____	_____	_____
Andy R. Hargrove	_____	_____	_____
James D. Jennings	_____	_____	_____
Charles Jones	_____	_____	_____
Claudia H. Lundy	_____	_____	_____
Glanzy M. Spain, Jr.	_____	_____	_____
Thomas Tanner	_____	_____	_____
Sterling Wilkinson	_____	_____	_____

The undersigned hereby certifies that the foregoing is an accurate account of the vote taken at a duly convened meeting of the Mecklenburg County Board of Supervisors on Monday, December 14, 2020, at which meeting a quorum was present at the time the meeting was convened and at the time said vote was taken.

Clerk