

WESTMORELAND COUNTY BOARD OF SUPERVISORS MINUTES – FEBRUARY 9, 2026

A regular meeting of the Westmoreland County Board of Supervisors was held on Monday, February 9, 2026, in the public meeting room of the George D. English, Sr. Memorial Building, located at 111 Polk Street, Montross, Virginia.

Present: Board of Supervisors
 Timothy J. Trivett, Chairman
 Jeffrey McCormack, Vice Chairman
 Matthew Ingram
 Woody Hynson
 Darryl Fisher
 Staff
 James P. Taylor, County Administrator
 Donna L. Cogswell, Assistant County Administrator

1. CALL TO ORDER

Chairman Trivett asked for a moment of silence for Dr. James R. Dudley, an ER physician for 40 years who served communities in various ways in Virginia, who passed away on January 30, 2026. He noted that Dr. Dudley was also the operational medical director of EMS agencies in the Northern Neck and provided free medical care at free clinics and local jails.

Chairman Trivett then called the meeting to order at 6:03 p.m.

2. CONSIDERATION OF THE AMENDMENTS TO THE AGENDA

Chairman Trivett asked the Supervisors if there were any changes to the agenda.

Mr. McCormack asked to add **item 7k - Presentation on the 250th Anniversary Heritage Passport Program.**

Mr. McCormack asked to change **item 7G - A letter in support of PFAS Legislation to Legislative matters to include PFAS and the opposition of collective bargaining bills.**

With no further discussion, upon motion by Mr. McCormack, seconded by Mr. Ingram and carried unanimously with Mr. Ingram, Mr. Fisher, Mr. Hynson, Mr. McCormack and Chairman voted “aye” to amend the agenda.

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3. COMMENT PERIOD

A. Chairman and Board Member Comments

Let the record show there were no comments from board members.

B. County Administrator's Comments

Mr. Taylor provided updates from the last meeting and additional information. He thanked the maintenance department, emergency services, and the sheriff's office for their efforts during the winter storm. He reminded residents that the county does not plow any roads. If the road is state-maintained, VDOT is responsible; associations handle private roads. There was a fire at Bevans Oyster Company. He thanked all responders and then listed the responding counties. He noted that there have also been a few house fires recently and urged everyone to follow fire safety guidelines, including when using portable heaters and extension cords. Mr. Taylor then thanked Chairman Trivett and Vice Chairman McCormack for attending VACO's Local Government Day at the General Assembly and the Chairperson's Institute in Richmond. Budget season is approaching and presentations are scheduled for March 9th from the public safety departments, and on March 23rd, Ms. Rice will attend to present the school budget. He then asked if there are other departments the Board would like to hear from to please let him know. There will be a joint meeting held with the board of supervisors and the school board on February 12 to discuss the old W & L High School building. There is an event for George Washington's Birthday on Sunday, February 22, from 10:00 to 5:00 at the birthplace.

C. Resolution of Service – Ricky Landon

Chairman Trivett asked Mr. Landon to come to the podium to present the award.

Mr. McCormack then read the resolution into the record.

Mr. Ingram stated that 30 years ago, it was great seeing Mr. Landon and Mr. Sisson compete to see who could get to the firehouse first. He thanked Mr. Landon for his dedication to the residents of Westmoreland County.

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Mr. McCormack stated that 40 years is a long time and that is story is very inspirational. He noted that volunteerism is a dying breed and that Mr. Landon is a role model. He thanked him for everything he had done for the county.

Mr. Hynson stated that he enjoyed the race between Mr. Landon and Mr. Sisson as well. He stated that volunteers are a dying breed and thanked him for everything he has done for the county residents.

Mr. Fisher stated that volunteerism often goes unnoticed, and that the extent of his service over the past 40 years speaks volumes about his character and love for his fellow man. He hoped that highlighting Mr. Landon's dedication would reenergize the volunteer spirit, regardless of race or religious views. Mr. Fisher added that if Mr. Landon were to retire, he did not think they could make it without him. He thanked him for everything he has done and for being a friend through the years.

Chairman Trivett felt it was an honor to recognize him and his achievements. He said it was heartfelt when Mr. Landon shared his backstory about why he became a volunteer firefighter and how it shaped his life. He noted that people do not understand what volunteerism means and that it takes a special person to do that for 40 years. Chairman Trivett hoped he did not think the recognition was a ticket to retire. He wanted him to give another 40 years. Mr. Landon thanked the department for putting up with him for 40 years and was happy to pay back what was given to him many years ago. He noted that it does not matter how you repay it as long as you did something. Mr. Landon thanked the board members for their kind words and he thanked God for leading him and guiding him to do what he has done for 40 years.

4. REQUEST FOR APPROVAL OF MINUTES

A. Request for Approval of Minutes, Board of Supervisors Meetings – January 12, 2026

Chairman Trivett stated that everyone should have had an opportunity to review the minutes from the Regular Board meeting on January 12, 2026. The Chairman asked if there were any changes to the minutes; if not, he asked for a motion to approve.

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With no further discussion, upon motion by Mr. Ingram seconded by Mr. McCormack and carried unanimously, the Board approved the minutes from the January 12, 2026, meetings, as presented.

5. REQUEST FOR ADMINISTRATIVE APPROVALS

A. Request for Approval of Accounts Payable and Payroll Register for January 2026

Chairman Trivett stated that you all received the Accounts Payable and Payroll Register and asked if there were any questions, observations, or concerns. If not, Chairman Trivet asked for a motion to approve the Payroll Register and Accounts Payable as presented for January 2026.

With no further discussion, upon motion by Mr. McCormack, seconded by Mr. Hynson and carried unanimously, with Mr. McCormack, Mr. Ingram, Mr. Fisher, Mr. Hynson and the Chairman voting “aye”. The Board approved the Accounts Payable and Payroll Register for January 2026, as presented.

6. PRESENTATIONS

A. Town of Colonial Beach Update, Natasha Tucker, Town Manager

Chairman Trivett stated that Kyler Brower, Assistant Town Manager, was present but did not have anything to present.

B. Town of Montross Update, Fran Taylor, Town Manager

Mr. Taylor stated that Ms. Taylor could not attend but sent an email with some updates.

There have been major water leaks in the town due to the frigid temperatures but all repairs have been completed and the Town is currently seeking funding for the repairs.

7. ACTION ITEMS

A. Revision to 2026 Rules of Procedure, Jim Taylor, County Administrator

Mr. Taylor stated that there was one minor change regarding the Board rules, which has to do with section 2.6, Order of Business. At the last meeting, there was interest in moving Public Comment to the end of the meeting, and this change will reorder the agenda accordingly. He asked if the Board had any questions.

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Chairman Trivett asked if the Board had any questions; if not, he asked for a motion to approve.

With no further discussion, upon motion by Mr. McCormack, seconded by Mr. Hynson and carried unanimously, with Mr. Ingram, Mr. Fisher, Mr. Hynson, Mr. McCormack and the Chairman voted “aye”. The Board approved the revision to the 2026 Rules of Procedure, as presented.

B. Consideration of RFP for 2028 Reassessment, Will Hoover, Commissioner of the Revenue

Mr. Hoover was present and gave a presentation on the 2028 reassessment. He explained why the reassessment was required and when the last one was completed. He noted that under the six-year cycle adopted in 2022, the next reassessment is scheduled January 1, 2028. He emphasized that the purpose of the reassessment is not to raise tax revenue but to ensure fairness and accuracy within the county. He then provided background on the distribution of taxable county assets and presented a graph showing the percentages for residential, commercial, and agricultural assets. His next slide presented showed the sales ratio study results for 2016-2024. He noted that it shows the median results compared to the assessed value and actual market sales. He stated that the 2022 assessment occurred during a period of rapid market change. He then reviewed the historical reassessment cost from the 2022 reassessment and the anticipated reassessment cost. He reviewed the amounts for taxable, non-taxable, and manufactured mobile homes in the county. He reviewed the total cost, the amount the county has set aside, and the difference. His next slide outlined the phases of the general reassessment process, which focus on market analysis and data collection. He then reviewed notable differences in the prior years' timelines and stated that they want to get through the holidays before they send the notice and give taxpayers more time to appeal, if needed. He stated that they also have an analysis on solar farms, they are asking for an assessment guide on the farm itself, and want to know how the surrounding parcels are affected. Mr. Hoover then reviewed the communication plan in the PowerPoint.

Mr. Hoover then asked if the board had any questions.

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Mr. McCormack stated that public engagement is significant due to actions taken in surrounding counties regarding their most recent assessments. He wanted everyone to understand the difference between the market value and the tax rate.

Chairman Trivett asked if any action is needed tonight or if it was just informational.

Mr. Taylor and Mr. Hoover stated that no action is needed.

C. Emergency Declaration for January 24, 2026, Winter Event, Chief Byrd, Emergency Management

Chief Byrd was present to discuss the emergency declaration. He stated that the windstorm event was a exercise for the Emergency Operations Plan (EOP). They set up the EOC efficiently and conducted a dry run in their new facility. On January 23, 2026, Mr. Taylor declared a local state of emergency, right on the heels of the Commonwealth, at the Governor's discretion. He stated that the emergency declaration allows them to take a different posture and free up things from the normal procedure. Chief Byrd stated that Mr. Taylor signed the initial emergency declaration and what is before the Board is the affirmation and the termination of such, as well. He then asked if the Board had any questions about the event. The EOC was up from 7:00 pm on the 24th until 7:00 pm on the 26th. He noted that they kept it in virtual state throughout the event due to ongoing issues after the event, such as wind and ice on secondary roads still present. He stated that the first request would be for the Board to affirm the declaration, and then transition to terminating the affirmation of the event.

With no further discussion, upon motion by Mr. McCormack, seconded by Mr. Hynson and carried unanimously, with Mr. Ingram, Mr. Fisher, Mr. Hynson, Mr. McCormack and the Chairman voted "aye". The Board approved the resolution of the declaration of emergency affirmation, as presented.

Chief Byrd stated that they would then need a motion of termination. He noted that, as of tonight and today, they have completed the proper processes to close the event.

Mr. McCormack thanked Chief Byrd, his department and everyone involved on all they have done during the winter event and had a great feeling knowing that the residents will be safe no matter what happens.

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Chairman Trivett asked Chief Byrd to share how many hours people put in to the winter event.

Chief Byrd stated that he and Deputy Chief Manthey came in at 7:00 pm on Saturday and Deputy Chief Manthey was in the office for 48 consecutive hours. There was a virtual watch desk that was taking calls from all public safety entities, including coordinating with VDOT. He stated that they have a detailed log they will go through on the strengths and weaknesses. There were around the 300 man-hours on top of what normal daily staffing is. With no further discussion, upon motion by Mr. McCormack, seconded Mr. Fisher and carried unanimously, with Mr. Ingram, Mr. Fisher, Mr. Hynson, Mr. McCormack and Chairman voted “aye”. The Board approved the resolution for the termination of declaration of emergency, as presented.

Mr. Taylor acknowledged both towns and stated that they considered opening up a warming center, and each town helped in that regard.

Chief Byrd stated that warming centers are for widespread power outages and they operate at a tiered escalation. He mentioned that each town and school divisions were tremendous to work with and stood ready just in case.

D. AT Johnson Building Update ,Donna Cogswell, Assistant County Administrator

Ms. Cogswell and Keith McElfresh were present to give an update on the A.T. Johnson Building. Ms. Cogswell stated that she would give a high-level overview of what has been done and what is proposed going forward. She then provided some background information including a pie chart of exterior material expenses to date, totaling \$15,568.21. She then showed another chart of testing expenses, stating that testing has been completed, costing \$15,552.56. Her next slide was a summary of estimates from each company for remediation. She noted that three companies provided estimates. She then read each company name, estimated cost, whether ductwork was included, whether testing was done, and any additional information from each company. Her next slide was the recommendation from County Administration, stating the award should go to PBM. References were provided and reviews were positive. A property sale from 2025 totaling \$300,000 was identified to fund the project. She then discussed next steps that are requested. Mr. Ingram noticed the

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difference in price and stated that sometimes people price things to the best of their ability, hoping to get the job, and others price less and get the job and then charge more down the line. He wanted to make sure that if they go with the lowest bidding company that they are not slapping a band-aid on the building like the past; it needs to be done right and maintained. He asked if they are going to do a line by line contract or have a project manager. Will they get reports and photographed documentation in all stages and what if something else comes up in the process? He also asked about what will be done with the tile and the flooring.

Mr. McElfresh stated the contract would be negotiated by the County Administrator but that he would be able to oversee the project if necessary.

Mr. McCormack asked if he spoke to the references from PBM.

Mr. McElfresh stated that he spoke to two of the three and both gave good reviews, except that PBM's communication could be better. Mr. McElfresh stated that he is on his phone all the time and is able to oversee things, whomever the board chooses.

Mr. Ingram asked if references for the other two companies were contacted.

Mr. McElfresh stated that Mr. Taylor had him reach out to PBM to get references but was not instructed to get references from the other companies. He noted that the other companies were recommended by Mr. Taylor.

Mr. Taylor stated that they felt good about the exterior work Maintenance has done to address the water issues. Going forward, there should be no water entering the building. PBM was the lowest bidder and received positive references. Mr. Taylor felt that their offer was the best for getting started, and they can evaluate their work as things progress. He noted that the flooring would be the next phase once the other issues are dealt with and they are looking at industrial flooring with epoxy.

Mr. Fisher felt that PBM would address everything that was needed and did not see anything left out, but they should have some cushion based on their expectation of being able to get the job done if hidden issues arise.

Mr. McElfresh stated that he reached out to PBM due to the price difference and priced it lower because they have the expectation of finding more.

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Mr. Hynson stated that they are supposed to go with the lowest bidder unless there is another problem, and felt that they should go with PBM.

Mr. Ingram had an issue with a company submitting a low bid to secure the work and then later charging more. He understood procurement laws in the school system, where contractors are awarded bids, the work can be subpar, and no one goes after the companies because it is taxpayer funds. He urged the Board to be careful when they intentionally have a company write a low estimate just to get the job.

Chairman Trivett stated that he was concerned about Mr. McElfresh's last statement and that, until then, he had been comfortable proceeding with PBM. He noted that the Board knows the figure they are seeing will not be the full amount and would prefer a more detailed analysis before moving forward. He understood that it was an emergency, but the Board wanted to ensure this would be fixed correctly and that the working environment would be safe. He hoped the companies would provide a price for the entire building, not just the portion occupied by social services. He asked Mr. McElfresh whether he was uncomfortable with the entire building being evaluated, whether he wanted to let them know now, and whether he planned to be the project manager.

Mr. McElfresh stated, if asked, he could be the project manager and present the facts as he sees them. There are federal and state mandates to abate mold in any building; all three companies have strong track records of complying with those requirements, have conducted independent testing, and have reviewed all contracts.

Chairman Trivett asked for Mr. McElfresh's opinion on which company to go with based on his observation through the process.

Mr. McElfresh stated that if the Board is looking for a one-stop shop to do everything, PBM is the best choice, but ServPro has been more detailed than the others have.

Mr. Taylor stated that they are interested in getting the work started quickly, but they can ask PBM to present and outline more of their plan if the Board wishes. Mr. Taylor noted that all three companies stated that the quoted price was the base price because they did not know what they would find until they began removing and examining items.

Mr. Fisher believed PBM may have been bold enough to tell the truth, while the other companies omitted certain details. If they find something, their price will change. Mr. Fisher

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believed they would need to appoint one of their own as project manager to ensure everything ran smoothly if they moved forward with the administration's recommendation. Mr. Fisher then offered a motion to accept the recommendation. Mr. Hynson seconded the motion. Mr. McCormack asked whether the contract would come before the Board so they could review it before it is signed. He is in favor as long as a contract is in place.

Mr. Taylor stated that the contract can come before the Board at the next meeting, and that PBM can present as well.

With no further discussion, upon motion by Mr. Fisher, seconded by Mr. Hynson, Mr. Ingram abstained, Mr. Fisher voted "aye", Mr. Hynson voted "aye", Mr. McCormack voted "aye" and Chairman Trivett voted "aye". Motion passes 4-0 with one abstained vote. The Board approved the recommendation from County Administration to award the contract to PBM to remediate the A.T Johnson building. The contract will be reviewed by the County Attorney and come back to the Board for review and approval before work begins. Chairman Trivett clarifying that this is the first phase of the project and the contract will be drafted and reviewed by the County Attorney to ensure it includes clauses that protect the County.

E. Reaffirmation of 2A Sanctuary Status Resolution, Supervisor Jeff McCormack

Mr. McCormack stated that this has been raised by numerous constituents, presented to the board in 2019, and adopted unanimously. At that time, it reflected residents' concerns about proposed legislation and its potential impact on rural communities like Westmoreland. In certain areas, emergency response times may be longer due to geography, and residents felt that lawful firearm ownership is essential, an important safety concern under the circumstances. This county is home to hunting, farming, and commercial fishing, and many of those engaged in these activities practice responsible firearm ownership. The 2nd Amendment is a constitutional right. Since the adoption of the original resolution, there have been changes in board membership. Members of the public have requested that the Board reaffirm its position, and it is intended to reinstate the county's perspective to communicate those views to state policymakers. He stated that nothing in the resolution conflicts with, supersedes, or impedes the enforcement of federal or state law. The resolution is expressive in nature and doesn't direct county officials or employees

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to act contrary to applicable law. Mr. McCormack then offered a motion to reaffirm the December 2019 resolution that Westmoreland County remain a Second Amendment sanctuary.

Chairman Trivett asked after the vote that Dianne Lank had submitted a letter and had questions. He asked Mr. Taylor if he could follow up with her and answer them, but they will be included in the record.

With no further discussion, upon motion by Mr. McCormack, seconded by Mr. Hynson, carried unanimously, with Chairman Trivett, Mr. Ingram, Mr. Fisher, Mr. Hynson, and Mr. McCormack voted “aye”. The Board approved that motion to reaffirm the December 2019 resolution that Westmoreland County remain a Second Amendment Sanctuary as presented.

F. Street Acceptance- Westmoreland State Park (Route 347 Realignment), Jim Taylor, County Administrator

Mr. Taylor stated that VDOT is preparing documents to update the state highway system to reflect the new and abandoned segments of Route 347. State Park Road is within Westmoreland State Park. Although the Roadway Realignment Project was initiated in 2020 and completed in 2021. VDOT's central office is requesting confirmation that the current board of supervisors supports the previously approved action so VDOT can formalize the highway system changes. Route 347 is a primary access road following into the park and follows a significant slope failure adjacent to the existing roadway near the Potomac River. VDOT determined repair of the original alignment was cost prohibitive and relocated the road south to a safer location and indicates construction for the work was completed in April of 2021. He mentioned the VDOT has a resolution on file dated January 2020 and they are now requesting confirmation from the current board to support the associated state highway system updates.

With no further discussion, upon motion by Mr. McCormack, seconded by Mr. Ingram, carried unanimously, with Chairman Trivett, Mr. Ingram, Mr. Fisher, Mr. Hynson, and Mr. McCormack voted “aye”. The Board motioned to approve the street acceptance highway system changes for route 347 realignment in Westmoreland State Park, including the

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abandonment of the prior segment and the relocation segment to the state highway system, and to authorize the county administrator execute any required documents and coordination with VDOT.

Mr. McCormack was pleased with David Beale at VDOT for getting the speed limit changed in Cabin Point, and he fully supports this effort.

G. Consideration of a letter in support of PFAS Legislation to Legislative matters to include PFAS and the opposition of collective bargaining bills

Mr. McCormack stated that a few items have been brought to his attention regarding legislative matters for the board to support or oppose at the state level. He is asking for a 2-part legislative package, whether the board would like to approve or oppose. He stated that he is asking for a letter in support of PFAS legislation, which Senator Stuart is a patron of. He wasn't sure if it has died yet but would like the board's support. He also would like to express support for the current policy that allows local government, if and when, to engage in collective bargaining with private-sector employees. Mr. McCormack asked the board to oppose Senate Bill 378 and House Bill 1264, which are collective bargaining bills. It is his understanding that both of the bills would remove local authority and create substantial local physical impact by imposing mandatory collective bargaining on local governments. If a group of employees petitions to vote to form a bargaining unit, these bills would also create a state public employees relations board with no specified local government representation and impose binding arbitration, among other provisions. Mr. McCormack offered a motion to submit a legislative package letter to the general assembly addressing those two issues stated above.

Mr. Fisher stated that he needs more information as it relate to these bills before he would take action on it.

Mr. McCormack stated that the bills are time sensitive, there is a work session in 2 weeks, and if they wait the bills might be denied. He recommended that they move on it but understood Mr. Fisher's concern.

Mr. Hynson asked Mr. McCormack to address collective bargaining before the vote is made.

Mr. Taylor stated that the Virginia Association of Counties posted that proposed legislation would mandate collective bargaining for localities. Currently, there is an option; this

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proposed bill would mandate it and would impact the county's fiscal operations. VACO is coming out against it.

With no further discussion, upon motion by Mr. McCormack, seconded by Mr. Ingram, Chairman Trivett voted "aye", Mr. Ingram voted "aye", Mr. Fisher abstained, Mr. Hynson voted "nay", and Mr. McCormack voted "aye". Motion passed 3-1, with one abstention. The board approved a letter in support of PFAS Legislation to Legislative matters, including PFAS, and opposing collective bargaining bills, Senate Bill 378 and House Bill 1264.

H. Consideration of the NNRJ Alternate Member, Jim Taylor, County Administrator

Mr. Taylor stated that this matter was discussed at the last meeting, and that there is a provision under section 1.4 for alternate board members, which he read into the record.

Chairman Trivett asked the boards' pleasure and who they will want as the alternate.

Mr. McCormack nominated himself to be the alternate.

Mr. McCormack stated that this is about strengthening the board's processes and procedures, not an attack on any individual, but to make sure the board functions better. He noted that the surrounding counties have an alternate.

With no further discussion, upon motion by Mr. McCormack, seconded by Mr. Ingram, carried unanimously, with Chairman Trivett, Mr. Ingram, Mr. Fisher, Mr. Hynson, and Mr. McCormack voted "aye". The Board approved the nomination of Mr. McCormack to be the alternate member for the Northern Neck regional Jail.

Before the next agenda item, Chairman Trivett read the rules and procedures for public comments for the 2 public hearings, as well as the Public Comment portion of the meeting. He asked everyone to come to the podium, state their name and address, speak only about what the public hearing is for at that time, and direct their questions to the Board. He then read the full rules and procedure into the record.

I. Land Use – Case # 2602-ZA-01 Request for a Proposed Text Amendment Eliminating Sec. 4-5.3.2(A)3 of Zoning Ordinance (Presentation and PUBLIC HEARING)

PUBLIC COMMENT – Land Use – Case #2602-ZA-01 Request for a public hearing for a proposed text amendment, eliminating Sec. 4-6.3.2(A)3 of the Westmoreland County Zoning Ordinance, which requires a SO' wellhead protection radius to be contained entirely within the boundary lines of a given parcel of new development. If not, then an easement must be

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granted by the affected neighbor and recorded in the courthouse before the applicant may proceed.

Kelly DeJesus, Land Use Planner, gave a presentation on the proposed text amendment. She stated that this amendment arose because a citizen had to deal with an erroneous code section in the zoning ordinance. She then read code section 4-6. 3. 6.3.2(a)3 of the zoning ordinance into the record.

Sec. 4-6.3.2(A)3 of the Westmoreland County Zoning Ordinance states, "The applicant for a Zoning Permit for the well shall provide a potable water supply as required by the Virginia Department of Health showing the required wellhead protection radius of 50 feet. The entire wellhead protection radius shall be contained within the area of the applicant's property, a existing public or private road right-of-way dedicated for public access, a waterbody, and/or a recorded easement or easements with all landowners encumbered under the wellhead protection radius."

Replacement wells are not held to this standard, regardless of their adjacency to neighboring parcels. Important to consider, throughout the entire Commonwealth, Westmoreland County alone supersedes VDH regulations and requires its citizens to enter into civil agreements.

She then showed a site plan of the case that brought the issue up and a picture of the existing property lines and structures. She stated that the proposed well crosses over two different properties, and the applicant would have had to get two easements from each neighbor. She then showed another site plan with critical slopes and noted that you cannot have accessory structures within the resource protection area under the Chesapeake Bay Act. There are no provisions allowing that exception for staff to approve, and it would have to go before the Board of Zoning Appeal. She then showed another site plan and explained the issues the applicant had to face due to the zoning ordinance. Ms. De Jesus' then went back to the first site plan and stated that the provision left the applicant with uneasy choices, such as

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purchasing both easements from the neighbors, which was not an option for various reasons. The applicant could apply for an after- the- fact variance from the Board of Zoning Appeal, appeal staff' s determination to the Board of Zoning Appeal and apply for a text amendment to have specific requirements removed, or relocate the well. She noted that she was unable to find any legislative authority that grants them the ability to include that section in the zoning ordinance, and that we are the only locality implementing the 50- foot wellhead protection radius, which is a hindrance to the citizens.

The Westmoreland County Planning Commission recommend for the Board of Supervisors to approve Case #2602-ZA-01.

There were no questions from the Board.

Chairman Trivett opened the public hearing for Case # 2602-ZA-01 at 7:30 p.m.

Let the record show no one came to the podium during the public hearing and Chairman Trivett.

Chairman Trivett closed the public hearing at 7:31 p.m.

Mr. McCormack thanked Land Use staff for bringing it to their attention, and anything they can do to make it easier for the constituents, they will.

With no further discussion, upon motion by Mr. McCormack, seconded by Mr. Hynson and carried unanimously, Mr. Ingram, Mr. Fisher, Mr. Hynson, Mr. McCormack and Chairman Trivett, voted “aye”. The Board approved Case #2602-ZA-01 Request for a Proposed Text Amendment Eliminating Sec. 4-5.3.2(A) 3 of Zoning Ordinance, as presented.

J. Land Use – Case # 2511-SE-04 Oldham’s Rd & Threeway Road Solar Project (Presentation and PUBLIC HEARING)

Ms. DeJesus provided a brief overview of the project and stated that the applicant will provide a more detailed presentation later. She noted that the site is undeveloped, has been

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farmed, and has an access right-of-way. She then reviewed the topical graphic conditions, noting that there are some slopes on site. She reviewed the onsite soils and farmability and explained Rumford, Savannah, and Suffolk in more detail. She then showed pictures of the parcel views from the south, southwest, and southeast, as well as views from the northern property line and other site views. She reviewed the project concept plans for a 4.99 MW-AC solar facility on 46 acres of a 73.55-acre parcel. She then showed the overall site plan of what it would look like and stated that they plan to collect the water in a BMP area and that there will be a vegetated berm to help shield the view from the road. She then reviewed the Planning Commission's recommendation. The final vote on the special exception itself was 3-1, and the vote on compliance with 15.2-2232 was 4-0, with one absent.

Mr. McCormack asked about the green lines around one of the site plans and if it was a berm.

Ms. DeJesus stated that she believed it was the vegetative buffer, but the applicant could answer that better.

Chairman Trivett asked to go back to the picture that shows the view to the south taken from the neighboring property, and a berm will be installed along the line of the street.

Chairman Trivett asked if it shows the property with soybeans growing on it, even though in Ms. DeJesus's presentation, it said that to was only suitable to grow hay.

Ms. DeJesus stated it is on the other side and according to the soils guide it has low natural fertility.

Mr. Hynson stated that beans are closely associated with grass, not like corn.

Collin Sexton, Director of Project Development at Ameresco, acknowledged the others from the development team present. He then gave a presentation on the project and reviewed Ameresco's backstory. He then went over Ameresco's experience with solar projects in Virginia. He then went through the site information for the Oldham's Solar Project, such as project location, current use, system size, array type, parcel and project size, and substantial setback. He then went over more site information, such as utility, interconnection status, and distance from the substation, which he read from the PowerPoint. He then showed the conceptual site plan from Ms. DeJesus's PowerPoint. He reviewed the various parts of the plan, including project boundaries, building setbacks, the location of the vegetative buffer,

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and existing overhead. He then showed photos of the site. His next slide reviewed the project's economic benefits, such as voluntary payments, additional project review, special exception conditions, machinery and tool tax, and real estate taxes. His next slide covered the environmental project benefits, including reducing environmental impact, the number of houses the electricity will serve, preserving local land, preserving farmland to be put back into production at the end of the project life, keeping the soil up, and keeping the topsoil on-site. He then went over the components of solar panels and the percentages of each component. He noted that all solar panels go through Toxicity Characteristic Leaching Procedure testing and that the majority if the components are nontoxic and recyclable. Mr. Sexton then called Ricky Hewitt with Human Solutions to continue the presentation. Mr. Hewitt came to the podium, introduced himself, and presented his credentials to the Board. He noted that the work they have been doing is preliminary but extensive. He then reviewed key considerations such as erosion and sediment control, stormwater management, site vegetation, and soil conditions, noting the proposed solutions for each. The project will implement protective and strategic erosion and sediment control and stormwater management plans that promote healthy site vegetation and long-term soil health for the project and surrounding area. He then went over the soil management plan for the project, noting that Ameresco understands the importance of proper soil management, especially on solar projects sited on agricultural land, and will implement a strategic construction sequence. He then listed the sequence; including grading activities, complete soil excavation, installing a vegetated berm, landscaping plantings, etc. He then reviewed the stormwater management site plan and stated that 90% of the site drains northward to the low area shown in the previously mentioned soybean photo. There will be a basin that discharges directly to where there is an existing 18-inch culvert underneath Oldham's Road. He noted that they are doing everything they can to demonstrate that they will meet all the codes with DEQ and other entities. He noted that they have done an analysis and the stormwater has improved.

Mr. Sexton returned to the podium to discuss the noise complaint from the facility. He noted that during operation, noise levels would remain within county requirements. He reviewed the inverter type and when they operate. He noted that they are 350 feet from

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the east and west parcel lines, and the closest house is over 1,000 feet from the inverters and will not be impacted. He then stated that there were concerns about traffic management and showed a picture of the traffic management plan. He stated that they are avoiding Three-way Road and off Route 203. They are trying to make it as streamlined as possible and have the delivery trucks on and off the site in the same way. He then showed the Westmoreland County policy adherence and stated that the project is under 50 acres and the policy in place doesn't apply, but some have been involuntarily incorporated. He then went over the siting requirements, such as location, land quality considerations, screening and visual impacts, and environmental controls, and then read the design measures that were incorporated for each. He then reviewed the view-shed analysis and showed the site plan depicting that. He stated that the property would be screened on every property line; maintain 25 feet of landscaping plantings on the south, 50 feet on the west, 50 feet on the north, and a vegetative berm on the north side. He then showed a line of site exhibit and went through each profile for the line of site for 2 houses and explained the profile of each. He then showed a 3D visual rendering for house 1 for year one. Native Virginia trees will be planted on the proposed berm, initially planted at 8-10 feet to maximize survival and promote growth. He then showed what it will look like at year 5, and they anticipate a growth rate of 3-4 feet per year. He then showed the 3D rendering for house 2 for year 1 and then showed what it will look like at year 5. He noted that they are going to put a landscaping bond to ensure that any trees that die within 5 years are replaced. He noted that they received a lot of feedback from the community and planning commission meetings and are trying to implement as many as possible. He then reviewed what had been implemented since the feedback was received for soil management, erosion control, landscaping plantings, vegetation management, pedestrian safety, and the noise study. He mentioned that they welcome all feedback and want to incorporate feasible, actionable feedback.

Scott Foster, the lawyer who represents Ameresco, came to the podium and thanked county staff for a comprehensive set of special conditions. He then highlighted certain areas that they have enhanced based on conversations with staff and the public. He stated that they have restricted construction deliveries after kids are in school, but it must be before

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dismissal. He emphasized the bond for the replacement of plantings for the first 5 years. He stated that the inverters do make noise and have committed to conducting a noise study as part of the final site plan and must comply with the residential noise level, not agricultural. At the previous public hearings, they heard a lot about the loss of agricultural land. Condition 7 allows them to conduct on-site soil testing prior to the start of construction to establish a baseline, and at decommissioning, they have to meet or exceed those levels. He then mentioned number 11 in the ordinance and noted that no one has seen a chain-link fence with strands of barbed wire. They are planning to move to a more agricultural-style fence. Once the panels have been selected and ordered, a spec sheet accompanies the order. He then explained the TCLP procedure, discussed the voluntary payment scheme, and went into more detail on each. He noted that it ends up being \$50,000 by various milestones. He noted that every revenue stream they can give, they are required to by statute and voluntarily. He stated that the binding conditions are what matter, and if there are things that are concerning or that come up in the public hearing, he would be happy to work on the issues.

Chairman Trivett asked if there are any questions for Ameresco.

Mr. Fisher stated that there is a right-of-way that goes through the back portion of Route 203 and asked if there is any intention of using it.

Mr. Sexton stated that it will remain untouched and left out if the traffic management plan.

Mr. McCormack stated that he grew up in the area and that his main concern is the vegetative berm, which could obstruct school buses when they turn onto Oldham's Road.

Mr. Ingram stated that a long-term solar farm needed to be considered, given that generations of people would have to deal with it. He then asked about the stormwater retention pond and what happens when it turns into a wetland.

Mr. Sexton answered that the initial term is 20 years, but they hope to keep it operational for 35 to 40 years.

Mr. Hewitt agreed with Mr. Ingram and stated that the area is flat with a significant elevation change, but they will grade it to ensure it actually drains, which is a revised practice over time. He noted that they have shown the basin larger than needed to ensure

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they have wiggle room if needed, and that there is significant elevation between if things need to be changed.

Mr. Ingram asked what the contingency plan was if they were preparing the site and ran into a spring.

Mr. Hewitt stated that it would supply the basin with water outside of rainfall, but they have a low flow, or Orpheus and the systems in the riser structure, to handle incoming water. He then reviewed the issues they had encountered in other projects.

Mr. Ingram then asked if the company had ever been involved in decommissioning in a solar project.

Mr. Sexton answered no, although they had been involved in the decommissioning plans or bonds.

Mr. McCormack mentioned a lot of accidents that have been occurring with horse and buggies in that area and is concerned about the location of the berm.

Mr. Sexton stated that he would be happy to meet to address the concern.

Mr. Fisher asked if they are going fill the whole of 203 or put the berm on the knoll.

Mr. Sexton stated that the berm will be filled from the retention pond, taking into account the existing topography and building up to 12 feet. There is room from the berm and the road, 50 feet off the west and north side.

Mr. Hewitt states that existing vegetation will remain untouched, the berm will be 80 feet off the road to the south, and VDOT will have to approve many aspects of the project.

Mr. Fisher stated that 203 is the property drop-off and naturally drains. There is a pipe that goes under and drains to Oldham's.

Mr. Hewitt explained the conceptual plan for the line of sight and where the berm will sit, along with what is around it.

There were no questions from the Board, and Chairman Trivett opened the public hearing for Case # 2511-SE-04 Oldham's Rd & Threeway Road Solar Project. Below is who spoke during the public hearing.

Kelly Moss- lives at 2043 Three Way Road and is opposed to Oldham's solar project. She stated that it would negatively affect the community. In 2022, the Northern Neck was designated as a Northern Neck Heritage Area. These are places where historical and cultural

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resources combine to form cohesive landscapes for the communities that reside there. She noted that she has always loved how neighbors help when people are in need, and that she does not like it when projects come in to disrupt good farmland, leading to loss of property value and health effects. She mentioned that solar projects are a fast and easy way for the landowner to make money, and if they are as safe as they say, would the property owner want them installed along the trail before the solar farm is built? She then stated that they would also be losing woodland, which would in turn lose wildlife and hunting capabilities. She then asked about fire protocols if one were to happen on a solar farm and how the surrounding area would be affected. She spoke about the rise in cancer diagnoses in the county and how a solar farm would add to that.

Let the record show that Wade Sanders also submitted a letter of opposition to the project.

Eric Harper- 2235 Threeway Road, asked how a smaller solar facility in Hanover County produces 5 megawatts, while this project produces less than 5 megawatts. He feels that it's so they can stay below the solar policy amount and don't have to adhere to the policy guidelines. He noted that they contradicted themselves when they stated that no topsoil would be removed, but in the same presentation later, someone else said that it would be. He noted that the presentation said hay was grown on that property, but he has only seen corn and soybeans grown there. He then spoke about riding around and stopping to watch the combines, which is peaceful to watch, and you cannot do that if there are solar panels there. He lastly thanked Mr. Landon for his service to the fire department.

Frederick Norris Harper- He is opposed to the proposed solar project and stated that he has never seen hay grown there and has worked the land and knows the quality of it. He spoke about what it would take to build the berm, topsoil from the whole site and from other areas to build it. He stated that there will be an obstruction at the stop sign and will create a problem with vehicles and school buses. The heritage from this county was formed from farming and in the 1930s; tomatoes were grown in that property. There was a factory at that time that employed many people. He noted in the comprehensive plan it states to preserve the farmland in rural areas.

Jean Harper- 2181 Threeway Road and stated that the proposed site is across the street from a property she owns. She is against the project and asked why the solar policy isn't for

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all sizes of solar facilities. She noted that she wasn't aware that the policy had a size limit on it until she heard it at the end of the Planning Commission meeting. She noted that they have property that adjoins it as well and asked why there isn't any setback requirements for that part of the project.

Christy Livesay – 23635 Kings Highway and co-owns property on Oldham's Road. She opposes the solar project. She stated that this county isn't waiting to be industrialized; it is living and working land. She then spoke about the importance of preserving agricultural soil and the risks of a solar facility, such as runoff issues and pollution. She stated that the roads aren't built to handle industrial traffic, and the risk is not hypothetical; it's real. She spoke about the 250th anniversary of the country, which is coming up, and the celebration of the country's history and what it was built from. She noted that it is worth more than quick decisions and asked what it says about the values during the historical moment if the county chooses to industrialize farmland.

Julie Johnson - She lives on Threeway Road and has a farm named after a spring that runs under their property and comes out behind, emptying into a pond. She stated that they haven't researched the underground systems and an endangered bird that isn't meant to be moved. She has been a 4H leader in the county for 17 years. She noted that she has changed many kids' lives and takes them to the country to show them nature. She raises horses and dairy cows, and people don't come to see solar panels; they come to see the beauty of the agriculture, fishing, and hunting. Farmland can't be lost, once it's gone, it's gone. She asked the board to deny and that it would be detrimental to her family, neighbors, and the community.

Richard Wilkins- He lives on Cedar Hill Road and stated that the county has 12 solar facilities and they don't need anymore. He noted that none of them have been decommissioned and doesn't know what the land will look like when it's returned to its original state. He asked what would happen if the facility were damaged and who would be responsible for cleaning it up. He is opposed to the project.

Brandon Carter- 1745, 1808, and 1753 Oldham's Road. He stated that he sent an email opposing the project. He spoke about another solar facility that had an issue with runoff that entered the Rappahannock River, polluting it. He stated that the pipe runs under his

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property, and they haven't done the proper research to determine where it drains to. He stated that a farmer used irrigation from the retention pond in the back of Nomini Creek. He spoke about how the retention pond won't withstand changing weather and that his family has been on the land since the 1940s. He stated that it can always look good on paper, but in practice, you don't know what could happen.

Cindy Hayes- 23641 Kings Highway- is opposed to the project. She stated that 2 solar facilities have been approved on both tracks of land owned by her family. She mentioned her concerns about the project, such as sufficiency, land use, and long-term safety. The proposed site is productive agricultural land, and once converted, it's gone forever. She then spoke about not having enough information on decommissioning and how certain things are accepted after its put back to its original state. She then mentioned a list of health risks of having solar farms and also listing how it disrupts animals and migration patters. She felt that the project being just under the 5 megawatt mark was so they don't have to have more limits and be under rigorous review. She is grateful that the county has a policy but a lot of small scale projects will slip through.

Heather Fanning -1935 Pomona Road was not familiar with the proposed property but was familiar with her own property and had a similar facility that was approved by the Board. She heard a lot discussed about the solar policy and ordinances but was unaware of a policy being adopted. She felt that it was irresponsible for the Board to continue approving special exceptions without a governing policy in place. She then listed the issues that arise without a policy in place and who will be affected. She then expressed her issues with the policy, noting that the proposed policy is not even under that, so they are able to do more. She stated that the solar farm that was approved also had all of the issues that the projected one does, but that one was approved.

Dr. Pam Alderman- 850 Woodbine Road and stated that she lives close to a solar farm and they heard all of the promises that they spoke of tonight as well. She stated that DEQ is looking into solar panels, which are an impervious cover because they spend most of their time flat. She then spoke how they were told to bot worry about tornados and then a warning came through. She stated that there was a fire in her area and she felt it was due to the reflection of the solar panels. She mentioned that the county needs to figure out how

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they are going to handle fires like that. She then spoke about an article that was published in June 2025 from Virginia Tech about the solar farms affecting the property value and then quoted something from the article. She is highly against solar farms and feels that they should leave their generation something to look forward to, not solar.

Mike Moss- 2043 Three Way Road- is opposed to the project but is for property owners' rights in doing what they want with their land. He then asked where the sediment pond will drain and how its related to the drainage pipe on Oldham's Road and the elevations. He asked what the maintenance plan was for the berm. He then mentioned the distance from the state right-of-way to the berm, and what it will look like in 10 years. He then spoke about the picture in Ameresco's presentation showing a car with a high berm behind it and asked what it would look like 80 feet back. He wanted to know the current noise and water quality was as a base point.

James Johnson- 2744 Oldham's Road, asked if he has to build a house with a bigger or smaller square footage, he has to follow the same rule, and doesn't understand how something can be approved without any regulations. He has lived there his whole life, and a normal rain shower will cover Oldham's Road, and the retention pond won't be able to handle the rain it gets in that area. He was opposed to the project.

Larry Hinson- He is opposed to the project and feels that they have enough solar farms in the county as it is. He wanted to board to adopt a policy that stated no solar panels. Let the record show that there were other submittals from county residents opposing the project as well.

Let the record show that no one else came to the podium to speak, and Chairman Trivett closed the public hearing for Case # 2511-SE-04 Oldham's Rd & Threeway Road Solar Project.

Chairman Trivett then asked if the board had any comments.

Mr. Fisher thanked all who spoke during the public hearing and felt that the applicant put a lot of time into the presentation. He stated that change is difficult, and there were times when people didn't want things built in certain areas due to their race. He noted that they don't know what will happen when things change in the future, but individuals try to make the best decisions they can for their future and for generations to come. He mentioned that

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the project is proposed, the applicant and owner have given reasons that are important to them, and potentially 1000 homes could receive power from the solar farm.

Mr. Foster asked if they were able to come and answer questions they heard during the public hearing, received good suggestions and are happy to come back next month if the Board would like to differ the determination until the next meeting to allow them time to supplement and engage with the board on questions that were asked.

Mr. Fisher offered a motion to differ on Case # 2511-SE-04 Oldham's Rd & Threeway Road Solar Project until the next meeting.

Chairman Trivett then asked for a second on the motion, let the record show there was no second received, and Mr. Fisher's motion to differ was denied.

With no further discussion, upon motion by Mr. McCormack, seconded by Chairman Trivett, with Chairman Trivett vote "aye", Mr. Ingram vote "aye", Mr. Fisher vote "nay", Mr. Hynson vote "aye", and Mr. McCormack voted "aye". The motion passed 4-1. The board approved the motion to deny Land Use Case # 2511-SE-04 Oldham's Rd & Threeway Road Solar Project and the application was denied.

K. Presentation on the 250th Anniversary Heritage Passport Program.

Mr. Taylor gave an update on the heritage passport program and wanted the boards input on where they are so far to ensure it is what the board wants. He noted that Dale Hendon, Director of Economic Development was unable to attend and has been working on the program. He then went over the historical landmarks and museum sites that are included in the passport. His next slide was a breakdown of how the visitors will access the passport and the process of getting a stamp at each site and the incentive once completed. He then gave a cost breakdown of the passport, and what certain funds will be used for. He stated that no board action is required as the program; budget can be funded through existing IDA funds. He noted that the total amount needed is around \$6,000 and \$2400 is for the technology to use for the passport program. He then went over the next steps and noted that they are finalizing the design and will have a concept to show soon. The official launch date is February 22, 2026 in conjunction with the birthday celebration at George Washington's birthplace.

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Mr. Ingram asked if the gift cards could be marked for food use only, and wanted to ensure that it is state and local money doesn't go toward the purchase of alcohol.

Mr. Taylor agreed and stated that they can do that.

Let the record show that the board members agreed that they are on the right track and to continue as they are.

8. PUBIC COMMENT

Chairman Trivett asked those who would like to speak to state their name and address for the record and to try to keep their comments to 3 minutes. Below is who spoke during public comment.

Richard Wilkins- He read a quote that said to be yourself, everyone else is taken. He then commented about the snow removal and understood that EMS and the Sheriff's Office were the first priority, but felt that if better planning had been done, the transfer station and convenience sites could have been opened sooner.

Diane Lank- She appreciated Mr. Ingram's comments about children having a safe environment to go to when they have to go to social services and felt that it was important, and the repairs need to be done correctly. She stated that the county has a lot of things to address such as the A.T Johnson Building, schools , public safety, etc. but none is affected by affirming something that isn't legally binding. A county resolution cannot suspend state law, cannot direct constitutional officers and cannot by symbolism what it lacks authority by statute. She then wondered if the board should even spend time reaffirming something that it cannot due even though people think it does more than it can. She noted that the resolution didn't originate here, it circulated around the state. She then spoke about another resolution that is circulating with political intent. She stated that what is being proposed at the state level includes background checks, safe storage checks, red gun laws and certain limits on assault style firearms. She asked the board to make sure they are clear on the intent of the reaffirmation of its symbolic or if they are wanting it to have a certain legal standing so the residents aren't confused.

Tom Savage, 1109 Irving Avenue in Colonial Beach, is a lawyer and gun owner. He believes in supporting the laws and the Constitution. He asked what the Second Amendment Sanctuary Amendment to the county means. He felt that Ms. Lank's comments were correct, that it has no

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meaning or legal standing. He then asked for the definition of a sanctuary, and to him it means that you could go to that place and nothing would happen. He stated that a criminal could come with a gun and nothing would happen. He stated that there is nothing in the resolution that addresses constitutionality, and that judges and courts decide what is constitutional; this board does not.

John Hutt- He wanted the Board to consider the purchase of the Hutt building, where he practices law, in the town of Montross. He felt that at his age it was time to retire and spend time with his grandchildren before he is unable to do so. He has been in communication with Mr. Taylor and other staff previously and has kicked numbers around but hasn't been able to come to an agreement, and he is on a time crunch. He stated that he put a lot of money into the building and didn't want all of it back. He gave booklets with figures and picture of the building to all board members and felt that the number reflects all of the factors he has mentioned such as how much time and money was spent building and maintaining, how much it would mean to the county to own an over 10,000 square foot building that was built to last 250 years. He then went over the various materials used in the building. He stated that he just needs enough to pay the bets that he has and have enough to spend the next years of his life with his family. He invited that board members for a tour of the building and to all him anytime.

Anthony Johnson- 508 Mounty Holly Road and he was concerned about the road being rutted all the way from the end of the road to the stop sign. He asked he board if they could asked when VDOT starts to pave the road if they could pave from the squad building to the stop sign.

Mike Mills- he lives in ebb tide and thanked the board for the reaffirmation resolution they passed. He stated that they have the 3-minute timer for the public and asked if they could make that for the board members also.

Michael Self- he owns several lots in this county and stated that Ms. Harper led that Board to believe that she owned the lot that is directly across from the solar project but he actually owns that. He felt that Mr. Fisher brought up good points earlier in the meeting and that he has 2 solar projects in Richmond County and has gotten a lot of negative comments. He stated that the money he received from the solar farms changed his life in many ways and that solar farms are 15 times more profitable than farming. He felt that the big issue is that no one wants to look at

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the solar panels and there is no noise, no pollution, it doesn't hurt anyone. He felt bad for the couple that the board denied the project due to it would have changed their life.

Eric Harper- he stated that Mr. Self was correct but not fully, his parents land comes up to the land but not all of it. He stated that he bought 100 acres just to put solar panels on it and is not a farmer.

Keri Cusick- Director of Social Services, asked for a whole-wall assessment instead of just the bottom; there are leaks in every part of the wall.

Mr. Hinson – He stated that he spoke to board members about the school delays and closures due to snow not being announced on the radio. He stated that the DJ for the radio contacted the school, and they said they did not want it announced, but he will bring the issue to the school board meeting.

9. ADJOURNMENT

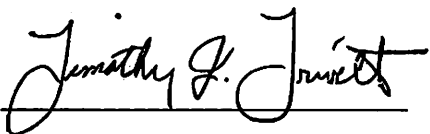
Chairman Trivett asked if there were any other business to bring before the board. He asked Mr. Taylor if they were still planning to have the work session on the 23rd.

Mr. Taylor stated that they are having the work session at 6:00 p.m.

Chairman Trivett asked whether there was any further business to bring before the board if not he asked for a motion to adjourn.

With no further business, upon motion by Mr. McCormack, seconded by Mr. Ingram, carried unanimously. The Board adjourned the meeting at 10:00 p.m.

The next scheduled meeting is Monday, February 23, 2026 at 6:00 p.m. in the George D. English, Sr. Memorial Building.

Chairman, 

TIMOTHY J. TRIVETT, CHAIRMAN
ELECTION DISTRICT NO. 5
COLONIAL BEACH, VIRGINIA 22443

JEFFREY A. MCCORMACK, VICE CHAIRMAN
ELECTION DISTRICT NO. 2
MONTROSS, VIRGINIA 22520

DARRYL E. FISHER
ELECTION DISTRICT NO. 1
HAGUE, VIRGINIA 22469

MATTHEW D. INGRAM
ELECTION DISTRICT NO. 3
MONTROSS, VIRGINIA 22520

W. W. HYNSON
ELECTION DISTRICT NO. 4
COLONIAL BEACH, VIRGINIA 22443



WESTMORELAND COUNTY, VIRGINIA

Board of Supervisors

MONTROSS, VIRGINIA 22520-1000

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RESOLUTION
IN RECOGNITION OF SERVICE



WHEREAS, Mr. Ricky Landon, a resident of Westmoreland County, has faithfully and selflessly served the citizens of the County in numerous capacities for forty (40) years; and

WHEREAS, his strong desire to serve his neighbors and community inspired him to join the Westmoreland Volunteer Fire Department, where he has dedicated countless hours to protecting the lives and property of County residents; and

WHEREAS, throughout his volunteer career, Mr. Landon has played a vital role in protecting and safeguarding his fellow citizens, consistently demonstrating unwavering commitment, professionalism, and public spirit; and

WHEREAS, Mr. Landon's forty (40) years of service reflect an extraordinary record of dedication, sacrifice, and devotion to the people of Westmoreland County.

NOW, THEREFORE, BE IT RESOLVED, that the Westmoreland County Board of Supervisors does hereby commend and honor Mr. Ricky Landon for his forty (40) years of exemplary service to the citizens of Westmoreland County.

Dated: February 9, 2026

Timothy J. Trivett, Chairman
Westmoreland County Board of Supervisors



BOARD OF SUPERVISORS

of the

County of Westmoreland, Virginia

RULES OF PROCEDURE

ARTICLE 0. PURPOSE, PRINCIPLES, AND RULE OF CONSTRUCTION

0.1 Purpose.

These Rules of Procedure are adopted to support the orderly, efficient, fair, and transparent conduct of the official business of the Westmoreland County Board of Supervisors. The Rules are intended to ensure compliance with applicable state law, protect the rights of Board members and the public, and provide consistent expectations for meetings, deliberations, and decision-making.

0.2 Principles.

In carrying out its duties, the Board of Supervisors affirms the following guiding principles:

1. Public Service and Stewardship. The Board is committed to responsible governance, ethical conduct, and the careful stewardship of public resources.
2. Transparency and Public Trust. The Board will conduct business openly to the greatest extent permitted by law and will communicate decisions in a clear and timely manner.
3. Orderly and Respectful Deliberation. The Board will uphold a meeting environment characterized by courtesy, professionalism, and respect for differing viewpoints.
- d. Equal Rights of Members. Each member has equal standing and opportunity to participate in discussion, propose motions, and vote consistent with these Rules and state law.
4. Meaningful Public Engagement. The Board values citizen input and will provide reasonable opportunities for public comment consistent with efficient conduct of the meeting.
5. Consistency and Predictability. The Board will strive for clear, reliable processes that help staff, residents, and partners understand how and when decisions are made.
6. Efficient Decision-Making. The Board will balance thorough deliberation with timely action to advance County priorities and meet community needs.

0.3 Rule of Construction / Parliamentary Authority.

These Rules shall be construed to promote orderly and efficient governance and to ensure compliance with the Code of Virginia and other applicable law. In the event of a conflict between these Rules and state law, state law shall control. When these Rules are silent on a procedural matter, the Board may refer to the most recent edition of Robert's Rules of Order Newly Revised as a guide, provided such reference does not conflict with state law or these Rules.

Article I. ORGANIZATIONAL MEETING

- 1.1 Annual Meeting. The Board shall elect a chairman and vice-chairman at the annual meeting in the month of January for a one (1) year term at the beginning of the new terms of office. (§ 15.2-1422 Code of Virginia 1950). When local elections have been held and a new Board is holding its first meeting, if neither the former Chair nor Vice-Chair remains on the Board, the County Attorney shall preside over the meeting until a Chair has been elected.
- 1.2 Chairman. The Chairman shall preside at all meetings and hearings of the Board; he or she shall decide all points of order or procedure, and the full Board shall appoint any committees that may be necessary.
- 1.3 Vice-Chairman. The Vice-Chairman shall assume the duties of the Chairman in his or her absence or disability.
- 1.4 Clerk. The Clerk to the Board shall conduct all official correspondence subject to these rules at the direction of the Board; shall send out all notices required by these rules of procedure; keep all minutes of the Board's proceedings; and keep files on all matters which come before the Board.
- 1.5 Parliamentarian. The County Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure, Robert's Rules of Order and the Code of Virginia (1950), as amended, as may be directed by the Chair, or as required as a result of a point of order raised by any one or more Board members. If the County Attorney is unavailable, the County Administrator shall serve as the Parliamentarian.
- 1.6 Preservation of Order. At meetings of the Board, the presiding officer shall preserve order and decorum.

ARTICLE 2. MEETINGS

- 2.1 Regular Meetings. A regular meeting of the Board of Supervisors shall be held on the second (2nd) Monday of each month commencing at 6:00 p.m. to conduct the regular business of the Board. The Board will meet as needed on the Wednesday following the second (2nd) Monday of each month commencing at 6:00 p.m. to conduct the land use business of the Board. Such meetings shall be held at the George D. English, Sr. Memorial Building, located at 111 Polk Street in Montross. When the regular meeting date falls on a holiday, the meeting shall be held on the following Wednesday at the George D. English, Sr. Memorial Building,

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commencing at 6:00 p.m. to conduct the regular business of the Board and commencing at 6:30 p.m. to conduct the land use business of the Board. All meetings are open to the public and all business shall be conducted publicly, except certain specific exempt topics identified in Section 2.2-3711 of the Code of Virginia 1950 (as amended) may be discussed in closed meeting.

- 2.2 Special and Adjourned Meetings. Special meetings may be called in accordance with Sections 15.2-1417 and 1418 of the Code. The Board shall be given 72 hours advance notice of such special meetings, unless emergency circumstances dictate otherwise. Adjourned meetings or reconvened meetings may be held any specific time, date, and place the Board may set, without additional notice, so long as the time, date and place are publicly specified prior to adjournment at the preceding meeting.
- 2.3 Quorum. A quorum shall consist of three members. If disqualifications of Board members should occur as a result of the provisions of the State and Local Government Conflict of Interests Act, the remaining members shall have authority to act for the Board by majority vote, unless an unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members (§ 2.2-3112 (c)).
- 2.4 Voting. Each supervisor shall be entitled to cast one vote on any questions before the Board. Voting shall be by voice, recorded by "aye", "nay" or "abstain".
- 2.5 Minutes of Meeting. The minutes of the Board meeting shall reflect the official acts of the Board and names of the public commenting during public hearings and citizen comment periods. Each recorded vote shall indicate how each member of the Board voted. Preparation of minutes will be done in accordance with the requirements of Section 2.2-3707 and Section 15.2-1242 of the Code of Virginia, as amended. Minutes shall be included as part of the agenda package for the subsequent regular meeting of the Board. Draft copies of the minutes will be made available to the public in hard copy form at each regular meeting of the Board.

Agenda. The County Administrator shall prepare an agenda for each regular or special meeting of the board on which shall appear the title of each matter to be addressed at the meeting. The agenda for each regular meeting shall be prepared at least five days prior to the meeting and be distributed to appropriate officials and employees of the county government and member of the public and media requesting copies. Matters may be placed on a Board agenda only in the following manner: (1) by resolution of the Board; or (2) upon the direction of any member of the Board of Supervisors; or (3) by the County Administrator or County Attorney; or (4) when directed by Section 15.2-1243 et seq. of the Code of Virginia as a claim to be presented to the Board of Supervisors, or (5) upon referral of a land use matter to the Board of Supervisors as provided for in Chapter 22 of Title 15.2 of the Code of Virginia. Any member of the general public or group who wishes to be placed upon the Board's agenda must submit a request in writing to the County Administrator at least ten (10) days prior to the Board meeting for which the item is scheduled to be considered. When requesting time to appear on the agenda, the requestor shall give the County Administrator a description of what the topic will be, the speaker's name, complete address and phone numbers for contact purposes. If the speaker is representing a group or organization, the request shall include the organization's name, speaker's official position and the speaker's authority to represent the organization. All items which are requested to be placed on the agenda which have not been submitted within the prescribed deadline shall be placed on the next regular

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agenda for consideration.

2.6 Order of Business. The order of business at all regular meetings shall be as follows:

2.6.1 Call to Order

2.6.2 Consideration of Amendments to the Agenda

2.6.3 Comment Period- Board and County Administrator

2.6.4 Consent Agenda

2.6.5 Reports and Presentations

2.6.6 Action Items

2.6.7 Public Comment

2.6.8 Adjournment

2.7 Electronic Meetings.

Unless otherwise authorized in emergency circumstances pursuant to Va. Code §2.2-3708.2 or other legal authority, Members may participate in meetings by electronic communication means provided that a quorum that is physically assembled and subject to the following procedures: 1. On or before the day of a meeting, a Member seeking to participate by electronic communication means shall notify the presiding officer that they are unable to attend the meeting due to a temporary or permanent medical condition (or disability) or a personal matter. A medical condition (or disability) applies to a condition of the Member or someone for whom they are a primary caregiver (if providing care prevents physical attendance) and need not be disclosed, but a personal matter must be identified with specificity. 2. If participation by a member through electronic means is approved by the presiding officer quorum that is physically assembled, the minutes will reflect: a. The address or general description of the remote location from which the Member participates (which need not be open to the public). b. If the Member participates due to a temporary or permanent medical condition (or disability), such fact must be recorded in the minutes without further elaboration. If the member participates electronically because of a personal reason, the minutes must reflect the specific nature of the personal matter cited by the Member. 3. Participation of a Member through electronic means may be disapproved by the presiding officer for good cause applied strictly and uniformly regardless of the identity of the Member requesting remote participation or the matters that will be considered or voted on at the meeting) and must be disapproved in the event a personal matter is cited as the reason for a request to participate electronically and the same Member has participated electronically for more than 25% of meetings expected to be held in a calendar year (rounded up to the next whole number). Electronic participation due to personal or family medical condition (disability) as provided above is not numerically limited by law, but the competing legal necessity for the physical attendance of a quorum may constrain requests for electronic participation on this basis. If participation is disapproved, such disapproval shall be recorded in the minutes with specificity. Disapproval to participate remotely does not preclude a member from viewing or listening to a meeting without voting in the same manner as a member of the general public. 4. Approval to participate electronically is contingent on technical feasibility and may only be granted if the voice of the remote participant can be heard by all persons at the primary or central (physical) meeting location.

Closed Meetings:

1. Each agenda shall specify a time, generally after all public business shall have been concluded, for closed meetings, properly called.

2. When so requested by the County Attorney, County Administrator, or any Member, the Chair may entertain motion(s) to permit a closed meeting at any time during a lawful meeting.

ARTICLE 3. BOARD MEETINGS AND PUBLIC HEARINGS

- 3.1 The Board is very interested in citizen input relating to concerns, problems, issues or policies. In the opening statement, the Board Chair will state the period of time each citizen will be allocated to address the Board. During the citizens' comment period, speakers wishing to address the Board shall clearly state their name and address for the record. Citizens are encouraged to work through problems at the department and/or administrative levels before coming to the Board. This is a period in which citizens are to speak to issues. Questions shall be directed to the Chairman, who will, at his/her discretion, solicit the response from the appropriate person. The Board Chair is responsible for the orderly conduct of the meeting and shall rule on such matters as the appropriateness of the subject being presented.

Public participation at any special called meeting of the Board shall be determined by the Board upon recommendation of the Board Chair. Public hearings and public forums are designed to receive substantial community input and individual comment. In addition to those required by law, the Board of Supervisors may hold public hearings or forums on matters when it decides that such hearings will be in the public interest.

3.2 Citizens' Comments and Public Hearings.

Time Limits: A reasonable period of time will be allocated to individuals to give the Board an opportunity to listen to citizens. At the beginning of each public comment period, the Chairman will determine how many people wish to speak by a show of hands. Based on the number of speakers, the Chairman will state a three-minute limit. When a speaker reaches the limit of time, the Chairman will ask the speaker to provide any final comments. Time may not be ceded from one person to another person.

- 3.3 Repetitive Testimony: Testimony that is repetitive shall not be permitted on any matter. Persons of the same position as a previous speaker shall simply state their names and the positions with which they agree.

3.4 Board Discussion:

- a. Discussion and debate by the Board shall be conducted following any presentation, testimony or public hearing on a pending matter.
- b. Members shall not speak to the item until recognized by the Chair.
- c. A Member who has spoken to the item shall not again be recognized until each other Member desiring to speak shall have had an opportunity to speak.

ARTICLE 4. BOARD PROCEDURES

- 4.1 In responding to questions, from the media or citizens, Board members should:
- 4.1-1. Remind the listener that they are not speaking for the entire Board;
 - 4.1-2. Clarify their position on a particular item;
 - 4.1-3. Make "no public comment" on closed meeting matters in reference to individuals, real estate, and other areas addressed pursuant to Section 2.2-3711 of the Code of Virginia.
- 4.2 Each Board member must remember that personnel matters are to remain confidential and that it is the obligation of the Board and its membership to protect the privacy of the individual.

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4.3 The Board will focus on issues and avoid making derogatory or demeaning public comments about individuals, staff members, fellow Board members, community residents or media representatives.

4.4 The Board will follow the procedure of taking no action on items introduced at the table. If any item is presented for the first time during the course of business by Board members, any action will be deferred until the next meeting of the Board, provided, however, an exception will be made to this procedure by majority consent of the Board.

The Board will direct administrative action in response to items introduced under business by Board members only after a specific Board vote on said item that direct administrative action.

4.5 The Board will review its Rules of Procedure for the current year at its January organizational meeting.

4.6 Pursuant to §2.2-3707.H of the Code of Virginia, any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting shall be in such a manner as to prevent interference with the proceedings and to discourage disruptive conduct. Video cameras are to be placed in a designated area adjacent to the Clerk's table and shall remain fixed on the Board activities and any recognized speaker presentations at all times.

ARTICLE 5. APPOINTMENT TO BOARDS AND COMMITTEES

5.1 Any appointments or reappointments to boards, commissions, and committees shall be made for a term to expire December 31, 2027. In this way, appointments will coincide with the Board of Supervisors election cycle. This includes the Planning Commission, Board of Zoning and Appeals, Board of Building Appeals, and Wetlands Board:.

ARTICLE 6. AMENDMENT

6.1 Amendments. These Rules of Procedure may be amended at any meeting of the Board of Supervisors provided that notice of said proposed amendment is given to each member in writing at least five days prior to said meeting.

6.2 Suspension of Rules. These Rules of Procedure may be suspended in whole or in part only upon the majority vote of the members of the Board of Supervisors present and only when consistent with the Virginia Freedom of Information Act.

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- 6.3 Procedural Issues. Only Board members shall have standing to raise noncompliance with these Rules of Procedure, and only at the time of the violation. Failure of the Board to comply with these rules of Procedure shall not invalidate any action taken by the Board.

Procedural issues not covered by these Rules of Procedure may be guided by Robert's Rules of Order, latest edition. The failure, however, of the Board to comply with Robert's Rules of Order shall not invalidate any action taken by the Board.

Adopted: February 9, 2026

Chairman
Westmoreland County Board of Supervisors

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1. Scope of Work:

The Property Appraisal Firm, hereinafter called the “offeror”, shall assess all real estate within the boundaries of the County of Westmoreland in accordance with the Code of Virginia, general law and the Constitution of Virginia, specifically § 58.1-3252, authorizes counties with a population of 50,000 or less to conduct general reassessments at five- or six-year intervals. An equitable and professional quality reassessment shall be provided with emphasis on accurately and efficiently collecting/providing the required data. The Offeror or his designee shall maintain a courteous and respectful manner toward all property owners and the general public regarding this matter. There are approximately 24,335 parcels (and 612 mobile homes) assessed at this time. The breakdown is as follows:

<u>Type</u>	<u>Number</u>
Taxable Parcel	24,335
Non-Taxable Parcel	464
Manufactured Mobile Homes	612

Basic Work to be Performed is as Follows:

- A. Conduct a 100% uniform reassessment of all real property at Fair Market Value.
- B. A personal on-site inspection shall be conducted for all new construction projects to verify field conditions and compliance with applicable standards. For all existing parcels, an administrative review shall be performed, with close attention applied to properties with public sewer service available or accessible.
- C. All appraisals shall be in keeping with good recognized appraisal practices.
- D. The Professional Assessor, qualified by the Virginia Department of Taxation to conduct all work, shall instruct, supervise and direct all research assistants in connection with the reassessment program.
- E. Assure that values are reasonable, equalized and correlated.
- F. Conduct comprehensive sales data analysis of any real property.
- G. Verify and appraise all mobile homes including, but not limited to the make, size, condition, model, year, owner, location and tax map number. (*See Attachment A*)
- H. Tape (measure) and sketch each new residence and/or other major improvements. Ascertain the quality of construction and structure both interior/exterior by inspection, if needed.
- I. Offeror shall be required to meet with and review all appraisals with the Board of Equalization and work with other County officials.
- J. All values shall remain confidential until “Notices of Reassessment” are mailed out to all property owners.
- K. Coordinate all activities with the Commissioner of the Revenue’s Office, pointing out any substantive mapping errors.
- L. Attend all public information sessions and any training sessions directed by the County Administrator.
- M. Furnish competent witnesses, at no additional cost to the County, to support and defend the reassessment data in the event of an appeal to the Courts, consistent with the requirements and procedures set forth in

§ 58.1-3984 of the Code of Virginia, for a period of three (3) years following the effective date of the general reassessment.

- N. All appraisal work must be completed by December 31, 2027.
- O. Provide testimony, as needed, in any proceedings which may contest the assessment(s) made.

II. General Duties and Responsibilities of Assessors:

- A. Complete and perform a uniform independent reassessment of all real taxable and non-taxable property within the County of Westmoreland, Virginia. The completion date is January 1, 2028. The values shall be established at 100 percent (100%) of the fair market value by established professional appraisal methods.
- B. Provide a State Certified Professional Assessor, approved by the Department of Taxation, to oversee the reassessment. All data entry personnel will be provided by the Offeror.
- C. The Commissioner of the Revenue's office will provide the professional assessor a copy of current Real Estate Field Sheets to be used for reassessing/identifying existing parcels; any changes will be made in *red only*. The professional assessor will use Westmoreland County's Data Collection Forms on all "newly created parcels" to collect field data.
- D. Conduct a valid Sales Survey to formulate current market values in Westmoreland County. A copy shall be provided to the County Administrator. (*See Attachment A*).
- E. Verify all information on field sheets from the Commissioner of the Revenue's office on each parcel and update current market values.
- F. Provide a general reassessment manual which explains the principles used in your uniform property evaluation and a copy of your "Sales Survey" on Westmoreland County property, both with a "Table of Contents". The manual will contain a procedure of appraisal process for rating homes in terms of location, County utilities/amenities, quality, type, construction and overall workmanship. Also, include data on replacement cost and depreciation. A land schedule will also be required.
- G. Appraisal gathering process must directly interface and be compatible with Westmoreland County Commissioner of Revenue's computer system.
- H. Locate and appraise all mobile homes (single, double, etc.) whether personal property or real estate; provide tax map and parcel numbers. Provide a mobile home assessment manual and a digital photograph of all mobile homes to the Commissioner of the Revenue.
- I. Assess all signage and determine ownership whether personal property or real estate.
- J. Firm should have access to current ASCS aerial photographs and NOAA (U.S. Geological Survey) Maps to help in appraising farmland and woodland in determining and verifying certain characteristics such as waterfront, wetlands, open, cut-over and/or wooded features.
- K. Prior to the actual field work the assessor shall meet with the Planning Director and other County officials to review and become more familiar with the Chesapeake Bay Preservation Ordinance of Westmoreland County, Virginia.

- L. Provide useful, current, and accurate information (data) in a format that is compatible for and interfaces with computer software utilized by Westmoreland County Commissioner of Revenue's office.
- M. Obtain E-911 addresses for all new properties on field appraisal sheets.
- N. All new construction permits (January 1, 2027 to November 1, 2027) shall be assessed by the appraisal company.
- O. A digital photograph(s) of front and rear of all major structural improvement(s) and the front of all accessory structures shall be provided to the Commissioner of the Revenue.
- P. When each property is visited, if no one is available to answer questions, a doorknob hanger will be left requesting any additional information necessary to perform the appraisal.
- Q. Meet with the Commissioner of the Revenue and the County Administrator as necessary, as determined by either the County or the Offeror, throughout the conduct of the reassessment, but no less than on a bimonthly basis. These meetings may include briefings or work sessions with members of the Board of Supervisors.
- R. Familiarity with automated data processing and the ability to update Westmoreland County's "*valuation schedules*" utilizing the County's software computer logic is essential (BAI Municipal Software Commissioner/Assessments Module).
- S. Provide verified updated Field Data Sheets on a *monthly basis*.
- T. Design and prepare all public notices in accordance with the Code of Virginia regarding reassessment.
- U. Verify all final values and data printed on our Real Estate Field Sheets for 2027.
- V. Approve and sign the Reassessment Land Books after completion of Assessor's hearings.
- W. The signed Reassessment Land Book shall be filed with the Circuit Court Clerk and all copies are then delivered to the Commissioner of the Revenue.
- X. Provide qualified witnesses to testify in proceedings of disputed values.
- Y. If an assessment is appealed to the Courts, the appraisal firm will furnish a competent witness to the Contracting County, without additional charge, for a period of three (3) years following the effective date of the general reassessment.
- Z. The offeror shall be responsible for preparing and mailing all official notices of reassessment on behalf of the County, including ensuring accuracy, timely distribution, and compliance with all applicable statutory requirements. Notices must be reviewed and approved by the County Administrator, Commissioner of Revenue, and Finance Director before mailing.
- AA. The Assessor shall be responsible for the valuation and analysis of all solar farm properties, including the review of associated land and surrounding parcels, improvements, and equipment, in accordance with applicable state guidelines and industry standards. The Assessor shall also provide the County with a comprehensive assessment guide detailing the valuation methodology, data sources, models, and analytical procedures used to develop the assessed values, including an explanation of how these methods are applied to arrive at final valuations.

- BB. Assist the County in developing a comprehensive public communication plan related to the reassessment, including recommended messaging, timelines, outreach methods, and informational materials to ensure clear and consistent communication with residents throughout the process.
- CC. The offeror will hold informal hearings for a four-week period to allow property owners to review and discuss their proposed assessments. Hearings will provide an opportunity for owners to present information, ask the assessors valuation questions, and receive clarification. The offeror will schedule the hearings, notify the public, and ensure staff are available to document concerns.

III. Westmoreland County's Responsibilities to Provide:

- A. Compensation as per executed contractual agreement
- B. Access to public records in the Commissioner of the Revenue and Clerk of the Circuit Court offices.
- C. County tax maps and all pertinent local ordinances;
- D. Office space and necessary furniture;
- E. Cost of postage for all notice of reassessments.

IV. Timetable of Events:

February 4, 2026	Run Advertisement. Release Request for Proposals.
March 9, 2026	Pre-Proposal Meeting (10:00a.m.). County Administration
March 31, 2026	Proposal deadline (10:00a.m.). Make public names of Offerors submitting proposals and proposal amounts.
April 1- 26, 2026	Evaluate Request for Proposals. Issue Intent to Award.
April 27, 2026	Board of Supervisors makes an AWARD.
May 1, 2026	Contract is signed.
July 1, 2026	Assessor begins work and conducts "Valid Sales Survey Statistical Study" due November 1, 2026.
October 1, 2026	Conducts "Valid Sales Survey Statistical Study" due October 1, 2026.
January 4, 2027	Update "Schedule of Values."
March 1, 2027	Assessor to begin turning in completed field work.

August 2, 2027	Assessor completes field work.
August 16, 2027	New construction permits to be reviewed.
October 1, 2027	A second sales analysis is performed (based on available 2027 sales) and results reviewed with county officials.
September 2027	Board of Equalization may be appointed by the Circuit Court per Virginia Code § 58.1-3370.
November 15, 2027	Notice of Reassessment is mailed. Post advertising of Public Notice.
January 1, 2028	Begin Public Assessor's Hearings (approx. four weeks).
February 1, 2028	Reassessment completed and Assessor shall sign verified 2028 Reassessment Book(s).
February 1, 2028	Board of Equalization Hearings (several months or until completion)

V. Proposal Pricing Schedule (should cover the following format):

A. Overall Base Price without an Appointed Board of Assessors (i.e., the Offeror provides the Professional Assessor). This includes classification of homes as to construction, quality, workmanship and up dating all unfinished new construction as of November 1, 2027.

\$_____ per parcel

B. My total, not to exceed turnkey price, regardless of the number of parcels is:

\$_____

Supplementary Services (additional cost/parcel/copy)

C. Reassessment Manual (a schedule of value, explanation of approach in appraising with "table of contents"). Minimum of three copies.

\$_____ per copy

D. Additional Cost(s), must be itemized and explained in detail.

\$_____ per parcel

VI. Submittal/Presentation:

Proposers must submit one (1) original and four (4) signed copies of the proposal to the County Administrator's Office, County of Westmoreland, P. O. Box 1000, Montross, VA 22520, no later than 10:00 a.m. local time, March 31, 2026.

All proposals should be delivered in an envelope clearly marked "Reassessment 2028 Proposal."

A. Title Page:

Show the subject, the name of the proposer's firm, local address, telephone number, name of the contact person and date.

B. Table of Contents:

C. Letter of Transmittal:

A statement by the prospective Offeror of his understanding of the project and description of the General Reassessment.

D. General Requirements:

Proposals shall be signed by an authorized representative of the Offeror. All requested information must be presented; failure to do so might result in the proposal being considered non-responsive and, thus rejected.

Proposals should be prepared in a simple, economical and straightforward manner with emphasis on completeness and clarity.

Each copy of the proposal should be bound in a single volume where practical. All documentation submitted with the proposal should be bound in that single volume.

E. Specific Requirements:

Proposals should be as thorough and detailed as possible, such that the Offeror's capabilities to provide the required services may be properly and fully evaluated. Offerors are required to submit the following items with a complete proposal:

- Listing of company facts, name, location and principals;
- Qualifications of staff (resume, etc.) assigned to projects;
- A company profile or history and relevant experience, licenses, current projects and work load that would affect the Offeror's ability to perform this reassessment.

F. Oral Presentation:

Offerors who submit a proposal in response to this RFP may be required to give an oral or written clarification of their proposal to the Evaluation Committee. This will provide an opportunity for the Offeror to clarify or elaborate on the proposal. If there is an oral presentation, it is to be at the Offeror's expense. The County of Westmoreland will schedule the time and location of this presentation.

G. Revisions/Additions to the RFP:

Revisions or additions to this Request for Proposal shall be at the sole discretion of the public body. In the event it becomes necessary to revise any part of this Request for Proposal, revisions will be mailed by the issuing office to all Offerors to whom the initial Request for Proposal was mailed or by whom the initial Request for Proposal was requested.

VII. Evaluation Criteria & Award Process:

A. Evaluation Criteria:

The following criteria will be considered, and are given in priority order:

1. Willingness to use Westmoreland County forms and software, where appropriate, to enter field information; willingness to adopt appraisal techniques to also conform to the County's computer calculation logic;
2. Prior experience assessing varying types of land and its uses in Virginia, i.e. from agricultural, commercial, residential and rural, to waterfront, with a favorable response from Counties with similar demographics; as well as demonstrated prior experience working with BAI municipal software.
3. Offeror's understanding of the County's needs and the general presentation of his offer;

4. The completeness of the Offeror's proposal;
 5. Qualification of managers, appraisers and field appraisers;
 6. Time proposed to complete the Reassessment;
 7. Effective cost of Proposal Pricing.
- B. Evaluation and Award of Contract:
Two or more Offerors deemed to be fully qualified and best suited among those submitting proposals will be identified on the basis of the evaluation factors stated in the Requests for Proposal. Negotiations shall be conducted with the Offerors so selected. After negotiations have been conducted with each Offeror selected, the Evaluation Committee shall select the Offeror which, in their opinion, has made the best proposal, and award the contract to the Offeror.
- C. Request for Proposal Process:
This Request for Proposal is part of a competitive procurement process that helps to serve the County's best interest. It also provides firms with a fair opportunity for consideration. The process of competitive negotiation being used in this case should not be confused with the different process of competitive sealed bidding. The latter process is usually used where the services being procured can be precisely described and price is generally the determinant factor. With competitive negotiation, on the other hand, price is not required to be the determinant factor, although it may be; the County has the flexibility it needs to negotiate with one or more firms to arrive at a mutually agreeable relationship.
- D. Rejection of Proposals:
The Public body may cancel this Request for Proposal or reject proposals at any time prior to an award, and is not required to furnish a statement of the reason why a particular proposal was not deemed to be the most advantageous. Should it be determined in writing that only one Offeror is fully qualified or that one Offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that Offeror.
- E. Obligations of Offeror:
By Submitting a proposal, the Offeror covenants and agrees that they have satisfied themselves, from their own investigation of the conditions to be met, that they fully understand their obligations and that they will not make any claim for, or have right to, cancellation or relief from the contract because of any misunderstanding or lack of information.
- F. Contract:
The award documents shall be a contract incorporating, by reference, the terms and conditions of the Request for Proposal and the Offeror's proposal as negotiated. The contract shall be awarded by the Westmoreland County Board of Supervisors.
- G. Method of Payment:
The County will pay the Offeror (Professional Assessor) on a monthly basis of actual reassessed or newly assessed parcels as verified and certified complete and furnished to the County in accordance with the agreed upon Pricing Schedule and Timetable of Events.

VIII. General Terms and Conditions:

- A. Vendor's Manual: This solicitation is subject to the provisions of the Commonwealth of Virginia Vendor's Manual and any revisions thereto, which are hereby incorporated into this contract in

their entirety.

- B. Applicable Laws and Courts: This solicitation and any resulting contract shall be governed in all respects by the laws of the Commonwealth of Virginia and any litigation with respect thereto shall be brought in the Courts of Westmoreland County, Virginia. The Offeror shall comply with applicable federal, state and local laws and regulations.
- C. Anti-Discrimination: By submitting their bids or proposals, Bidders or Offerors certify to the County that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Act of 1975, as amended, where applicable, the Virginians with Disabilities Act, the Americans with Disabilities Act and the Virginia Public Procurement Act which provides:

In every contract over \$10,000 the provisions in 1 and 2 below apply:

1. During the performance of this contract, the Offeror agrees as follows:
 - The Offeror will not discriminate against any employee or applicant for employment because of race, religion, sex or national origin as a bona-fide occupational qualification reasonably necessary to the normal operation of the Offeror. The Offeror agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
 - The Offeror, in all solicitations or advertisements for employees placed by or on behalf of the Offeror, will state that such Offeror is an Equal Opportunity Employer.
 - Notices, advertisements and solicitation placed in accordance with federal laws, rules or regulations shall be deemed sufficient for the purpose of meeting the requirements of this Section.
 2. The Offeror will include the provisions of 1 above in every subcontract or purchase order over \$10,000, so that the provisions will be binding upon each sub-offeror or vendor.
- D. Ethics in Public Contracting: By submitting their bids or proposals, Bidders or Offerors certify that their bids or proposals are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other Bidder/Offeror, supplier, manufacturer or subofferor in connection with their bid or proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised unless consideration of substantially equal or greater value was exchanged.
- E. Immigration Reform and Control Act of 1986: By submitting their bids or proposals, the Bidders or Offerors certify that they do not, and will not, during the performance of this contract, employ illegal alien workers or otherwise violate the provisions of the Federal Immigration Reform and Control Act of 1986.
- F. Debarment Status: By submitting their bids or proposals, Bidders or Offerors

certify that they are not currently debarred from submitting bids or proposals on contracts by any agency of the Commonwealth of Virginia, nor are they an agent of any person or entity that is currently debarred from submitting bids or proposals on contracts by any agency of the Commonwealth of Virginia.

- G. Antitrust: By entering into a contract, the Offeror conveys, sells, assigns and transfers to the County all rights, title and interest in and to all causes of the action it may now have or hereafter acquire under the antitrust laws of the United States and the Commonwealth of Virginia, relating to the particular goods or services purchased or acquired by the County under said contract.
- H. Mandatory Use of County Form and Terms and Conditions:
1. Invitation for Bids: Failure to submit a bid on the official County form provided for that purpose shall be a cause for rejection of the bid. Modification of, or additions to any portion of the invitation for bid may be cause for rejection of the bid; however, the County reserves the right to decide, on a case by case basis, in its sole discretion, whether to reject such a bid as non-responsive. As a precondition to its acceptance, the County may, in its sole discretion, request that the Bidder withdraw or modify non-responsive portions of a bid which do not affect quality, quantity, price, or delivery. No modification or addition to the provisions of the contract shall be effective unless reduced to writing and signed by the parties.
 2. Request for Proposals: Failure to submit a proposal on the official County form provided for that purpose may be a cause for rejection of the proposal. Return of the complete document is required. Modification of, or additions to the General Terms and Conditions of the solicitation may be cause for rejection of the proposal; however, the County reserves the right to decide, on a case by case basis, in its sole discretion, whether to reject such a proposal.
- I. Clarification of Terms: If any prospective Bidder or Offeror has questions about the specifications or other solicitation documents, the prospective Bidder or Offeror should contact the Westmoreland County Administrator no later than five (5) working days before the due date. Any revisions to the solicitation will be made only by addendum issued by the County Administrator.
- J. Precedence of Terms: Paragraphs A-J of these General Terms and Conditions shall apply in all instances. In the event there is a conflict between any of the other General Terms and conditions and any Special Terms and Conditions in this solicitation, the Special Terms and Conditions shall apply.
- K. Invoices: Invoices for items ordered, delivered and accepted shall be submitted by the Offeror directly to the payment address shown on the purchase order/contract. All invoices shall show the contract number and/or purchase order number.
- L. Payment Terms: Any payment terms requiring payment in less than thirty (30) days will be regarded as requiring payment thirty (30) days after invoice or delivery, whichever occurs last. This shall not affect offers of discounts for payment in less than thirty (30) days however.

- M. Qualifications of Bidders or Offerors: The County may make such reasonable investigations as deemed proper and necessary to determine the ability of the Bidder or Offeror to perform the work/furnish the item(s) and the Bidder or Offeror shall furnish to the County all such information and data for this purpose as may be requested. The County reserves the right to inspect Bidder's or Offeror's physical facilities prior to award to satisfy questions regarding the Bidder's or Offeror's capabilities. The County further reserves the right to reject any bid or proposal if the evidence submitted by, or investigations of, such Bidder or Offeror fails to satisfy the County that such Bidder or Offeror is properly qualified to carry out the obligations of the contract and to complete the work/furnish the items(s) contemplated therein.
- N. Testing and Inspection: The County reserves the right to conduct any test/inspection it may deem advisable to assure supplies and services conform to the specification.
- O. Assignment of Contract: A contract shall not be assignable by the Offeror in whole or in part without the written consent of the County.
- P. Changes to the Contract: Changes can be made to the contract in any one of the following ways:
1. The County Administrator may order changes within the general scope of the contract at any time by written notice to the Offeror. Changes within the scope of the contract include, but are not limited to things such as the method of packing or shipment and the place of delivery or installation. The Offeror shall comply with the notice upon receipt. The Offeror shall be compensated for any additional costs incurred as the result of such order and shall give the County of Westmoreland a credit for any savings. Said compensation shall be determined by one of the following methods:
 - a. By mutual agreement between the parties in writing; or
 - b. By agreeing upon a unit price or using a unit price set forth in the contract, if the work to be done can be expressed in units, and the Offeror accounting for the number of units of work performed, subject to the County Administrator's right to audit the Offeror's records and/or to determine the correct number of units independently; or
 - c. By ordering the Offeror to proceed with the work and to keep a record of all costs incurred and savings realized. A markup for overhead and profit may be allowed if provided by the contract. The same markup shall be used for determining a decrease in price as the result of savings realized. The Offeror shall present the County Administrator with all vouchers and records of expenses incurred and savings realized. The County Administrator shall have the right to audit the records of the Offeror as it deems necessary to determine costs or savings. Any claim for an adjustment in price under this provision must be asserted by written notice to the County Administrator within thirty (30) days from the date of receipt of the written order from the County Administrator. If the parties fail to agree on an amount of adjustment, the question of an increase or decrease in the contract price or time for performance shall be resolved in accordance with the procedures for resolving disputes provided by the Disputes Clause of this contract or, if there is none, in accordance with the disputes provisions of the Commonwealth of Virginia Vendor's Manual. Neither the existence of a claim nor a dispute resolution process, litigation or any other provision of this contract shall excuse the Offeror from promptly complying with the changes ordered by the County Administrator or with the performance of the contract generally.

2. The parties may agree in writing to modify the scope of the contract. Any increase or decrease in the price of the contract resulting from such modification shall be agreed to by the parties as a part of their written agreement to modify the scope of the contract.
- Q. Default: In case of failure to deliver goods or services in accordance with the contract terms and conditions, the County, after due oral or written notice, may procure them from other sources and hold the Offeror responsible for any resulting additional purchase and administrative costs. This remedy shall be in addition to any other remedies which the County may have.
- R. Use of Brand Name: Unless otherwise provided in this solicitation, the name of a certain brand, make or manufacturer does not restrict Bidders or Offerors to the specific brand, make or manufacturer named, but conveys the general style, type, character, and quality of the article desired. Any article which the public body, in its sole discretion, determines to be equal of that specified, considering quality, workmanship, economy of operation, and suitability for the purpose intended, shall be accepted. The Bidder or Offeror is responsible to clearly and specifically indicate the product being offered and to provide sufficient descriptive literature, catalogue cuts and technical detail to enable the County to determine if the product offered meets the requirements of the solicitation. This is required even if offering the exact brand, make or manufacturer specified. Normally in competitive sealed bidding only the information furnished with the bid will be considered in the evaluation. Failure to furnish adequate data for evaluation purposes may result in declaring a bid non-responsive. Unless the Bidder clearly indicates in its bid that the product offered is an "equal" product, such bid will be considered to offer the brand name product referenced in the invitation.
- S. Taxes: Sales to the County are normally exempt from state sales tax. State Sales and Use Tax Certificates of Exemption, Form ST-12, will be issued upon request. Deliveries against this contract shall be free of federal excise and transportation taxes.
- T. Transportation and Packaging: By submitting their bids or proposals, all Bidders or Offerors certify and warrant that the price offered for FOB destination includes only the actual freight rate costs at the lowest and best rate and is based upon the actual weight of the goods to be shipped. Except as otherwise specified herein, standard commercial packaging, packing, and shipping containers shall be used. All shipping containers shall be legibly marked or labeled on the outside with purchase order number, commodity description and quantity.

IX. Special Terms and Conditions:

- A. Availability of Funds: It is understood and agreed between the parties herein that the County shall be bound hereunder only to the extent of the funds available or which may hereafter become available, subject to appropriation by the Board of Supervisors for the purpose of this agreement.
- B. Bid/Proposal Acceptance Period: Any bid/proposal resulting from this solicitation shall be valid for ninety (90) days. At the end of the ninety (90) days, the bid/proposal may be withdrawn at the written request of the Bidder/Offeror. If the bid or proposal is not withdrawn at that time it remains in effect until an award is made or the solicitation is canceled.

- C. Termination of Contract: The County Administrator reserves the right to terminate the Contract, in whole or in part, for the convenience of the County, including but not limited to, the right to terminate the design criteria, preliminary design, construction documentation, bidding, contract award, inspection and contract administration phases.

Termination for the convenience of the County shall require no breach of contract by the consultant as a condition, and may be done at the sole unconditional discretion of the County Administrator. Upon notice that all or part of the contract has been terminated for the convenience of the County, the consultant shall immediately cease all work on any portions of the contract terminated. All work products generated by the consultant shall be delivered to the County Administrator upon request, whether completed or uncompleted, and shall be the property of the County Administrator to use as he may deem fit. If the contract is terminated for the convenience of the County, the Consultant shall be paid for work done to the date of the termination, but shall not be entitled to any payment for the terminated portions, including lost profits.

- D. Identification of Bid/Proposal Envelope: The signed bid/proposal should be returned in an envelope or package, sealed and clearly identified as "Reassessment 2028 Proposals".

If a bid/proposal is not contained within an envelope clearly identified as described above, the Bidder/Offeror takes the risk that the envelope may be inadvertently opened and the information compromised, which may cause the bid or proposal to be disqualified. Bids/Proposals may be hand-delivered to the designated location in the office issuing the solicitation. No other correspondence or other Bids/Proposals should be placed in the envelope.

- E. Indemnification: Offeror agrees to indemnify, defend and hold harmless the County, its officers, agents, and employees from any claims, damages and actions of any kind or nature, whether at law or in equity, arising from or caused by the use of any materials, goods, or equipment or any kind or nature furnished by the Offeror, any services of any kind or nature furnished by the Offeror, provided that such liability is not attributable to the sole negligence of the using department or to failure of the using department to use the materials, goods or equipment in the manner already and permanently described by the Offeror on the materials, goods or equipment delivered.

- F. Insurance: By signing and submitting a bid or proposal under the solicitation, the Bidder/Offeror certifies that if awarded the contract, it will have the following insurance coverages at the time the work commences. Additionally, it will maintain these during the entire term of the contract and that all insurance coverages will be provided by insurance companies authorized to sell insurance in Virginia by the Virginia State Corporation Commission.

During the period of the contract the County reserves the right to require the Offeror to furnish certificates of insurance for the coverages required by the County as indicated.

Insurance Coverages Required:

Worker's Compensation - Standard Virginia Workers' Compensation Policy.

Broad Form Comprehensive General Liability \$1,000,000 Combined Single Limit, *with the County named as additional insured*, prior to award. When maintenance is being contracted for automobiles or unlicensed motor vehicles, a Garagekeeper's Legal Liability policy and Garage Liability policy will be in effect. The coverage shall include:

Premises - Operations; Products/Completed Operations; Contractual;

Independent Offerors; Owners and Offeror's Protective;
Personal Injury (Libel, Slander, Defamation of Character, etc.);
Automobile Liability - \$1,000,000 Combined Single Limit.

- G. **Prime Offeror Responsibilities:** The Offeror shall be responsible for completely supervising and directing the work under this contract and all subcontractors that he may utilize, using his best skill and attention. Subcontractors who perform work under this contract shall be responsible to the prime Offeror. The Offeror agrees that he is as fully responsible for the acts and omissions of his subcontractors and of persons employed by them as he is for the acts and omissions of his own employees.
- H. **Sub-Contractors:** No portion of the work shall be subcontracted without prior written consent of the County Administrator. In the event that the Offeror desires to subcontract some part of the work specified herein, the Offeror shall furnish the County Administrator with the names, qualifications and experience of their proposed subcontractors. The Offeror shall, however, remain fully liable and responsible for the work to be done by his subcontractor(s) and shall assure compliance with all requirements of the contract.
- I. **Offeror's Personnel:** All personnel used in field assessments must be approved by the County Administrator. In order to maintain good continuity, the field assessors who start the project shall finish the project. The Offeror shall provide a list of assessor teams. Team members shall maintain a clearly identifiable appearance while performing work within service area to ensure residents can easily recognize authorized staff. Each team member must carry proper identification, wear a name tag and an appropriate company uniform. Vehicles shall be specially marked for a higher degree of public visibility. Offeror shall also follow established communication procedures. Personnel must inform residents of their purpose on site and state access limitations, including policies such as "offerors will not enter homes." Provide a copy of these communication procedures to the county.
- J. **Ownership of Materials:** Ownership of all data, material and documentation originated and prepared pursuant to the Request for Proposal shall belong exclusively to the County of Westmoreland, Virginia and is subject to public inspection in accordance with the Virginia Freedom of Information Act. Trade secrets or proprietary information submitted by an Offeror shall not be subject to public disclosure under the Act; however, the Offeror must invoke protection of this section prior to or on submission of the data or other materials, and must narrowly specify and identify the data or other materials to be protected and state the reason why such protection is necessary.
- K. **Performance Payment Bonds:** The successful Offeror shall deliver to the County Administrator an executed Virginia Standard Performance Bond in the sum of the contract maturity value, with Westmoreland County as obligee. The surety shall be a surety company or companies approved by the State Corporation Commission to transact business in the Commonwealth of Virginia. No payment shall be due and payable to the Offeror, even if the contract has been performed in whole or in part, until the bonds have been delivered to and approved by the County Administrator.
- L. **Liquidated Damages:** All field assessments shall be completed and delivered not later than August 2, 2027. It is understood and agreed by the Bidder/Offeror that time is of the essence in the delivery of Assessor's services and quality specified in the bid/proposal document. In the event these specified services are not delivered by the date specified (August 2, 2027 - See Section IV – Timetable of Events) there will be deducted, not as a penalty but as liquidated damages, one half (½) the Base Per Parcel for each parcel delayed beyond the time specified, except that if the delivery be delayed by any act, negligence or default on the part of the County,

public enemy, war, embargo, or explosion not caused by the negligence or intentional act of the Offeror or his supplier(s), or by riot, sabotage or labor trouble that results from a cause or causes entirely beyond the control or fault of the Offeror or his supplier(s), a reasonable extension of time as the procuring public body deems appropriate may be granted. Upon receipt of a written request and justification for any extension from the Offeror, the County Administrator may extend the time for performance of the contract or delivery of goods herein specified at the County Administrator's sole discretion, for good cause shown.

- M. Retainage: The owner reserves the right to hold *ten percent* (10%) in retainage until final completion and acceptance of the signed Reassessment Land Book(s) by the Circuit Court Clerk of Westmoreland County.
- N. Bidder/Offeror Understanding of Requirements: It is the responsibility of each Bidder/Offeror to inquire about and clarify any requirements of this solicitation that are not understood. The County will not be bound by oral explanations as to the meaning of specifications or language contained in this solicitation. Therefore, all inquiries deemed to be substantive in nature must be in writing and submitted to the County Administrator. Bidders/Offerors must ensure that written inquiries reach the buyer at least five (5) days prior to the time set for receipt of bids/proposals. A copy of all queries and the respective response will be provided in the form of an addendum to all Bidders/Offerors who have indicated an interest in responding to this solicitation. Your signature on your bid/offer certifies that you fully understand all facets of this solicitation. These questions may be sent by FAX to (804) 493-0134.
- O. Modification of Contract: The County Administrator may, upon mutual agreement with the Offeror, issue written modifications to the scope of work/specifications of this contract, and within the general scope thereof, except that no modifications can be made which will result in an increase of the original contract price by a cumulative amount of more than \$15,000 or 25%, whichever is greater, without the advance written approval of the County Administrator or his designee. In making any modification, the resulting increase or decrease in cost for the modification shall be determined by one of the following methods as selected by the County Administrator:
1. The written modification shall stipulate the mutually-agreed price for the specific addition to/deletion from the scope of work/specifications which shall be added to or deducted from the contract amount.
 2. The written modification shall stipulate the number of unit quantities added to/deleted from the contract and multiplied by the unit price which shall be added to or deducted from the contract amount.
 3. The written modification shall direct the Offeror to proceed with the work and to keep, and present in such form as the County Administrator may direct, a correct account of the cost of the change, together with all vouchers therefor. The cost shall include an allowance for overhead and profit to be mutually agreed upon by the County Administrator and the Offeror.
- P. Contractual Disputes: In accordance with the Code of Virginia, claims arising out of this contract, whether for money or other relief, may be submitted to the County of Westmoreland, by submitting the claim in writing, with all necessary data and information to substantiate the claim attached, to the County Administrator named on the first page of this solicitation.

ATTACHMENT "A"

Outline of Land Sales Analysis:

Land Class:

Lot
Residential
Open
Wooded
Commercial
Industrial
Ponds
Horticulture
Rip Rap/Shoreline Improvements
Solar Farm

Each Land Class should then be categorized by:

Location – Subdivision, rural land, town, tidal waterfront, not-tidal waterfront, and no water front, public sewer available, no public sewer available, zoning, non-perk..

Improved Properties:

Dwelling by Grade, effective age, condition, and location: Waterfront, Non - waterfront, Rural, Subdivision, Town.

Doublewides: Effective Age

Singe-wide: Effective Age

Commercial & Industrial: by type

Each Category will need to show the following ratios:

- Present percent (%) of market. Percentage of Market
- Percent of Market using the newly developed land schedules and building rates
- Percent of Increase

A final Sales Analysis will be performed in January 2028 using 2027 real estate sales. Review with the County's staff will be made before notices are mailed on all real estate and real & personal manufactured homes.

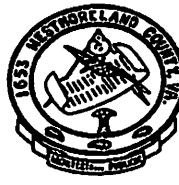
TIMOTHY J. TRIVETT, CHAIRMAN
ELECTION DISTRICT NO. 5
COLONIAL BEACH, VIRGINIA 22443

JEFFREY A. MCCORMACK, VICE CHAIRMAN
ELECTION DISTRICT NO. 2
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WESTMORELAND COUNTY, VIRGINIA

Board of Supervisors

MONTROSS, VIRGINIA 22520-1000

JAMES P. TAYLOR
County Administrator
P. O. BOX 1000
MONTROSS, VIRGINIA 22520-1000
PHONE: 804/493-0130
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January 23, 2026

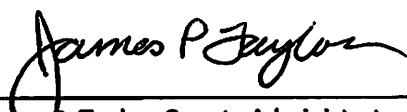
DECLARATION OF LOCAL EMERGENCY

I, the undersigned, County Administrator and Director of Emergency Management of Westmoreland County, Virginia, determined that the threat of potential injury from winter weather systems moving through the area to be great enough to warrant coordinated local government action to prevent or alleviate any potential damage, loss, hardship or suffering.

On January 22, 2026, Governor Spanberger declared a State of Emergency throughout the Commonwealth in advance of winter weather systems forecasted to affect much of the state. The declaration of emergency allows state and local governments to coordinate appropriate assistance to prepare for this event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities to return impacted areas to pre-event conditions as much as possible. Emergency services shall be conducted in accordance with §44-146.13 et seq. of the Code.

Therefore, pursuant to Virginia Code §44-146.21, I, the undersigned, as Director of Emergency Management, have declared the existence of a local emergency for Westmoreland County, Virginia, effective January 24, 2026 at 12:00 p.m.

During the existence of said local emergency, the Director of Emergency Management and the Acting Director of Emergency Services of Westmoreland County respectively, shall have all the powers, functions, and duties prescribed by Virginia Code §44-146.21(c) and by the Westmoreland County Emergency Operation Plan in order to mitigate and recover from the effects of said local emergency.


James P. Taylor, County Administrator
Westmoreland County, Virginia

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DECLARATION OF EMERGENCY AFFIRMATION

WHEREAS on January 23, 2026 the County Administrator, acting as Director of Emergency Management according to the authority of the Board of Supervisors, declared that an emergency existed in Westmoreland County requiring activation of the Emergency Operations Plan according to Va. Code Section 44-146.21 and related laws, to assist residents and mitigate the effects of the emergency conditions; and

WHEREAS the Board of Supervisors finds that an emergency did exist warranting a Declaration by the Director and that the emergency continues to exist, due to winter weather systems moving through the area requiring that the Declaration remain in effect.

NOW, THEREFORE, BE IT RESOLVED that the Declaration of Emergency by the County Administrator, acting in his capacity as Director of Emergency Management, on January 23, 2026 is confirmed, and,

BE IT FURTHER RESOLVED AND ORDERED that, during the existence of the emergency and until further action is taken by the Board of Supervisors to declare the emergency ended, the County Administrator shall take such actions as are necessary according to applicable laws including Va. Code Section 44-146.21, to implement the Emergency Operations Plan, to provide assistance to residents of Westmoreland County and to mitigate the effects of the emergency conditions, to protect lives and property.

On motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve this Resolution, as follows:

The undersigned certifies that this is a correct copy of the Resolution of the Board of Supervisors.

Date: February 9, 2026

James Taylor, County Administrator
Westmoreland County Board of Supervisors

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TERMINATION OF DECLARATION OF EMERGENCY

WHEREAS on January 23, 2026 the County Administrator, acting as Director of Emergency Management, declared that due to the potential threat of winter weather systems moving through the area to be great enough to warrant that emergency conditions existed in Westmoreland County and by Resolution adopted at a regular meeting of the Board of Supervisors, Virginia, on February 9, 2025 confirmed the declaration.

NOW, THEREFORE, the Board of Supervisors finds that as a result of the effective actions on the part of federal, County, and State governments, as well as the efforts of the local volunteer fire and EMS organizations, and numerous other volunteer organizations and individuals, the conditions that caused the emergency have been resolved and the effects of the emergency have diminished, that termination of the declaration of a local emergency is proper and the emergency declaration is terminated, effective immediately.

On motion of _____, seconded by _____, the members of the Board of Supervisors voted to approve this Resolution, as follows:

VOTE: The undersigned certifies that this is a correct copy of the Resolution of the Board of Supervisors.

Date: February 9, 2026

James Taylor County Administrator
Westmoreland County Board of Supervisors

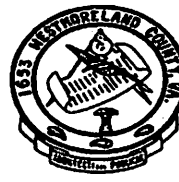
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Board Brief

Agenda Item: Street Acceptance – Westmoreland State Park (Route 347 Realignment)

Requested Action: Approve street acceptance / highway system changes associated with the Route 347 realignment in Westmoreland State Park.

Summary

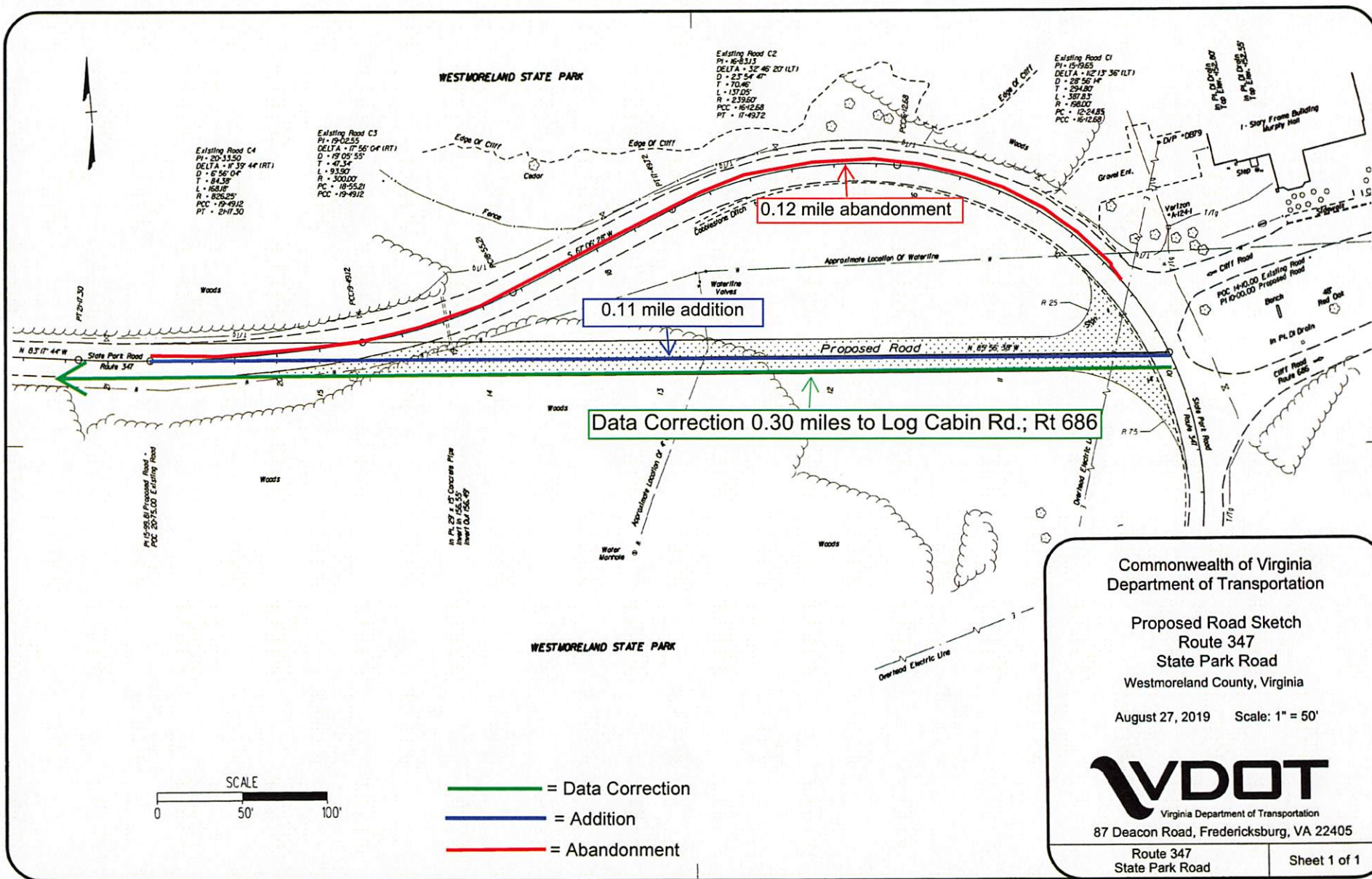
VDOT is preparing documents to update the State Highway System to reflect the new and abandoned segments of Route 347 (State Park Road) within Westmoreland State Park. Although the roadway realignment project was initiated in 2020 and construction was completed in 2021, VDOT Central Office is requesting confirmation that the current Westmoreland County Board of Supervisors supports the previously approved action so VDOT can finalize the formal highway system changes.

Background

- Route 347 is the primary access road into Westmoreland State Park.
- Following a significant slope failure adjacent to the existing roadway near the Potomac River, VDOT determined repair of the original alignment was cost-prohibitive and relocated the roadway approximately 100 feet south to a safer location.
- VDOT indicates construction for this work (Project RECR-096-624, N-501, UPC 117445) was completed April 7, 2021.
- VDOT has a BOS resolution on file dated January 13, 2020, and is now requesting confirmation from the current Board to support the associated State Highway System updates.

Recommended Motion

Motion to approve the street acceptance / highway system changes for the Route 347 realignment in Westmoreland State Park, including the abandonment of the prior segment and addition of the relocated segment to the State Highway System, and to authorize the County Administrator to execute any required documentation in coordination with VDOT.





Westmoreland County, Virginia
LAND USE ADMINISTRATION
PO Box 1000
Montross, VA 22520
804-493-0120

Building Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Building Appeals
Wetlands Board

Request for Proposed
Zoning Amendment
Staff Report

Date: January 28th, 2026
From: Kelly V. De Jesus, *Assistant Planning Director*
Case Number: 2602-ZA-01
Site Location: County-Wide Impacts to Development
Project Description: Request for a public hearing for a proposed text amendment, eliminating Sec. 4-6.3.2(A)3 of the Westmoreland County Zoning Ordinance, which requires a 50' wellhead protection radius to be contained entirely within the boundary lines of a given parcel of new development. If not, then an easement must be granted by the affected neighbor and recorded in the courthouse before the applicant may proceed.
Public Meeting: Monday, February 9th, 2026 (6:00 p.m.)

Background

Title 12 of the Virginia Administrative Code expressly charges the Virginia Department of Health with "Prescribing standards for the location, construction, and abandonment of private wells. § 32.1-176.4 of the Code of Virginia." As of November 6, 2024, new standards for wellhead protection radii were passed by the Commonwealth, reducing some setbacks as low as 10'.

Sec. 4-6.3.2(A)3 of the Westmoreland County Zoning Ordinance states, "The applicant for a Zoning Permit for the well shall provide a potable water supply as required by the Virginia Department of Health showing the required wellhead protection radius of 50 feet. The entire wellhead protection radius shall be contained within the area of the applicant's property, a existing public or private road right-of-way dedicated for public access, a waterbody, and/or a recorded easement or easements with all landowners encumbered under the wellhead protection radius."

Replacement wells are not held to this standard, regardless of their adjacency to neighboring parcels. Important to consider, throughout the entire Commonwealth, Westmoreland County alone supersedes VDH regulations and requires its citizens to enter into civil agreements.

Current County-Wide Impacts

Several property owners, developers, and/or applicants have been forced to request Variances from the Board of Zoning Appeals to allow the implementation of that which the Health Department had already permitted. Others entered into civil agreements, as currently required by the Zoning Ordinance, with their neighbors, either granting or benefitting from the easements. If the easement is granted by the neighboring property owners, this section prohibits them from placing sheds, or any other personal effects, on their own land if it falls within the easement they granted their neighbor, regardless of the fact that the majority of the current Virginia setback requirements no longer require such a distance. However, some property owners weren't as fortunate and were essentially forced to sell their parcels, as their neighbors refused to grant the easement.

Without potable water, the parcels become unbuildable. Without building and/or properly utilizing the land as intended when originally subdivided, there's no point in continuing to pay taxes on the parcel(s). Today's applicant brought the request as a result of his experiences with the code section. The wellhead protection radius, as currently codified, would impact two neighboring parcels, forcing the applicant to receive and record two easements.

Recommendation

The Westmoreland County Planning & Community Development staff and Planning Commission recommend for the Board of Supervisors to approve Case #2602-ZA-01.

Attachments:

Virginia Administrative Code -12VAC5-630-380. Well location.
12VAC5. Agency Summary
Zoning Ordinance Strikethrough
Virginia Department of Health Well Permit & OSE/PE Report
Application Packet
Site Plans

Planning Commission's

Final Vote for the Zoning Amendment:

Final Recommendation: Approval for Case #2602-ZA-01

Motioned: Mr. Schick motioned to approve / **Seconded:** Mr. Thompson

Additional Comments: Recommend to approve as presented

Coates	Aye
Schick	Aye
Thompson	Aye
Hickman	Aye
Hudson	Absent

TIMOTHY J. TRIVETT, CHAIRMAN
ELECTION DISTRICT NO. 5
COLONIAL BEACH, VIRGINIA 22443

JEFFREY A. MCCORMACK, VICE CHAIRMAN
ELECTION DISTRICT NO. 2
MONTROSS, VIRGINIA 22520

DARRYL E. FISHER
ELECTION DISTRICT NO. 1
HAGUE, VIRGINIA 22469

MATTHEW D. INGRAM
ELECTION DISTRICT NO. 3
MONTROSS, VIRGINIA 22520

W. W. HYNSON
ELECTION DISTRICT NO. 4
COLONIAL BEACH, VIRGINIA 22443



WESTMORELAND COUNTY, VIRGINIA

Board of Supervisors

MONTROSS, VIRGINIA 22520-1000

JAMES P. TAYLOR
County Administrator
P. O. BOX 1000
MONTROSS, VIRGINIA 22520-1000
PHONE: 804/493-0130
FAX: 804/493-0134
E-mail: jimtaylor@westmoreland-county.org
Web Page: www.westmoreland-county.org

DONNA L. COGSWELL
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**ORDINANCE TO AMEND THE WESTMORELAND COUNTY CODE
CHAPTER 70 ARTICLE 4 SECTION 4-6.3.2 OF THE WESTMORELAND COUNTY ZONING ORDINANCE**

4-6.3.2 Administration, Review, and Enforcement Procedures for water supply systems

Potable water supplies may be permitted in accordance with the following provisions and subject also to the applicable provisions of Article 2:

A. Private Wells

- (1) A private well is permitted following review and approval of a Zoning Permit.
- (2) Zoning Permit fees will not be charged for a replacement well.
- (3) ~~The applicant for a Zoning Permit for the well shall provide a potable water supply as required by the Virginia Department of Health showing the required wellhead protection radius of 50 feet. The entire wellhead protection radius shall be contained within the area of the applicant's property, a existing public or private road right of way dedicated for public access, a waterbody, and/or a recorded easement or easements with all landowners encumbered under the wellhead protection radius.~~
- (4) (3) A private well may be used to provide water to no more than three residential connections among lots or parcels when a privately owned and operated community waterworks is not available. Pools or irrigation shall not be included in determining the number of connections.
- (5) (4) All unused, discontinued or abandoned wells shall be properly abandoned in accordance with the requirements of the Virginia Department of Health.

February 9, 2026
Date of Adoption

Timothy J. Trivett, Chairman
Westmoreland County Board of Supervisors

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- (4) (3) A private well may be used to provide water to no more than three residential connections among lots or parcels when a privately owned and operated community waterworks is not available. Pools or irrigation shall not be included in determining the number of connections.
- (5) (4) All unused, discontinued or abandoned wells shall be properly abandoned in accordance with the requirements of the Virginia Department of Health.



Westmoreland County, Virginia
LAND USE ADMINISTRATION
PO Box 1000
Montross, VA 22520
804-493-0120

Building Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Building Appeals
Wetlands Board

Special Exception **Staff Report**

Date: November 24th, 2025: Updated January 29th, 2026
From: Kelly V. De Jesus
Case Number: CASE#2511-SE-04
Site Address: Oldhams Road
Hague, VA 22469
Site Location: Intersection of Oldhams Road & Threeway Road
Magisterial District: Cople (Electoral District 1)
Site Tax Map: 60-29
Owner: Severa L. Thompson
& Barbara T. Thompson
P.O. Box 1597
Warsaw, VA 22572
Applicant/ Agent: Ameresco, Inc.
c/o Tom Holt & Tucker Healy
11 South 12th Street
Richmond, VA 23219
Site Property Size: 73.55 acres /3,203,838 sf
Site Zoning District: Agriculture (A-1)
Utilities: No permanent potable water or proposed sewage disposal
onsite
Project Description: Five (5) Year Special Exception Request to Install Mounted
Solar Panels: Project Site 46 acres/ 4.99 MW-ac
Public Meeting: Monday, February 9th, 2026 (6:00 p.m.)

Parcel Information

Tax Map #60-29, which fronts both Oldhams Road (State Route #203) and Threeway Road (State Route #620) in Hague, VA, is a 73.55-acre parcel in the (A-1) Agriculture District amidst surrounding A-1 properties. The parcel is undeveloped, with subtle slopes, ground cover, and woods. The lot overlaps the southern boundary between Westmoreland County & Richmond

County, Va. The project area will be contained entirely within Westmoreland County, and the closest dwellings are within 500' +/- of the project area.

Project Description

Ameresco, Inc. proposes to construct a 4.99 MWac solar photovoltaic energy facility. Upon completion, the project site will be approximately 46 acres. This is roughly 62.5% of the parcel's area. The project site will have direct access from State Route #620, Threeway Road.

The applicants intend to leave the existing woods to the south intact and will plant additional 50' vegetated buffers on the exterior parameter to the north, west, & east, of the site and a 25' vegetated buffer to the south, between the project site and the driveway access to a neighboring lot, in order to meet the current landscaping requirements. The facility will have a 20+ year lease and will be decommissioned returning the parcel to its original condition or to another permissible use, based on the property owners' wishes. The yield will be sold to the Neck Electric Cooperative (NEEC).

Project Impacts

Environmental:

Within the hardwood forest south of the project area, but still located on the parcel in question, exists a stream, which serves as a tributary.

The executive summary written by Ameresco states, "Based on the desktop review, and as confirmed by a formal delineation, wetlands and streams occur principally within topographic low features and/or within defined drainageways or draws, and include a total of approximately 0.03-acres (1,473 square feet) of palustrine emergent (PEM) wetland, 0.31-acres (13,417 square feet) of palustrine forested (PFO) wetland, and 972 linear feet (7,210 square feet) of ephemeral (R6) stream identified within the 71.58-acre study area." (Ameresco, Inc., 2025)

Cultural:

Archaeological remains of a school from the 1900's, which is associated with the African American inhabitants of that era, are within ½ of a mile of the project site. (Ameresco, Inc., 2025)

Glare:

There was no mention of a glare associated with this project.

Community:

The project is estimated to provide enough energy to power 1,000 homes.

Economic Benefits

50 full-time jobs will be created during construction, and \$10.5 million in capital improvements will be invested.

County, State, and Federal Regulations

“Solar Farms” are not currently defined within the Westmoreland County, VA Zoning Ordinance and are therefore regulated as “Public Utility Facilities.” Within Article 2, Sec. 2-13.3 states the uses allowed by Special Exception within the (A-1) Agriculture District.

The Virginia Department of Environmental Quality (DEQ) will conduct a site plan review for stormwater management compliance. This review includes the construction, best management practices (BMPs), and any potential grading plans if and after the Special Exception has been issued.

The United States Department of Interior, Fish and Wildlife Services states, “...any project with a federal nexus (e.g., the project entails any federal funding, permits, or federal agency action) must comport with consultation requirements pursuant to Section 7 of the Endangered Species Act. To ensure such compliance, the project applicant or proponent should access the USFWS Virginia Field Office Project Review (IPaC) website.”

Comprehensive Plan and § 15.2-2232 Compatibility

Section 3.2.1.1 “Rural Lands” of the Westmoreland County Comprehensive Plan states, “Rural lands are intended to retain their existing character as much as possible. That is, they will remain primarily for agricultural or forestland use, but also with some areas of residential, commercial, institutional, and industrial uses. Public utilities such as water and sewer would not be planned for these areas, except to address the health and environmental concerns related to existing development and areas already committed to more intensive development.” *This project does not intend to permanently altar the state and future availability of the land.*

While the project is just outside of a primary growth area, the Comprehensive Plan does state that it wants to foster economic growth in the county. *This appears to have been taken into consideration by the applicants.*

Section 3.2.4.7 of the Westmoreland County Comprehensive Plan, entitled “Military Compatibility - Additional Guidance for All Land Uses” further states that as a neighboring community, the county’s governing body, when reviewing proposed developments, should be mindful of impacts to the neighboring base to include light and glare pollution. *The applicants state that this recommendation has been met.*

RECOMMENDATIONS

Should the Board consider approval of the request, staff recommends the following conditions:

1. The Special Exception is approved in substantial accordance with the conceptual plan entitled *Oldhams Solar Conceptual Site Plan*, prepared by Ameresco, Inc.. This Special Exception may be transferred, but shall be binding to any successors, assignees, current or future lessee, sub-lessee, or owner of the facility.
2. The applicant shall record the conditions prescribed within the approved Special Exception, as furnished by the Board of Supervisors, with the Westmoreland County Courthouse. A copy of the recorded instrument shall be submitted to the Land Use Administration prior to issuing any permits for this construction.
3. Construction deliveries shall not occur during the higher-traffic hours of 7:00 to 9:00 in the mornings and 2:30 to 5:30 in the evenings. As much as reasonably possible, construction deliveries shall be limited to daylight hours.
4. Transitional landscape screening shall be provided in accordance with ZO Article 6-8 between the project area and the adjacent lots. A 25-foot wide buffer area shall be reserved along all lot lines that abut residential and agriculturally zoned properties, outside of any delineated wetland areas, and existing vegetation should be preserved in those areas. If the preserved vegetation on land abutting another lot is removed at any time during the operation of this facility, a landscape area in accordance with Article 6 shall be planted. Prior to approval of the site plan, the applicant shall secure a landscaping bond in for the replacement value of the planned landscape screening, which shall remain in place for five (5) years from the time of installation. The landscaping bond shall be in a form acceptable to the County Attorney.
5. In accordance with Article 6-7.3(5), existing vegetation along all public rights-of-ways should be preserved as part of the landscape area. If the preserved vegetation is removed at any time during the operation of this facility, a landscaped area shall be planted in accordance with Article 6.
6. Existing vegetation shall also be maintained within 100-feet of perennial waters and/or Chesapeake Bay Preservation Act jurisdictional wetlands; removal of any vegetation within those limits shall only occur with the approval of the County Land Use Administration staff and with proper replanting in accordance with CBPA standards.
7. As a condition of site plan approval, applicant shall submit a noise analysis based on the manufacturers specifications of the selected inverters for the project demonstrating that the facility complies with the County's noise ordinance, Sec. 22-165(a)(7), applicable to residential zones, irrespective of the facility's A-1 zoning. In the event this study indicates non-compliance with the above code section, sound mitigating infrastructure may be added to the facility to achieve compliance.
8. Applicant shall implement a program for the collection of baseline data establishing pre-construction soil conditions on the Property. The program shall establish the relevant characteristics of the topsoil. The baseline data shall be derived from field and laboratory testing of soil conditions, including depth, density and quality from representative locations. Laboratory testing shall be conducted by an accredited laboratory. Parameters for assessing soil quality may include the following: infiltration rate, bulk density, water holding capacity, pH, percent organic matter, cation exchange capacity,

Phosphorous/Phosphate (P), Nitrogen (N), and Potassium/Potash (K). After equipment is removed as part of decommissioning, soil conditions shall be determined for the same sampling locations using the same parameters. Soil restoration activities shall be performed as necessary during operations or decommissioning to return soil conditions to at least baseline conditions. The County shall be provided with data of soil conditions within 30 days after the receipt of results.

9. Access to the facility will be developed in accordance with VDOT standards and will be designed and maintained to minimize impact to adjacent properties.
10. The total height of the solar arrays shall not exceed twenty (20) feet above the ground. This height limitation requirement shall not apply to facilities at the interconnection point to the local utility power grid distribution lines.
11. Fencing along the exterior of the facility shall be at least seven (7) feet in height, consisting of "agricultural style" woven wire, allowing the top foot consisting of angled rows of barbed wire, if desired, to comply with the National Electric Code. The fencing shall be designed in a manner that allows for the passage of small wildlife. The fencing shall be maintained while the facility is in operation.
12. Prior to Final Site Plan approval, applicant will submit to the County documentation demonstrating that the panels to be installed have passed the Toxicity Characteristic Leaching Procedure ("TCLP") test, demonstrating the panels will not pose a risk to the soil or groundwater on the project site. Any expansion of this use beyond the terms provided herein shall require amendment to this Special Exception approval.
13. In accordance with the provision of Article 10-3.12 (11) of the Westmoreland County Zoning Ordinance, the activity shall begin within 1,825 days (5 years) of the approval of this Special Exception by the Board of Supervisors. This includes the request for additional time of initial approval. Prior to the start of the activity, construction permits must be sought and granted.
14. This Special Exception and all conditions listed herein shall run with the land but may be revoked by the County of Westmoreland or its designated agent for failure by the applicant or its assigns to comply with any of the listed conditions or any provision of Federal, State, or Local regulations.
15. No additional or future development will be permitted on the property except in compliance with all the applicable codes.
16. The Applicant shall submit a Construction Traffic Management Plan to include entrances and comply with all Virginia Department of Transportation conditions for the traffic management plan during construction and decommissioning of the facility.
17. The Applicant shall be responsible for repairing any damage to roadways utilized for construction traffic occurring during development/construction or following decommissioning of the project, or any portion thereof, and directly attributable to such construction or decommissioning. Prior to the commencement of development/construction activities, the

County and the applicant shall agree to the existing state of applicable roadways, to be documented by video furnished by the applicant in coordination with the County, or by the County with costs assumed by the applicant. During development/construction, the roadways shall be monitored for damage, and the applicant, once notified by the County of damages, shall make repairs caused by construction traffic at the direction of the County Administrator within 30 days of notice. After construction activities are completed, the roadways will be evaluated for damage as measured against the condition prior to construction activity; the applicant will be required to restore such roadways to equivalent or better condition as existed prior to commencement of construction activity.

18. Prior to approval of the site plan and commencement of construction, the applicant shall provide a bond or other security, in a form and amount acceptable to the Zoning Administrator and County Attorney, to cover 125% of the anticipated costs of repairs to be necessary during development. The bond or security shall be released following construction and final roadway inspection by the County and/or VDOT.
19. Any physically damaged panels or any portion or debris thereof shall be collected by the solar facility operator and removed from the site or stored on site in a location protected from weather and wildlife and from any contact with ground or water until removal from the site can be arranged. Storage of damaged panels or portions thereof shall not exceed thirty (30) days.
20. The applicant shall submit a Decommissioning Plan to the County for approval in conjunction with the final site plan. At minimum, the Decommissioning Plan shall provide that, upon decommissioning, all physical improvements, materials, and equipment related to the solar facility, both surface and subsurface components, shall be removed in their entirety. The plan for decommissioning shall include recycling to the extent practical of all related improvements including solar collectors, cabling, electrical components, any bases or footers, and other associated items. The soil grade will also be restored following disturbance caused in the removal process. All access roads will be removed, including any geotextile material beneath the roads and granular material, unless otherwise requested by the current landowner.
21. Within twelve (12) months after the cessation of use of the solar facility for electrical power generation or transmission, the Applicant, at its sole cost and expense, shall commence decommissioning of the solar facility in accordance with the Decommissioning Plan approved by the County. If the Applicant fails to decommission the solar facility within twenty-four (24) months, then the County may, but is not required to, commence decommissioning activities per Condition 21 below. Upon completion of decommissioning and approval by the County, the County shall sign documentation releasing the Decommissioning Security.
22. The Applicant shall provide a bank letter of credit, surety bond, or other form of security (the "Decommissioning Security") as a means of assuring payment of decommissioning costs in an amount reasonably acceptable to the Zoning Administrator and in a form reasonably acceptable to the County Attorney. The Decommissioning Security for the facility shall be posted prior to Commercial Operation Date. As used in these conditions, the term "Commercial Operation Date" means the date upon which the Applicant first transmits test electricity generated from the Project to an electrical substation or otherwise transmits or distributes electricity generated from the Project to the power grid. The Decommissioning Security shall include language that

failure to renew the current commitment, or provide a new guarantor acceptable to the County, at least ninety (90) days prior to the termination date of the current commitment, will constitute an event of default. If the County receives notice that any form of security has been revoked and Applicant fails to reestablish adequate Decommissioning Security in compliance with this Condition within thirty (30) days after receipt of written notice of such revocation from the County or financial institution providing the letter of credit or surety bond, the County may revoke the Special Exception and shall be entitled to take all action to obtain the rights to the form of security. The Applicant shall reimburse the County's reasonable costs for an independent review and analysis by a licensed engineer of the initial decommissioning cost estimates. The Applicant will update the decommissioning costs estimate every five (5) years and reimburse the County's reasonable costs for an independent review and analysis by a licensed engineer of each decommissioning cost estimate revision.

23. If the Applicant or the property owners fail to timely decommission the solar facility, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the Decommissioning Security, and the right to dispose of the solar facilities, equipment and materials on the property, without incurring any financial liability to the owner of the solar facility or the property owner, and without obligation for the County to secure salvage value (if any) for the property disposed of. If applicable, any excess decommissioning security funds shall be returned to the designated party identified in the decommissioning surety.
24. The County may enter the Project Site in accordance with *Code of Virginia* Section §15.2-2241.2. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the Applicant, including under the County's zoning powers.
25. The applicant, and if different than the applicant, the facility owner and/or operator, shall provide the substantial cash payments set forth in this condition for substantial public improvements, the need for which is not generated solely by the granting of this permit, so long as such conditions are reasonably related to the solar facility that is the subject of this permit. The applicant and the County acknowledge and agree that the County may identify in future budget years qualifying substantial public improvements that will be funded by these substantial cash payments to be provided by the applicant, facility owner, and/or operator. The substantial cash payments set forth in this condition are in addition to real estate taxes and machinery and tools taxes that the applicant, facility owner, and/or operator must pay on the site and the facility. The substantial cash payments incorporated into this condition are the following three (3) substantial cash payments which total \$50,000.

- a. The first payment, in the amount of \$12,500 (25% of the total payment), will be due within 75 days of the issuance of this Special Exception.
 - b. The second payment, in the amount of \$12,500 (25% of the total payment), will be due upon approval of the final site plan for the solar facility.
 - c. The third payment, in the amount of \$25,000 (50% of the total payment), will be due on or before the date that is 45 days following the Commencement of Commercial Operation of the solar facility.
26. The applicant, facility owner, and/or operator shall provide written notice to the Zoning Administrator within ten (10) business days of when the solar facility commences Commercial Operation. The payment by the applicant, facility owner, and/or operator of all substantial cash payments shall be a condition of this Special Exception. The permit holder, facility owner, and/or operator shall be jointly and severally responsible for the payment of all substantial cash payments required by this condition.
27. Commencing on the first anniversary of Commercial Operation Date and for each anniversary thereafter until the project is decommissioned, applicant also agrees to pay the County \$1,400 per megawatt, increasing ten percent (10%) every five years beginning in 2026. 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. If the County amends Article XV of the Westmoreland County Code to make the article applicable to solar photovoltaic (electric energy) systems less than five (5) megawatts (and specifically including projects of 4.99 megawatts), then the applicant shall not be required to pay the \$1,400/year set forth in this condition.

Final Vote for the Special Exception:

Final Recommendation: Approval for Case #2511-SE-04

Motioned: Mr. Thompson motioned to approve / **Seconded:** Mr. Hickman

Additional Comments: Recommend to approve with all presented and adjusted recommendations as presented by the applicants' attorney, Mr. Scott Foster, Jr. esq.

Felt	Aye
Coates	Nay
Schick	Absent
Thompson	Aye
Hickman	Aye

1st Vote for the Special Exception:

Motioned: Mr. Coates moved to deny / **Seconded:** None

Additional Comments: Motion failed for want of a second.

Vote for Compliance with § 15.2-2232:

Final Vote: Favorable, Confirming Compliance w/ the Comprehensive Plan

Motioned: Mr. Schick / **Seconded:** Mr. Coates

Additional Comments: Solar Facilities are not directly contrary to the Comprehensive Plan because they're not discussed.

Felt	Aye
Coates	Aye
Schick	Absent
Thompson	Aye
Hickman	Aye

§ 15.2-2232 Language Used for the Motion:

Pursuant to Virginia Code section 15.2-2232, the Westmoreland County Planning Commission has determined that the Public Utility Facility as proposed in Case #2511-SE-04 is substantially in accord with the current Comprehensive Plan of Westmoreland County.
