

ORDINANCE NO. 2023-5

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

WHEREAS, the 2022 Session of the Virginia General Assembly amended Virginia Code § 58.1-2606.1 to permit a locality to assess a revenue share of up to \$1,400 per megawatt on five (5) megawatt or less solar photovoltaic projects; and

WHEREAS, the Board of Supervisors of the County of Halifax, Virginia (the “Board”) deems it appropriate to amend its ordinance to include the assessing of revenue sharing for five (5) megawatt or less solar photovoltaic projects as now permitted by the Code of Virginia; 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 Planning Commission and the Halifax County Board of Supervisors at a joint meeting held on March 21, 2023.

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 by enacting 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; or (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.

(Ord. No. 2021-13, § 1, 4-5-2021; Ord. No. 2022-9, § 1, 5-2-2022; Ord. No. 2023-5, § 1, 4-3-2022)

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 3rd day of April, 2023.

Chairman

ATTEST:

Clerk, Halifax County Board of Supervisors

Approved as to form:

County Attorney