

WESTMORELAND COUNTY BOARD OF SUPERVISORS
MINUTES – JUNE 22, 2026

A work session meeting of the Westmoreland County Board of Supervisors was held on Monday, June 22, 2026 at 6:00pm 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
Darryl Fisher
Matthew Ingram
Woody Hynson

Staff

Donna Cogswell, Interim County Administrator
Richard Stuart, County Attorney

1. CALL TO ORDER

Chairman Trivett called the meeting to order at 6:00 p.m.

2. CONSIDERATION OF AMENDMENTS TO THE AGENDA

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

Chairman Trivett requested that Item 4E, *Resolution and Support of EMS relocation in a FEMA grant*, be added from the agenda.

With no further discussion, upon motion by Mr. McCormack, seconded by Mr. Fisher, and carried by a unanimous vote, the Board approved the agenda as amended.

3. COMMENT PERIOD

A. Chairman and Board Member Comments

Mr. Ingram reminded the public about the upcoming July 3rd Community Lunch Event to be held at the Historic Courthouse Square Museum. He advised that the free community event will

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include hot dogs, chips, and drinks and is being held in partnership with the Museum and Stratford Hall. Mr. Ingram encouraged residents to attend as the community celebrates Independence Day and the Nation's upcoming 250th Anniversary.

Mr. Fisher commented that he was encouraged to see gasoline prices beginning to decline and expressed hope that prices would continue to decrease in the coming weeks.

B. Interim County Administrator Comments

Interim County Administrator Donna Cogswell provided an update on the mold remediation project at the A.T. Johnson Building. Ms. Cogswell reported that remediation work has been completed in the Department of Social Services (DSS) offices, with post-remediation testing successfully passed. She further advised that remediation of the museum has also been completed and passed the required testing.

Ms. Cogswell reported that remediation efforts are currently focused on the gymnasium, which is approximately 98% complete, after which work will begin in the YMCA area. She stated that the project remains on schedule and within budget.

In response to an inquiry regarding reoccupancy of the building, Ms. Cogswell explained that County maintenance staff are completing drywall repairs within the DSS offices before replacing ceiling tiles and completing final cleanup. She noted that replacing the existing tile flooring in the affected areas was determined to be more cost-effective than installing concrete flooring at this time, as estimates for the concrete option were significantly higher than anticipated. The County plans to revisit that option in the future.

Ms. Cogswell advised that, upon completion of the interior repairs, staff anticipates that DSS employees will be able to return to the building within the next several weeks. She also noted that a walkthrough of the completed space will be scheduled with the DSS Director following her return from vacation.

4. ACTION ITEMS

A. Approval of Appropriations

a. Budget Supplement – Transfer of Funds for 2% Bonus

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Finance Director Ms. Cox presented a request for a budget supplement to fund a 2% bonus for all full-time County employees. Ms. Cox explained that the 2026 General Assembly approved funding for a 2% bonus for Constitutional Officers and full-time Compensation Board-funded employees for Fiscal Year 2026–2027. Because many County employees perform similar duties across departments, she stated that extending the bonus to all full-time County employees would help maintain internal equity, support employee retention, and recognize the contributions of the County's workforce. Ms. Cox requested approval of a budget supplement in the amount of \$250,571 from the General Fund to fund the bonuses. She advised that the County expects to receive \$49,780 in reimbursement from the Compensation Board for eligible positions, resulting in a net County cost of \$200,791. Upon receipt, the reimbursement will be returned to the General Fund. Ms. Cox requested approval of the budget supplement to allow the funds to be allocated to the appropriate departmental budgets for distribution of the employee bonuses.

During discussion, Mr. Fisher inquired whether the proposed 2% employee bonus had already been incorporated into the Fiscal Year 2026–2027 Budget. Ms. Cogswell confirmed that the bonus had been included in the proposed budget and explained that delaying the employee salary increase until January 2027 was one of the measures implemented to offset the cost of providing the bonus in July 2026. Mr. Hynson questioned whether the County could afford the proposed bonuses. The staff responded that the County could accommodate the expenditure within the proposed budget.

With no further discussion, upon motion by Mr. Fisher, seconded by Mr. McCormack, and carried by a vote of 5-0 (Mr. Ingram, Mr. McCormack, Mr. Hynson, Mr. Fisher, and Chairman Trivett voting aye), the Board approved the budget supplement in the amount of \$250,571 and authorized the distribution of the 2% bonus to all full-time County employees, as presented.

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B. Emergency Operations Plan (EOP) Update and Adoption

EMS Chief Byrd presented the revised Emergency Operations Plan (EOP) for Board consideration. Chief Byrd explained that, pursuant to state law, each locality is required to maintain and submit an Emergency Operations Plan to the Commonwealth.

Chief Byrd stated that the previous plan followed the traditional state template and exceeded 400 pages. The revised plan was developed over approximately 2½ years and reorganized into a more concise, function-based format to improve usability during emergency situations. He explained that the plan is organized by Emergency Support Functions (ESFs), with each section identifying the lead department, supporting departments, and their respective responsibilities. Rather than detailing operational procedures, the plan establishes departmental roles and responsibilities to ensure a coordinated response during emergencies.

Chief Byrd noted that the revised plan serves as the foundational document for additional emergency planning efforts, including threat and hazard identification and risk assessments (THIRA) and other supporting emergency management plans. He further advised that the County will enter into agreements with the Town of Colonial Beach and the Town of Montross during development of the plan and that draft agreements are included as appendices.

Chief Byrd stated that the plan was developed through extensive collaboration with County departments, non-governmental organizations, and other stakeholders to ensure their input was incorporated. He expressed confidence that the revised plan provides a more effective framework for coordinating emergency operations and advised that, once adopted, the plan will be made available to the public through the County's website.

Chief Byrd also noted that the Governor recently amended the required update cycle for Emergency Operations Plans from every four years to every five years. He advised that the

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Board could consider adoption of the plan at the current meeting or defer action until the next meeting to allow additional time for review.

The Chairman invited questions from Board members.

During discussion, Mr. Ingram remarked that the Emergency Operations Plan serves as the County's "playbook" for responding to emergencies and disasters. Chief Byrd agreed, explaining that the plan provides a coordinated framework for how Westmoreland County will respond should a catastrophic event occur, while expressing hope that the plan would never need to be fully implemented.

Chairman Trivett commented that the revised format was significantly easier to read than the previous version and commended the organization and presentation of the document.

Chief Byrd stated that the intent of the revised plan was to create a user-friendly document that allows departments to quickly identify their responsibilities during an emergency. He further recognized the contributions of County departments, non-governmental organizations (NGOs), and other stakeholders, noting that the plan represents a collaborative effort and thanking all participants for their timely input and support throughout its development.

Board members expressed confidence in the revised Emergency Operations Plan but agreed that, having just received the document, they would like additional time to review it before taking formal action.

Chairman Trivett suggested placing the plan on the agenda for the next regular meeting for possible adoption following a cursory review by Board members. He also requested that the County Attorney review the document from a legal perspective prior to Board action.

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Chief Byrd advised that there was no immediate deadline requiring adoption and that consideration of the plan could be deferred until the next meeting. The Board reached a consensus to postpone action and revisit the Emergency Operations Plan at its next regular meeting.

C. Case #2512-CA-03 - Proposed text amendment to Include and define “Event Venue” as a permitted Use

Land Use Director, Mr. Stuart Jr., presented the proposed zoning ordinance amendment regarding event venues, noting that the ordinance was previously presented to the Board on March 9. He advised that the proposed amendment remains substantially unchanged, with revisions made to address comments received during the previous public hearing.

Mr. Stuart Jr. explained that the amendments are intended to define event venues within the Zoning Ordinance and establish permitting requirements for certain uses by right or through a Special Exception Permit. He noted that the proposal received generally favorable public support; however, several individuals expressed concerns regarding specific provisions of the draft ordinance.

Mr. Stuart Jr. reviewed the three substantive revisions incorporated into the ordinance:

Section 4-11.2(B): The provision prohibiting overnight accommodations has been revised to allow overnight accommodations in accordance with all applicable provisions of the Zoning Ordinance.

Section 4-11.2(C): The requirement that all buildings and seating areas located within the ACRC and A-1 Zoning Districts be situated at least 200 feet from any property line has been removed. The revised language requires that buildings and seating areas be appropriately screened.

Section 4-11.2(J): The minimum parcel size requirement for event venues located within the ACRC and A-1 Zoning Districts has been reduced from five acres to four acres.

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Mr. Stuart Jr. advised that all other provisions of the proposed ordinance remain unchanged from the version previously presented to the Board and offered to answer any questions.

Mr. Stuart Jr. confirmed that the proposed amendment followed the standard text amendment process. He advised that the Planning Commission unanimously recommended approval of the ordinance before forwarding it to the Board of Supervisors. Following the Board's public hearing, staff was directed to work with the citizens who expressed concerns and incorporate appropriate revisions into the proposed ordinance, resulting in the amendments presented for the Board's consideration. Mr. Stuart Jr. further confirmed that the revisions remained consistent with the ordinance language advertised for the March public hearing and did not require an additional public hearing.

With no further discussion, upon motion by Mr. McCormack, seconded by Mr. Fisher, and carried by a vote of 5-0 (Mr. Ingram, Mr. McCormack, Mr. Hynson, Mr. Fisher, and Chairman Trivett voting aye), the Board approved the proposed text amendment to Include and define "Event Venue" as a permitted Use, as presented.

D. PUBLIC HEARING: Case #2605-CA-01 Proposed text amendment to the Westmoreland County Zoning Ordinance to align with state code involving the adoption of policies, uses, and definitions related to Solar Energy Facilities and Battery Energy Storage Facilities

Land Use Director Mr. Stuart Jr. presented proposed amendments to the Zoning Ordinance resulting from legislation adopted during the 2026 General Assembly. He explained that the legislation became effective following the General Assembly's reconvened session in April and will take effect on July 1. Mr. Stuart Jr. advised that the amendments are necessary to ensure the County's Zoning Ordinance complies with the new state requirements governing renewable energy facilities.

Mr. Stuart Jr. reviewed the provisions of Senate Bill 347 and House Bill 891, which establish a standardized framework for regulating solar energy facilities and battery energy storage systems. He explained that the legislation requires localities to permit qualifying solar facilities within agricultural, commercial, and industrial zoning districts either by right or

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through a Special Exception Permit and requires local zoning ordinances to include standards addressing setbacks, fencing, screening, panel height, grading, decommissioning, visual impacts, and other development requirements.

Mr. Stuart Jr. further explained that the proposed ordinance creates definitions for Accessory Solar Energy Facilities, which serve the principal use on the property, and Utility-Scale Solar Energy Facilities, which generate electricity for distribution to the electrical grid. He noted that the proposed ordinance incorporates development standards based upon the language provided by the Commonwealth and establishes local setback, screening, and operational requirements. Where the legislation provided a range of allowable setbacks, staff and the Planning Commission recommended adopting the maximum setbacks permitted under state law to provide the greatest level of protection for adjacent properties.

Mr. Stuart Jr. also reviewed the provisions relating to Battery Energy Storage Systems (BESS). He explained that the new legislation permits battery storage facilities as an accessory use to previously approved utility-scale solar facilities without requiring an additional Special Exception Permit, provided the battery storage capacity does not exceed the approved generating capacity of the associated solar facility. He noted that the proposed ordinance includes standards addressing setbacks, fencing, stormwater management, and other operational requirements applicable to battery storage facilities.

Mr. Stuart Jr. stated that many of the proposed provisions were developed using model ordinance language prepared by the Virginia Association of Counties (VACo) and by reviewing ordinances adopted by other Virginia localities with extensive experience regulating solar facilities. He noted that the County's existing Solar Energy Policy will effectively be superseded by the ordinance upon its effective date because the new state legislation establishes mandatory standards for local regulation.

County Attorney Mr. Stuart explained that the legislation constitutes a mandate from the General Assembly and significantly limits the authority of local governing bodies to prohibit solar facilities. He advised that, while the Board retains authority to evaluate individual

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applications, the legislation requires localities to entertain qualifying applications and regulate them in accordance with the standards established by state law. He further explained that the legislation also authorizes accessory battery energy storage systems as a by-right use at previously approved solar facilities, subject to the limitations outlined in the ordinance.

Mr. Stuart Jr. clarified that accessory battery energy storage systems are limited to the generating capacity previously approved for the associated solar facility and may not exceed that approved capacity.

During discussion, Mr. McCormack expressed disappointment that the General Assembly continues to limit local authority over land use decisions. He stated that the Board had previously devoted considerable time to developing the County's Solar Energy Policy through the work of a citizen advisory committee and expressed concern that the new legislation substantially reduces the County's ability to regulate solar facilities and associated battery energy storage systems. Mr. McCormack also voiced concerns regarding the potential public safety implications of battery energy storage systems, specifically questioning whether local volunteer fire departments have the resources and equipment necessary to respond in the event of a battery storage fire. He concluded by stating that he was displeased with the Commonwealth's increased involvement in matters he believes should remain under local control.

Mr. Ingram stated that the issue of battery energy storage systems had also been discussed during a recent Virginia Association of Counties (VACo) Region 2 meeting and noted that many rural localities share similar concerns. He expressed apprehension regarding the fire risks associated with battery energy storage systems and questioned whether rural volunteer fire departments have the resources necessary to effectively respond to such incidents. Mr. Ingram further noted concerns regarding the potential environmental impacts of battery storage fires. Mr. Ingram also questioned the characterization of solar energy as "clean energy," stating that the manufacturing process and extraction of materials used in solar panels often occur outside the United States under environmental standards that may differ from those in Virginia. He expressed concern that the environmental impacts

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associated with manufacturing, coupled with the potential hazards posed by battery energy storage systems, warrant careful consideration when evaluating future renewable energy projects.

Mr. McCormack asked whether the new legislation grants the Commonwealth authority to override a local decision if the Board denies a proposed solar energy project.

County Attorney Mr. Stuart responded that the legislation does not require the Board to approve every application. Rather, its purpose is to prevent localities from effectively prohibiting or creating overly restrictive regulations for solar facilities. He explained that the Board must consider each application on its individual merits but retains the authority to approve or deny an application based on the facts presented. Mr. Stuart further noted that Virginia's existing renewable energy goals require the Commonwealth to transition toward renewable energy by 2035 and stated that additional legislation affecting local regulation of solar energy may be considered in future General Assembly sessions.

Mr. Hynson expressed concern about the long-term implications of the legislation, noting that future technologies and energy systems may evolve beyond what is currently contemplated in the ordinance. He questioned whether the General Assembly's actions could ultimately limit the Board's ability to regulate future forms of energy production and protect the County's rural character, natural resources, forestry, waterways, seafood industry, and other locally significant interests. Mr. Hynson stated that he was concerned the County could lose its ability to determine its own future as additional mandates are enacted by the Commonwealth.

County Attorney Mr. Stuart responded that he generally believes local governments are best positioned to make land use decisions because they are closest to the citizens they serve. However, he explained that the General Assembly determined renewable energy development to be a statewide priority and, as a result, enacted legislation establishing mandatory standards for local regulation. He further explained that the ordinance is governed by the statutory definitions adopted by the General Assembly, including newly created definitions such as agrovoltatics, and emphasized the importance of keeping the

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County's zoning ordinance current as technology continues to evolve. Mr. Stuart acknowledged that future energy technologies, including advancements in solar energy, battery storage, or other forms of energy generation such as small modular nuclear reactors, could require additional legislative or regulatory changes. He noted that, while it is impossible to predict future technological developments, the County must continue updating its ordinances to remain compliant with state law while preserving as much local authority as possible.

Mr. Ingram inquired whether the proposed ordinance limits the type of battery technology that may be used for battery energy storage systems, noting that different battery technologies present varying environmental and safety considerations.

Mr. Stuart Jr. responded that the ordinance does not regulate specific battery technologies. Instead, battery energy storage systems must comply with the applicable fire safety standards and code requirements adopted by the Commonwealth, as those standards are updated over time. County Attorney Mr. Stuart further noted that battery energy storage systems will also be subject to requirements established by the Virginia State Corporation Commission (SCC) and other applicable regulatory agencies. He explained that the systems are required to incorporate safety features, including enclosed housing designed to mitigate fire hazards through engineered fire suppression and ventilation systems.

Mr. Fisher observed that history demonstrates how technological advancements continue to reshape energy production and public policy and noted that many significant innovations have evolved over time through experience and improved safety practices. He stated that, while it is impossible to predict future technologies or their long-term impacts, the Board must make decisions based on the best information available at the time.

Mr. Fisher further commented that rural communities face unique challenges as development and new technologies continue to emerge. He emphasized the importance of protecting Westmoreland County's natural resources, agricultural lands, waterways, and rural character while recognizing that the County must also adapt to changing state policies

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and evolving energy technologies. He concluded that the Board's responsibility is to make thoughtful decisions that will benefit both current and future generations.

PUBLIC HEARING

The Chairman opened the public hearing for comments regarding the proposed zoning ordinance amendments. With no members of the public wishing to speak, the public hearing was closed.

With no further discussion, upon motion by Mr. Fisher, seconded by Mr. McCormack, and carried by a vote of 4-1 (Mr. McCormack, Mr. Hynson, Mr. Fisher, and Chairman Trivett voting aye; Mr. Ingram voting no), the Board approved Case# 2605-CA-01 Proposed text amendment to the Westmoreland County Zoning Ordinance to align with state code involving the adoption of policies, uses, and definitions related to Solar Energy Facilities and Battery Energy Storage Facilities, as presented.

E. Resolution and Support of EMS Relocation in a FEMA Grant

Chairman Trivett introduced a proposed resolution supporting an application for a FEMA grant to assist with the relocation and construction of a new Emergency Medical Services (EMS) facility.

Chairman Trivett explained that the proposed facility has been under development for some time and that, while former County Administrator Taylor was still serving, County staff met with the project architect, John Berger of Fredericksburg, to review the building design. He noted that the plans were subsequently reviewed by County staff, including Chief Byrd, and revised to incorporate recommended modifications and additions.

Chairman Trivett advised that the proposed facility is approximately 7,600 square feet. Based on current construction estimates provided by the architect, the project is expected to cost approximately \$300 per square foot, for a total estimated project cost of \$2.1 to \$2.2 million.

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Chairman Trivett further reported that the Town of Colonial Beach had adopted a resolution supporting the County's application for a FEMA grant of up to \$3 million at its meeting the previous week. He also advised that both he and the Mayor of Colonial Beach had spoken with Congressman Whitman, who agreed to provide a letter of support for the grant application. Additionally, the Northern Neck Planning District Commission agreed to support the application and, if awarded, administer the grant on the County's behalf.

Chairman Trivett stated that the grant would significantly assist the County in funding the EMS relocation project. He noted that the Board had previously approved financing of approximately \$1.5 million toward construction of the new facility, and grant funding would substantially reduce the County's financial obligation.

Chairman Trivett then invited EMS Chief Byrd to provide additional background regarding the need for the new facility and the current condition of the existing EMS station before the Board considered the proposed resolution.

Chief Byrd explained that planning for the EMS relocation project began approximately 2½ years ago in coordination with the Colonial Beach Rescue Squad. He noted that the previously approved \$1.5 million project estimate was developed more than three years earlier, prior to significant increases in construction costs experienced during and after the COVID-19 pandemic.

Chief Byrd reviewed the limitations of the current EMS station located at 225 Dennison Street, explaining that the facility was constructed long before current floodplain regulations and has experienced repeated flooding over the years. He stated that numerous flood events have required the building to be evacuated and personnel relocated. While such relocations may have been manageable when EMS operations relied primarily on volunteers, the County's current 24-hour staffing model does not provide another suitable location within the Town of Colonial Beach capable of supporting continuous EMS operations. He further noted that the Colonial Beach Volunteer Fire Department does not have sufficient space to accommodate EMS personnel because it was not designed for around-the-clock staffing.

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Chief Byrd explained that the proposed building plans were substantially revised from the original concept, including reducing the facility from a two-story building to a single-story design while maintaining compliance with applicable setbacks and property boundaries. He stated that the redesigned facility is intended to meet the County's EMS operational needs for approximately 15 to 20 years based on current growth projections.

Chief Byrd advised that EMS call volume continues to increase steadily. He noted that annual call volume has grown from approximately 3,200 calls in 2019 to an anticipated 4,000 calls annually, representing an average increase of approximately 100 calls per year. He attributed part of this growth to changing residential patterns following the COVID-19 pandemic, with many seasonal homes becoming permanent residences.

Chief Byrd further explained that the proposed facility is designed to accommodate two full-time ambulance crews and one full-time EMS supervisor, while providing adequate living quarters and operational space for 24-hour staffing. He noted that constructing the facility to meet projected future needs would reduce the likelihood of requiring costly building expansions shortly after completion.

Chief Byrd concluded that the FEMA grant opportunity would significantly reduce the County's financial obligation for the project while providing a long-term solution for EMS operations and emergency relocation needs. He also noted that architectural renderings of the proposed facility had been provided to the Board for review and offered to answer questions regarding the building design and operational needs.

During discussion, Mr. McCormack asked whether donations previously provided to the Colonial Beach Volunteer Rescue Squad (CBVRS) would be available to satisfy the County's required 25% local match if the FEMA grant is awarded.

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County Attorney Mr. Stuart responded that, once the pending matter involving those funds is resolved, there would be no restrictions on their use. He advised that negotiations are ongoing and, while he could not discuss the details in open session, progress has been made toward resolving the matter. Mr. Stuart indicated that additional negotiations are anticipated.

Mr. Ingram asked whether the exterior brick appearance shown in the architectural rendering represented the final building design. Chief Byrd explained that the rendering is conceptual and that, while the floor plan reflects the final layout, exterior finishes remain under evaluation. He noted that the design team has been reviewing various construction methods and materials to identify the most cost-effective and durable option while ensuring compliance with applicable commercial building code requirements. Chief Byrd stated that the project team is evaluating long-term life-cycle costs rather than focusing solely on initial construction costs, emphasizing the importance of constructing a facility that will effectively serve the County for decades without requiring significant renovations in the near future. Mr. Ingram noted that while masonry construction would likely increase the initial project cost, it also offers greater durability and longevity.

Chairman Trivett read the resolution into the record in support of the new construction and relocation of the EMS station located in Colonial Beach and support of the application being submitted for a FEMA grant.

With no further discussion, upon motion by Mr. McCormack, seconded by Mr. Fisher, and carried by a vote of 5-0 (Mr. McCormack, Mr. Hynson, Mr. Fisher, Mr. Ingram, and Chairman Trivett voting aye), the Board approved the Resolution and Support of EMS Relocation in a FEMA Grant, as presented.

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5. CLOSED SESSION –

Chairman Trivett read the applicable exemption under the Virginia Freedom of Information Act into the record: § 2.2-3711(A)(1) of the Code of Virginia, for the discussion, assignment, appointment, promotion, performance, salaries, disciplining, or resignation of specific appointees, officers, or employees of a public body.

With no further discussion, upon motion by Mr. Fisher, seconded by Mr. McCormack, and carried by a unanimous vote, the Board approved entering into Closed Session. Ms. Cox and Ms. Cogswell were invited to attend.

RECORDING WAS STOPPED, AND THE MEETING MOVE TO CLOSED SESSION

Chairman Trivett asked for a motion to return to Regular Session from Closed Session. Upon motion by Mr. Fisher, seconded by Mr. McCormack and carried unanimously, the Board returned to Regular Session from Closed Session.

Chairman Trivett then asked for a Certification Motion stating that nothing other than what was listed on the call under Sec 2.2-3711 (A)(1) was discussed during the Closed Session, and no action was taken.

Upon motion by Mr. McCormack, seconded by Mr. Fisher, and carried by a vote of 5-0 (Mr. McCormack, Mr. Hynson, Mr. Fisher, Mr. Ingram, and Chairman Trivett voting aye). The Certification Motion was approved.

Mr. Fisher moved to promote Ms. Donna Cogswell, currently serving as Interim County Administrator, to the position of County Administrator, effective July 1, 2026. The motion was seconded by Mr. McCormack and Mr. Ingram. With no further discussion, the motion carried by a vote of 5-0 (Mr. McCormack, Mr. Hynson, Mr. Fisher, Mr. Ingram, and Chairman Trivett voting aye). The Board approved the appointment of Ms. Cogswell as County Administrator, effective July 1, 2026.

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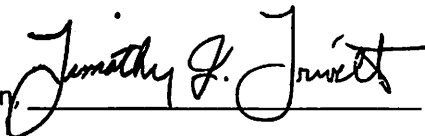
6. ADJOURNMENT

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

A special session will be scheduled for Wednesday, July 1, 2026 at 6:00pm for the purpose of conducting the Fiscal Year 2026-2027 Budget Public Hearing.

With no further business, upon motion by Mr. McCormack, seconded by Mr. Fisher, carried unanimously. The Board adjourned the meeting at 9:20 p.m.

The next regular scheduled meeting is Monday, July 13, 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



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WESTMORELAND COUNTY, VIRGINIA

Board of Supervisors

MONTROSS, VIRGINIA 22520-1000

To: Westmoreland County Board of Supervisors

From: Blake Byrd, Emergency Services Coordinator

Date: June 17, 2026

Subject: Emergency Operations Plan (EOP) Update and Adoption – July 2026

Purpose:

This memorandum provides an overview of the required update and adoption of Westmoreland County's Emergency Operations Plan (EOP) in compliance with Virginia Code § 44-146.19.

Background:

Virginia law requires all localities to review, revise, and formally adopt their Emergency Operations Plan to ensure it remains current and effective. Westmoreland County's EOP is due for review and Board adoption by July 2026. Upon adoption, this action must be recorded in the official meeting minutes and a copy of the plan submitted to the Virginia Department of Emergency Management.

Key Updates to the Plan:

The revised EOP reflects a significant modernization in structure and approach. The County is transitioning to the Emergency Support Function (ESF) framework, consistent with national best practices outlined in the National Response Framework.

The ESF model organizes emergency responsibilities into 17 functional areas, each led by a designated primary agency and supported by partner organizations across local, regional, state, and federal levels. This structure improves coordination, clarifies responsibilities, and enhances the County's ability to manage incidents of all types and sizes.

Plan Organization:

The updated EOP is organized into three primary components:

- **Basic Plan:** Establishes legal authority, organizational structure, geographic and demographic considerations, and departmental responsibilities.
- **ESF Annexes:** Provide detailed operational guidance for each of the 17 functional areas.
- **Supporting Annexes/References:** Include additional plans, procedures, and resource documents.

Benefits of the Update

- Aligns with state and federal emergency management standards
- Enhances coordination within the Emergency Operations Center (EOC)
- Clearly defines roles and responsibilities across departments and partners
- Provides a scalable, all-hazards approach to incident management
- Improves preparedness, response, and recovery capabilities

Next Steps

- Distribute electronic draft of the EOP to the Board for review prior to July 2026
- Present the plan for formal adoption at the June Board meeting
- Submit adopted plan to the Virginia Department of Emergency Management
- Maintain the EOP as a living document, with updates documented and communicated to the County Administrator as needed

Please contact Chief Blake Byrd, Emergency Services Coordinator with any questions or to request additional information prior to the adoption meeting.



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
Text Amendment
Staff Report

<u>Date:</u>	May 16 th , 2026
<u>From:</u>	Richard Stuart Jr, <i>Director</i>
<u>Case Number:</u>	2512-CA-03
<u>Site Location:</u>	County-Wide
<u>Project Description:</u>	Request for a public hearing for a proposed text amendment to include and define "Event Venue" as a permitted by-right use in the B-1, B-2, and B-3 Zoning District; and permitted by special exception in the AC, RC, and A-1 Zoning Districts. Proposed text amendment to include amendments to Article 2 Base Districts, Article 4 Supplemental Use Regulations, Article 5 Parking, Article 12 Definitions, and Appendix Table of Uses of the Westmoreland County Zoning Ordinance.
<u>Public Meeting:</u>	Monday, March 9 th , 2026 (6:00 p.m.) Monday, June 22 nd , 2026 (6:00 p.m)

Background

As the community continues to grow in Westmoreland County, economic development has become the collective focus for elected officials, staff, and citizens alike. By the County adding to the existing definitions and use-specific standards already established in the Zoning Ordinance, local and prospective business owners can inspire the direction of their community based on their own merit, provide grassroot strategies, create jobs, contribute to the local tax revenue, offer entertainment, and provide centers for social gatherings.

The Land Use Administration has been approached on multiple occasions by local property owners who wish to open what -moving forward- will be classified as "Event Venues."

Staff Recommendation

The Westmoreland County Planning Commission recommends that the Westmoreland County Board of Supervisors approve **Case #2512-CA-03**, proposed text amendment to include and define “Event Venue” as a permitted by-right use in the B-1, B-2, and B-3 Zoning District; and permitted by special exception in the AC, RC, and A-1 Zoning Districts. Proposed text amendment to include amendments to Article 2 Base Districts, Article 4 Supplemental Use Regulations, Article 5 Parking, Article 12 Definitions, and Appendix Table of Uses of the Westmoreland County Zoning Ordinance.

Attachments:

Event Venue Text Amendments
Resolution to Amend

Planning Commission's

Final Vote for the Text Amendment for the Event Venue:

Final Recommendation: Approval for Case #2512-CA-03

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

Additional Comments: Recommend to approve as presented.

Coates	Aye
Schick	Aye
Thompson	Aye
Hickman	Aye
Hudson	Aye

Article 12 Definitions

12.1 Definitions. For the purpose of this ordinance, certain words and terms are defined below as referenced in Article 1.3.4.

Evergreen: A coniferous or other plant that retains its leaves or needles in all seasons.

Event Venue: A business establishment for hosting social, cultural, or community gatherings such as weddings, receptions, banquets, meetings, or similar events. The use provides indoor or outdoor spaces for assembly, dining, and entertainment while maintaining a scale, appearance, and operation compatible with surrounding adjacent land uses.

Family: One (1) or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, tourist home, lodging house, motel or hotel. One (1) or more persons related by blood, marriage, adoption or guardianship, including servants, caregivers, and no more than two (2) roomers or boarders; or a group of not more than four (4) unrelated persons; or residents of a dwelling used as a group home or assisted living facility as provided in 15.2-2291, Code of Virginia. As used in this definition, roomers and boarders are residents of the premises occupying the premises for 30 or more consecutive days.

ARTICLE 2 Base Districts Regulations

2-1. Agricultural Conservation (AC)

2-1.3 Permissible Uses (by Special Exception)

By Special Exception Approval by the Board of Supervisors:

1. Airports, private
2. Alternative Sewage Treatment Systems
3. Bed and Breakfast Inns
4. Biosolids Composting
5. Boat Building and repair
6. Boat Sales and Service
7. Boat Wharves, Public
8. Camps, day or boarding
9. Churches, 50,000 square feet or more
10. Civic Clubs
11. Community Water Systems for Cluster Development
12. Country Clubs
13. Country Inns
14. Country Store or Specialty Shop, not to exceed 3,000 square feet
15. Day Care Centers

16. Dwelling, Dormitory, associated with school, camp only
17. Event Venue. subject to Article 4-11.2
18. Farm Machinery Sales, Rental, Service, subject to Article 4
19. Fire, police or rescue stations
20. Flea Markets
21. Funeral Homes
22. Golf Courses
23. Golf Driving Ranges
24. Grain and Fertilizer Storage, Commercial
25. Group Housing for Farm Labor, Seasonal or Year Round
26. Home Occupation, Major
27. Hospitals, subject to Article 4
28. Houses, Boarding or Rooming
29. Kennels, Commercial, subject to Article 4
30. Nurseries, retail (Florists – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.
31. Nurseries, wholesale
32. Produce Processing Plants, Agricultural
33. Public Landings
34. Public utility trunk lines and system components (electrical and gas)
35. Restaurants, not to exceed 3,000 square feet, subject to Article 4
36. Rural Small Business, subject to Article 4
37. Sand and Gravel Pits
38. Sawmills, Permanent
39. Schools, elementary, middle or high
40. Seafood Facilities, Processing
41. Service Stations, subject to Article 4
42. Swimming Pools, Public
43. Telecommunications towers, attached
44. Telecommunications towers, free-standing, subject to Article 4
45. Tourist Homes
46. Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.
47. Veterinary Clinic, Kennels and Hospital

2-2. Rural Conservation (RC)

2-2.3 Permissible Uses (by Special Exception)

By Special Exception Approval by the Board of Supervisors:

1. Airport, Private
2. Alternative Sewage Treatment Systems
3. Bed and Breakfast Inn
4. Biosolids Composting
5. Boat Building and repair
6. Boat Sales and Service
7. Boat Wharves, Public
8. Camps, day or boarding
9. Churches
10. Civic Clubs
11. Community Water System for Residential Cluster Option
12. Country Clubs
13. Country Inns
14. Country Store or Specialty Shop, not to exceed 3,000 square feet
15. Day Care Centers
16. Dwellings, Dormitory associated with school, camp only
17. Event Venue, subject to Article 4-11.2
18. Farm Machinery Repair
19. Farm Machinery Sale, Rental, Service
20. Feed Mills
21. Fire, Police or rescue stations
22. Flea Market
23. Funeral Homes
24. Golf Courses
25. Golf Driving Ranges
26. Home Occupation, Major
27. Hospitals, subject to Article 4
28. Houses, Boarding or Rooming
29. Kennels, Commercial
30. Museums
31. Nurseries, retail (Florists – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
32. Nursing Homes
33. Playgrounds, lighted
34. Parks, lighted

35. Post Office
36. Public Landings
37. Restaurants, not to exceed 3,000 square feet
38. Rural Small Business
39. Sawmills, Permanent
40. Seafood Facility, Non-Processing
41. Schools, elementary, middle, high, post-secondary
42. Service Stations, subject to Article 4
43. Swimming Pools, Public
44. Telecommunications towers, attached
45. Telecommunications towers, free-standing, subject to Article 4
46. Tourist Homes
47. Travel Trailer Parks
48. Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.
49. Veterinary Clinics, Kennels and Hospital
50. Public utility trunk lines and system components (electrical and gas)

2-13. Agriculture (A-1)

2-13.3 Permissible Uses (by Special Exception)

1. Administrative Offices
2. Airport, Private
3. Airport, Public
4. Alternative Sewage Treatment Works
5. Antique Shop
6. Automotive Repair Garage
7. Biosolids Composting
8. Blacksmith Shop
9. Boat Building
10. Boat Sales and Service
11. Boat Wharves, Public
12. Boathouse
13. Cabinet and Furniture Shops
14. Carwash
15. Canneries
16. Cemeteries
17. Central Wastewater Treatment Works
18. Central Water System
19. Child Care Centers
20. Clubs
21. Communication Facilities and/or Tower
22. Community Waterworks

23. Concrete Works
24. Contractors Office
25. Dairies
26. Dwelling, Dormitory
27. Dwelling, Multi-Family
28. Dwelling, Two-Family
29. Engine Repair and Sales, Small
30. Event Venue. Subject to Article 4-11.2
31. Family Day - Care Home
32. Firehouses
33. Flea Market
34. Funeral Homes
35. ~~Golf Courses~~ (Errata Sheet – April 12, 2006 this is a by-right use)
36. Golf, Driving Range
37. Grain and Fertilizer Storage Commercial
38. ~~Historical Areas~~ (Errata Sheet – April 12, 2006 this is a by-right use)
39. Home Doctors Office
40. Home Occupation, Major
41. Home Professional Office
42. Hospitals
43. Houses, Boarding or Rooming
44. Kennel
45. Machine Shops
46. Motels and Hotels
47. Non community Waterworks
48. Nursing Homes
49. Post Offices
50. Produce Processing Plant
51. Professional Offices
52. Public Landings
53. Public Utility Facilities
54. Rescue Squad
55. Restaurant
56. Sawmill, Portable
57. Seafood Facility -- Processing
58. Service Station
59. Shops, Retail Sales and Personal Services
(Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses
not listed but does not mean they are not allowed.)
60. Stores, Retail Sales and Services
(Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses
not listed but does not mean they are not allowed.)
61. Swimming Pool, Public
62. Subdivision Sales Offices
63. Tourist Homes

64. Upholsterers
65. Veterinary Clinic, Kennels and Hospital
66. Water and Sewer Facilities, Public
67. Water Well Drilling
68. Welding Shops
69. Wholesale and Processing Facility
70. Wood Products, Manufacturing

2-20. Business, General District (B-1):

2-20.2 Permitted Uses (by-right)

1. Accessory Uses
2. Administrative Offices
3. Antique Shop
4. Auto Sales and Service
5. Bakeries
6. Banks
7. Bed and Breakfast
8. Boat Sales and Service
9. Boat Wharves, Private
10. Boat Wharves, Public
11. Bulkheads
12. Cabinet and Furniture Shops
13. Carwash
14. Child Care Centers
15. Churches
16. Church Bulletin Boards
17. Communication Facilities and/or Tower
18. Contractors Office
19. Conventional Sewage Treatment Works
20. Dry Cleaners
21. Event Venue. Subject to Article 4-11.2
22. Firehouses
23. Florists
24. (Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
25. Funeral Homes
26. Historical Areas
27. Home Occupation, Minor
28. Houses, Boarding or Rooming
29. Jetties

30. Laboratory, Research and Development
31. Laundry
32. Libraries
33. Lumber and Building Supply
34. Motels and Hotels
35. Museums
36. Office Buildings
37. Off-Street Parking
38. Parking Areas
39. Post Offices
40. Printing Plants
41. Private Well
42. Professional Offices
43. Public Utilities Serving Individual User
44. Rescue Squad
45. Restaurant
46. Retaining Walls
47. Seafood Facility - Non-Processing
48. Seawalls
49. Septic Disposal System, Conventional
50. Service Station
51. Shops, Retail Sales and Personal Services
52. (Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
53. Sign, Advertising
54. Sign, Business
55. Sign, Directional
56. Sign, Temporary Structure
57. Stores, Retail Sales and Services
58. (Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
59. Swimming Pool, Public
60. Theaters, Other Than Drive-In
61. Upholsterers
62. Warehouse
63. Well, Private

Business, Restricted District, (B-2)

2-21.2 Permitted Uses (by-right)

1. Accessory Uses (Errata Sheet – April 12, 2006 this are by-right uses)
2. Bed and Breakfast
3. Conventional Sewage Treatment Works
4. Event Venue, Subject to Article 4-11.2
5. Home Occupation, Minor
6. Lumber and Building Supply
7. Private Well
8. Seafood Facility - Non-Processing
9. Seafood Facility -- Processing
10. Septic Disposal System, Conventional
11. Sign, Advertising
12. Sign, Business
13. Sign, Directional
14. Sign, Temporary Structure
15. Warehouse
16. ~~Water and Sewer Facilities, Public~~ (Errata Sheet – April 12, 2006 this requires a Special exception approval as #23 below)

2-22. Business, Open Land District (B-3):

2-22.2 Permitted Uses (by-right)

1. Bed and Breakfast
2. Contractors Office
3. Contractors Storage Yard
4. Conventional Sewage Treatment Works
5. Event Venue, Subject to Article 4-11.2
6. Home Occupation, Minor
7. Lumber and Building Supply
8. Machine Shops
9. Private Well
10. Seafood Facility - Non-Processing
11. Septic Disposal System, Conventional
12. Sign, Advertising
13. Sign, Business
14. Sign, Directional
15. Sign, Temporary Structure
16. Warehouse
17. Well, Private

ARTICLE 4 Supplemental Use Regulations and Standards

4-11 Event Venues

4-11.1 Purpose and Intent

The purpose of this section is to allow for, in certain districts, the establishment of event venues, used for gatherings such as hosting social, cultural, or community gatherings such as weddings, receptions, banquets, meetings, or similar events which preserve the rural, historic, and community character of surrounding uses.

4.11.2 General Standards for Event Venues

- A. No music shall be played, either by mechanical device or live performance in such a manner that the sound emanating therefrom shall violate any provision of Chapter 22 Article IV – Noise of the County Code.
- B. Overnight accommodation may be provided in accordance with all applicable sections of the ordinance.
- C. All buildings and seating areas located in the AC, RC, and A-1 zoning district shall be screened.
- D. Shall have a maximum of 50 events per year in the AC, RC, and A-1 Zoning Districts.
- E. Maximum capacity of attendees per event in the AC, RC, and A-1 Zoning Districts will be determined by the Board of Supervisors.
- F. All design and use of exterior lighting shall comply with the International Dark Sky Association and shall be labeled as such on the site plan sketch.
- G. All events must conclude by 10:00PM, not including break-down and clean-up.
- H. The applicant shall secure all necessary permits and approvals from the Westmoreland County Community Development Department and other state and local government agencies.
- I. Parking should comply with Article 5 – Parking and Loading Regulations 5.5 Required Parking Spaces.
- J. If located in an AC, RC, and A-1 District, the parcel shall be at least four (4) acres in size.

4-2.3.3 Special Events

- A. A temporary use permit for such special events that are planned for or which reasonably may be expected to attract more than 100 persons at any one time, such as Carnival, Circus, Festival, Fair, Dog Show, Horse Show, Outdoor Retail Sales Event, Fireworks Show, Tent Revival or similar meetings shall be issued for not more than ten consecutive days, in any six (6) month period.
- B. No such activity shall be located closer than 300 feet to a residential use, unless the owner of the residential use grants express written permission in a form that can be reviewed and validated by the Zoning Administrator.

- C. Adequate provisions must be made for off-street parking, safe ingress and egress must be provided and approved by the Zoning Administrator.
- D. Special event are permitted only between the hours of 7:00 a.m. and 12:00 midnight. The Zoning Administrator may require that no activity, including set-up or knock-down of a carnival or circus, shall be permitted between 12:00 midnight and 7:00 a.m.
- E. Night operations shall be permitted only if there is a lighting plan approved by the Zoning Administrator which provides for safe lighting without excessive glare into residential areas or onto public streets.
- F. One temporary on-site sign, advertising the activity and two on-site directional signs for ingress and egress may be permitted in accordance with this Zoning Ordinance.
- G. The following special events are exempt from the requirements of this section (i.e., they may occur without a temporary zoning permit). Exempt special events, however, shall remain subject to all other applicable provisions of this Ordinance and the County Code, including, but not limited to standards governing noise control.
 - 1. Special events planned or reasonably expected to attract less than 100 persons at any one time.
 - 2. Special events occurring within, or upon the grounds of, a private residence, where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee.
 - 3. Any event sponsored in whole or in part by Westmoreland County or another political subdivision of the Commonwealth of Virginia;
 - 4. Any organized special events conducted at sites or facilities typically intended, used, and designed for such events. Examples of such exempt activities include, but are not necessarily limited to sporting events conducted on courses or fields intended and used for such activities; wedding services conducted at churches, country inns, banquet facilities/halls, reception halls, or similar facilities; wine tasting and wine tasting dinners at wineries whose facilities are designed for such events; conferences and similar events in facilities designed for such use.

H. Event venues do not adhere to the beforementioned requirements.

ARTICLE 5 Parking and Loading Regulations

5-2.3 Parking Surfaces and Drainage

5-2.3.1 All off-street parking and loading areas for more than five (5) required spaces, for uses for which a site plan is required, including aisles, entrances and driveways, must be graded and drained to dispose of surface water and paved with an impervious, all-weather surface, such as bituminous concrete or asphalt. Event Venues in AC, RC, and A-1 zoning districts, may submit an alternative parking plan to the Zoning Administrator for their consideration.

5-5. Required Parking Spaces

Use	Number of Parking Spaces Required
Assembly plants or Manufacturing uses	one (1) for each one (1) employee for which the establishment is designed or used, whichever is greater, plus one (1) space per company vehicle, plus space to accommodate all trucks or other vehicles used in conjunction with the plant.
Assisted Living Facility	one and one-half (1.5) for each four (4) dwelling units if the facility contains central dining facilities two and one-half (2.5) for each four (4) dwelling units if without central dining facilities and one (1) per employee, calculated for the work period containing the largest number of employees
Auto, Trailer Sales and/or Rental	one (1) per five hundred (500) square feet enclosed sales area, plus three (3) spaces per service bay, plus one (1) space per employee, plus one (1) space per twenty-five hundred (2,500) square feet of open sales area.
Auditorium or stadium	one (1) per five (5) seats design capacity
Bank	one (1) per two hundred fifty (250) square feet gross floor area.
Bed and Breakfasts; Tourist homes	one (1) for each accommodation (room or suite) and one (1) for each employee, calculated for the work period containing the largest number of employees

Use	Number of Parking Spaces Required
Building Contractors & Similar Trades & Services	one (1) per five hundred (500) square feet gross floor area, plus one (1) space per company vehicle.
Car Wash	one (1) per employee, plus required stacking spaces
Church	one (1) per five (5) seats design capacity of the principal place of worship.
Civic Club	one (1) per three (3) members, based on maximum anticipated membership
Convenience Center or General Store	six (6) per one thousand (1,000) square feet gross floor area.
Country Club	the sum of the total spaces required for each component use (golf, restaurant, inn, etc.), except for any reductions that may be granted for shared parking in accord with Section 5-7.
Country Inn	one (1) per room, plus one (1) space for each employee calculated for the work period containing the largest number of employees,
Country Store	three (3) per one thousand (1,000) square feet gross floor area.
Dwelling, Single family in residential districts	two (2) per dwelling unit

Dwellings, Townhouses (attached), and two-family units	two and one-half (2.5) per dwelling unit
Dwelling, Manufactured Housing	two (2) per unit
Dwelling, Multifamily	one and one half (1.5) per dwelling unit for efficiency units two (2) per dwelling unit for one-bedroom units two and one-half (2.5) per dwelling unit for two-bedroom units three (3) per dwelling unit for three or more bedroom units

Use	Number of Parking Spaces Required
Dwelling, Dormitory	One for each two (2) beds
<u>Event Venue</u>	<u>One (1) parking space for each 150 square feet of interior/exterior usable floor area, including active lawn areas and open patios and pavilions.</u>
Funeral Home, Mortuary	one (1) per four (4) seats, plus one (1) space per two (2) employees, plus one (1) reserved space for each hearse, ambulance, or company vehicle.
Golf Course	thirty (30) per nine (9) holes, plus one (1) space per employee.

Health or Fitness Club	one (1) per two hundred fifty (250) square feet gross floor area.
Hospital	one (1) per two (2) beds, including infants cribs and children's beds, plus one (1) space per staff physician, plus one (1) space per other employee calculated for the work period containing the largest number of employees.
Hotel or Motel	one (1) per room, plus one (1) space for each employee calculated for the work period containing the largest number of employees, plus any additional spaces for restaurants or other associated uses.
Kennel	1 for every four (4) canine runs (maximum 2 dogs per run)
Library	one (1) per 2.5 patrons, based on the designed occupancy load, plus one (1) space per employee calculated for the work period containing the largest number of employees.
Medical or Dental Office	one (1) per two hundred (200) sq. ft. gross floor area.
Mini-Warehouse Facility	four (4) per one thousand (1,000) square feet net floor area of office space, plus one (1) space per employee, plus two (2) spaces for any resident manager quarters.
Motel	See Hotel

Nursery School or Child Care Center	one (1) per staff member or employee plus one (1) per one thousand (1,000) square feet gross floor area
Use	Number of Parking Spaces Required
Nursing Home	one (1) per four (4) beds plus one (1) per employee calculated for the work period containing the largest number of employees.
Office Buildings	one (1) per three hundred (300) square feet gross floor area
Personal Services Establishments	one (1) per two hundred (200) square feet of gross floor area.
Post Office	one (1) for each fifty (50) box holders, but not less than ten (10) spaces.
Restaurants, Fast Food or Carry Out	one (1) per one hundred (100) square feet gross floor area.
Restaurants, Sit Down	one (1) per one hundred fifty (150) square feet gross-floor area.
Retail Sales, General	one (1) per two hundred (200) square feet gross floor area
Retail Sales, Large Scale (over 50,000 square ft. gross floor area)	four (4) per 1,000 square feet gross floor area

School, Elementary	one (1) per twenty (20) design capacity of classroom seats plus one (1) space per employee calculated for the work period containing the largest number of employees.
School, Middle	one (1) per fifteen (15) design capacity of classroom seats plus one (1) space per employee calculated for the work period containing the largest number of employees.
School, High	one (1) space per ten (10) design capacity of classroom seats plus one (1) space per employee calculated for the work period containing the largest number of employees.
Service Station, Automotive	one (1) space per six fuel pumps (in addition to stacking space next to pumps for fueling), plus one (1) space per employee calculated for the work period containing the largest number of employees, plus additional spaces, as required herein, for any auxiliary uses such as convenience food and retail sales.

Use	Number of Parking Spaces Required
Service station, including auto repair	two (2) per service bay, plus one (1) space per employee.
Swimming Pool, public	one (1) per four (4) persons, based on design capacity of the pool.
Utility Facility	one (1) per employee calculated for the work period containing the largest number of employees, plus one (1) space per company vehicle domiciled on-site. Adequate parking for the emergency maintenance of the utility facility, minimum of two (2) spaces.

Veterinary Clinic

one (1) per three hundred (300) square feet gross floor area

**Wholesale Trade
Establishment**

one (1) per one thousand (1,000) square feet gross floor area,
plus one (1) space per company vehicle.

Appendix - Table of Uses

The following Table of Uses summarizes the uses allowed by the Zoning Ordinance. This table is for convenience only and is not part of the official Zoning Regulations. Thus, the text of the Zoning Ordinance supersedes this table.

X means Permitted Use ("by-right" or accessory); S/E means Requires Special Exception approval of Board of Supervisors; Spaces left blank means the use is not permitted in that zoning district; Note that the plural form of a word means the same as the singular form.

[illegible]



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

County Code Amendment
Staff Report

Date: May 13, 2026
From: Richard Stuart Jr, *Director*
Case #: 2605-CA-01
Site Location: County-wide
Project Description: Proposed text amendment to the Westmoreland County Zoning Ordinance to align with state code involving the adoption of policies, uses, and definitions related to Solar Energy Facilities and Battery Energy Storage Facilities.
PC Work Session: Wednesday, May 27, 2026 (3:00 pm, English Building)
Planning Commission: Monday, June 1, 2025 (1:30 pm, English Building)
Board of Supervisors: Monday, June 22, 2026

Background:

As of April 2026, Virginia energy legislation is expanding renewable energy development while defining the role and authority of local governments through the passage of Senate Bill 347/House Bill 711 (SB347/HB711) and SB443/HB891. Together, these bills establish a standardized regulatory framework that limits local regulation of solar facilities and associated battery energy storage systems, requiring localities ordinances to align new state requirements by July 1st, 2026.

SB347/HB711 requires that ground-mounted solar energy generation facilities 1 MW and greater be reviewed through a special exception process unless they are permitted by right. This applies to zoning districts classified as agricultural, commercial, industrial, or institutional. Localities must update their zoning ordinances to include provisions consistent with the new law addressing setbacks, fencing, panel height, screening, visual impacts, grading, and decommissioning plans. The bill also requires localities to report their special exception decisions to the State Corporation Commission (SCC), including reasons for denial, consistency with the Comprehensive Plan, and the date of the most recent plan update.

SB443/HB891 requires that battery energy storage systems be permitted as an accessory use to any solar facility which has already received special exception approval, provided the system is located on the same parcel. As a result, these systems do not require separate special exception or

additional land use approval from the Board of Supervisors. However, they remain subject to applicable federal, state, and local safety, fire, and environmental regulations.

Need for Board Action:

These new and amended Code of Virginia provisions necessitate amendments to the County's Zoning Ordinance, including the addition of new definitions to Article 12, the establishment of supplemental use regulations for solar and battery energy storage systems in Article 4, ensuring that such uses listed in Article 2 are permitted through a Special Exception Permit in accordance with SB347/HB711, and table of uses as described in appendix

Recommendation

The Westmoreland County Planning Commission recommend that the Westmoreland County Board of Supervisors approve Case # 2605-CA-01 Proposed text amendment to the Westmoreland County Zoning Ordinance to align with state code involving the adoption of policies, uses, and definitions related to Solar Energy Facilities and Battery Energy Storage Facilities.

Attachments:

Solar and Battery Energy Storage Proposed Text Amendment
SB 347/HB 711
SB 443/HB 891

Article 12 – Definitions

Agrivoltaics: The intentional co-location of agricultural production and solar energy generation on the same land that (i) is designed to prioritize and sustain agricultural productivity while integrating renewable energy, (ii) allows the ongoing production and sale of agricultural products throughout the solar array's life, (iii) is a part of an existing farm business, and (iv) ensures flexibility for farmers to adapt to market conditions and support operational needs. "Agrivoltaics" does not include solar energy generation that replaces the farmer's primary income.

Solar Energy Facility: A facility comprised of solar energy generating devices utilizing sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar generated energy. The term applies to, but is not limited to, solar photovoltaic systems, solar thermal systems, and solar hot water systems. The following words, terms and phrases pertaining to solar energy facilities, when used in the Westmoreland County Zoning Ordinance or in the administration thereof, shall have the following meanings ascribed to them:

Accessory Solar Facility: A solar energy facility comprised of photovoltaics attached to and/or incorporated into building components and/or materials for structures, such as roofs or shingles, or ground-mounted, along with supporting equipment, the facility being an accessory use to the principal use of the property and designed and intended to serve the electricity or thermal needs of the property. Supporting equipment commonly includes photovoltaic panels, racking systems, inverters, performance monitoring, and energy storage systems. Such systems are commonly connected to the electrical distribution network behind the electric meter.

Photovoltaic (PV): Materials and devices that absorb sunlight and convert it directly into electricity.

Utility-Scale Solar Facility: A solar energy facility, other than an accessory solar facility, comprised of ground mounted photovoltaics generating electricity for distribution to the power grid or distribution network, designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located. Supporting equipment and facilities commonly include photovoltaic panels, racking systems, inverters, access roads, associated equipment necessary to tie into the grid or distribution network, substations, switchyards, fencing, screening and buffering.

Battery Energy Storage Facility: A facility comprised of energy storage equipment and technology that is capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored. Such facilities may include, but are not limited to, battery cells, modules, racks, inverters, power conversion systems, battery management systems, thermal management systems, fire detection and suppression systems, and associated control and safety equipment. A battery

energy storage facility may be a principal use, an accessory use, or a component of another energy facility, including a solar energy facility. The following words, terms and phrases pertaining to battery energy storage facilities, when used in the Westmoreland County Zoning Ordinance or in the administration thereof, shall have the following meanings ascribed to them:

Accessory Battery Energy Storage Facility: A battery energy storage facility that is accessory to the principal use of a property and is designed and intended to store energy for use on-site, including for load management, backup power, or integration with on-site energy generation systems. Such facilities may be located within a building or as a separate structure or container on the same lot. Supporting equipment commonly includes battery cells, inverters, power conditioning systems, monitoring systems, and safety equipment. These systems are typically connected to the electrical system of the property behind the electric meter.

Utility-Scale Battery Energy Storage Facility: A battery energy storage facility, other than an accessory battery energy storage facility, that is designed and intended to store, dispatch, or otherwise manage energy for delivery to the electrical grid or distribution network, or to serve the energy needs of off-site users. Such facilities may be stand-alone or co-located with other energy generation facilities and commonly include battery storage units or containers, power conversion systems, transformers, substations, switchgear, access roads, and associated equipment necessary to connect to the electrical grid or distribution network, as well as fencing, screening, and buffering.

Article 4 Supplemental Use Regulations

4-11 Solar Energy Facilities & Battery Energy Storage Facilities

4-11.1 Applicability and Permitting.

The requirements set forth in this Section shall govern the location, siting, development, construction, installation, operation and decommissioning of solar energy facilities and battery energy storage facilities in the County. Solar facilities and battery energy storage facilities are subject to a Special Exception Permit as specified within the applicable zoning districts in Article 2, Base District Regulations¹. Regardless of whether uses are allowed by-right or only with a Special Exception Permit, a Zoning Permit is required pursuant to Section 10-3.4, Zoning Permits.

¹ Pursuant to Code of Virginia requirements, Accessory Solar Facilities will need to be allowed in all zoning districts. Utility-Scale Solar Facilities will need to be allowed in all Agricultural, Commercial, Industrial, and Institutional zoning districts. Accessory BESF should be allowed in all zoning districts; however, standalone Accessory BESF could be prohibited. Utility-Scale BESF is not required to be allowed as standalone; however, through definitions and/or standards, ordinances need to allow for Utility-Scale BESF as accessory to any Utility-Scale Solar Facility.

4-11.1.1 Utility-Scale Battery Energy Storage Facility as Accessory to Utility-Scale Solar Facility.

1. A utility-scale battery energy storage facility project shall be deemed as a permitted accessory use on any parcel of land that is subject to an approved Special Exception Permit for a solar facility, if the battery energy storage project is located within the boundaries of the parcel covered by the existing Special Exception Permit.
2. Special Exception Permits for Utility-Scale Solar Facilities approved after **THE DATE OF ADOPTION OF THIS ORDINANCE** shall anticipate the addition of Utility-Scale Solar Facilities, if not incorporated within the application, and shall impose the standards of subsection 4-11.5, Minimum Development Standards for Utility-Scale Battery Energy Storage Facilities, as conditions.

4-11.2 Application Process.

In addition to application materials required as outlined in subsection 4-11.3, Application Requirements, and procedural requirements as outlined in Article 10, Section 10-3.12, Special Exception Permit, all Utility-Scale Solar Facilities or Utility-Scale Battery Energy Storage Facilities for which a Special Exception Permit is required shall be subject to the following procedural requirements:

4-11.2.1 Pre-Application Meeting. Prior to submission of a Special Exception Permit application, a pre-application meeting shall be held with the Zoning Administrator to discuss the location, scale, and nature of the proposed use, what will be expected during that process, as well as the potential for a siting agreement, if applicable.

4-11.2.2 Third-Party Review. The County is authorized to hire an independent third-party consultant, and may choose to do so at their discretion, to review any Special Exception Permit application and all associated documents for completeness and compliance with this section and any other state and federal codes, as well as review, comment, and make recommendations with respect to the Special Exception Permit application. Any costs associated with the review shall be paid by the applicant. Any payment of such fees would in no way be a substitute of payment for any other application review fees otherwise required by the County.

4-11.2.3 Completeness/Compliance Review. Upon submission, the Zoning Administrator and/or a third-party reviewer shall review the application and determine whether it is complete (i.e., that all required application materials have been submitted) and compliant (i.e., that the application and proposed use meet all required regulations and standards). Based upon this review, the Zoning Administrator may determine that an application is incomplete and/or noncompliant and either reject the application or require the applicant to submit additional or revised application materials prior to proceeding to further review.

4-11.2.4 Neighborhood Meeting. Following application submission and at least 14 days prior to the review conducted pursuant to 10-3.14, Commission Permit ("2232 Review"), a public neighborhood meeting shall be held to give the community an opportunity to hear from the applicant and to ask questions regarding the proposed application. The meeting shall adhere to the following requirements:

1. The applicant shall inform the Zoning Administrator and adjacent property owners in writing of the date, time, and location of the meeting, at least 14 but no more than 21 days, in advance of the meeting date.
2. The date, time and location of the meeting shall be advertised in a newspaper of record in the County by the applicant, at least 14 but no more than 21 days, in advance of the meeting date.
3. The meeting shall be held within the County, at a location open to the public with adequate parking and seating facilities that will accommodate persons with disabilities.
4. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant, and provide feedback.
5. The applicant shall provide the Planning and Community Development Department with a summary of any input received from members of the public at the meeting and copies of any written submissions from the public.

4-11.2.5 Commission Permit. A Commission Permit shall be required pursuant to Section 10-3.14, Commission Permit ("2232 Review").

- 4-11.2.6 Consideration of Special Exception Permit by the Planning Commission and Board of Supervisors.** The Planning Commission and Board of Supervisors shall consider, review, and take action on Special Exception Permit applications as specified by 10-3.12, Special Exception Permit.
- 4-11.2.7 Siting Agreement.** For Solar Energy Generating Facilities requiring a Special Exception Permit, applicants shall enter into a siting agreement with the County, pursuant to and as authorized by Sections 15.2-2316.6 through 15.2-2316.9, Siting of Solar Projects and Energy Storage Projects, of the Code of Virginia, unless this requirement is waived by the Board of Supervisors.
- 4-11.2.8 Report Findings to State Corporation Commission (SCC).** Not more than 60 days following the decision on a Special Exception Permit, the County Board of Supervisors shall furnish the Virginia State Corporation Commission with a record of the decision. Such record shall include:
1. The reason for any adverse decision;
 2. Any finding of nonconformity with the local comprehensive plan; and
 3. The date of the last revision to the comprehensive plan.

4-11.3 Application Requirements.

In addition to application materials required pursuant to Article 10, Section 10-3.12, Special Exception Permit, all Special Exception Permit applications for solar energy facilities or battery energy storage facilities for which a Special Exception Permit is required shall include the following materials and information, to be furnished by the applicant with any costs in developing, procuring, or preparing such materials and information to be borne by the applicant:

- 4-11.3.1 Project Narrative.** A detailed narrative identifying:
1. The applicant, facility owner, site owner, and operator, if known at the time of application.
 2. A description of the proposed energy facility, including an overview of the project and its location.
 3. The project area and the area to be fenced.
 4. The current use of the site.
 5. The estimated time for construction, any phasing schedule, location of staging areas or off-site storage

facilities, and proposed date for commencement of operations.

6. The planned maximum rated capacity of the facility.
7. The approximate number, representative types and expected footprint of equipment to be constructed, including the maximum number of photovoltaic panels, battery cells/modules.
8. Specifications for proposed equipment, including the manufacturer and model, materials, color and finish, and racking type for solar facilities.
9. Ancillary facilities; and
10. The manner and location of electrical transmission, including the location of the proposed electrical distribution or grid interconnection, substations, and switchyards.

4-11.3.2

Concept Plan. A concept plan as a visual summary of the project. The concept plan shall be prepared by a professional, state-licensed engineer and shall include the following:

1. Identification of subject parcels and property lines and/or leased portions of parcels and limits of leased areas, and fenced areas, along with areas in acreage and square feet;
2. Identification of required setbacks;
3. Existing and proposed buildings and structures, including identification of buildings, structures, or features to be removed or retained; preliminary locations, total area, and heights of proposed solar panels, ancillary equipment, and other proposed structures; the location of proposed fencing, driveways, internal roads, and structures; and the location of points of ingress/egress;
4. The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers, and existing landforms (i.e., natural berms, hills, rocky outcrops, etc.) intended to be used as a buffer or screening;
5. Existing and proposed access roads, drives, turnout locations, and parking;
6. Location of substations, electrical cabling from the facility to substations, ancillary equipment, buildings, and structures, including those within any applicable setback;
7. Fencing or other methods of ensuring public safety;
8. Proposed lighting;

9. Aerial imagery showing the proposed location and boundaries of the facility, fenced areas, ingress/egress, and the closest distance to all adjacent property lines and buildings, noting their uses; and
10. Additional information may be required as determined by the Zoning Administrator, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

4-11.3.3 Grading Plan and Stormwater Management Report. A draft grading plan and stormwater management report. The grading plan shall identify:

1. Existing and proposed contours;
2. Existing and proposed steep slopes (grade of 15% or greater);
3. Locations and amount of topsoil to be stripped and stockpiled onsite;
4. Percent of the site to be graded;
5. Any import or export of soil; and
6. Indicate natural flow patterns in drainage design and amount of impervious surface.

The draft stormwater management report shall identify project compliance with subsection 4-11.4.9, Stormwater Management & Land Disturbance.

4-11.3.4 Landscape Plan. A draft landscape plan identifying:

1. Compliance with Article 6 Landscaping;
2. The location of existing vegetation and the limits of proposed clearing;
3. All proposed ground cover, screening and buffering materials, landscaping, and elevations;
4. Locations of wildlife corridors; and
5. Landscape maintenance requirements.

4-11.3.5 Viewshed Analysis. An analysis demonstrating that visual impacts are minimized through solar panel placement,

height, landscaping, and screening. Such analysis shall account for existing vegetation and planned visual buffers, and shall specifically identify any visual impacts on public parks, scenic rivers and byways, and historic structures or sites listed on or eligible for the National Register of Historic Places or a County register of historic places.

4-11.3.6

Community Impact Assessment. An assessment of the impact of the proposed facility on the immediate vicinity as well as the greater County. The assessment shall be prepared by one or more individuals or firms acting within their professional competency, shall be presented in written form, and shall analyze in specific terms the probable impact of the facility on the vicinity and community over time. Specific attention, as may be appropriate to the individual proposal, should be given but not be limited to the following elements:

1. Consistency of the proposed facility with applicable policies contained in the County's Comprehensive Plan;
2. Anticipated direct revenues to the county from real estate and personal property taxes;
3. An assessment of employment opportunities to be created by the proposed development;
4. An assessment of the short- and long-term economic impact of the proposed development;
5. If the development is replacing an existing enterprise, including agriculture and forestry, an assessment of the impact the current enterprise has on the local economy and how the local economy will be impacted by the loss of the existing enterprise;
6. Fire, rescue, and law enforcement requirements as compared to existing capacities and facilities;
7. Sewer and stormwater management needs as compared to existing capacities and facilities to address a) adequacy of existing utilities, water, sewer, public services, and public facilities in the vicinity of the development, b) public and private improvements both offsite and onsite that are proposed for construction and a cost estimate for providing these improvements, and c) other public and quasi-public facility and service impacts including refuse collection and disposal systems intended to serve the development;
8. Socioeconomic changes and impacts to result from the proposed development;

9. The costs in both capital and operating funds of providing services to the proposed development; and
10. What efforts, if any, are proposed to mitigate the service demands or costs to the county.

The Zoning Administrator may waive certain elements of the impact assessment where the nature of the proposed facility makes such elements inapplicable.

4-11.3.7 Environmental Impact Assessment. An assessment of the impact of the proposed facility to include the following:

1. A statement regarding any site and viewshed impacts, including direct and indirect impacts to national or state forests and grasslands, national or state parks, County parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within 5 miles of the project parcels;
2. An inventory of wetlands, rivers, streams, and floodplains, to be delineated and mapped, in order to provide baseline data for the evaluation of the current proposal and evaluation of the satisfactory decommissioning as required. The inventory and mapping of floodplain shall not be construed to allow development within regulatory flood plain areas without a flood plain development permit; and
3. For projects less than 150 MW that disturb more than 10 acres of USDA designated prime top tier farmland and/or more than 50 acres of contiguous forest lands, identification of planned mitigation actions to comply with state permit by rule requirements for small renewable energy projects.

4-11.3.8 Traffic and Transportation Assessment. An assessment of the impact of the proposed facility, including construction processes, on traffic and transportation infrastructure, to include the following:

1. The time of day that operations and construction transport activities will occur;
2. A map showing the desired primary and secondary transportation routes for operations and construction traffic;
3. Characteristics of operations and construction loaded vehicles, including:

- i. Length, height, width, curb weight;
- ii. Maximum load capacity;
- iii. Number of axles, including trailers;
- iv. Distance between axles and
- v. Vehicle registration plates

4. Haul route(s)

After review, the County may require a full traffic study to be accepted by an engineer approved by the County.

4-11.3.9

Decommissioning and Reclamation Plan. A draft decommissioning and reclamation plan certified by an engineer with a professional engineering license in the Commonwealth of Virginia, to include the following and demonstrating compliance with the requirements of subsection 4-11.6, Decommissioning and Reclamation:

1. The anticipated life of the project, along with the basis for determining the anticipated life of the project;
2. The estimated decommissioning cost in current dollars;
3. How said estimate was determined;
4. The method of ensuring that funds will be available for decommissioning and restoration;
5. The method that the decommissioning cost will be kept current;
6. The manner in which the facility will be decommissioned and the site restored; and
7. Anticipated plans for the disposal and/or recycling of project equipment and components, including the identification of disposal and/or recycling sites located in the County.

4-11.4 Minimum Development Standards for Utility-Scale Solar Facilities.

All utility-scale solar facilities shall comply with the following criteria:

4-11.4.1

Compliance with building codes and standards. Solar facilities shall be designed and maintained in compliance with standards contained in applicable local, state and federal building codes and regulations that were in force at the time of the permit approval. Facilities subject to a Special Exception Permit shall be constructed and maintained in substantial compliance with the approved Concept Plan.

4-11.4.2 Multiple uses. Utility-scale solar facilities may be located on parcels with other active agricultural, residential, commercial, industrial, or institutional uses.

4-11.4.3 Setbacks. Setback distances shall be measured from the nearest edge of the equipment as follows:

1. 200 feet from the nearest point on the outer wall of existing occupied community buildings and dwellings on non-participating properties.
2. 100 feet from the outside edge of the roadbed of any road abutting the property.
3. For projects not greater than 25 megawatts, 50 feet from the edge, and for projects greater than 25 megawatts, 100 feet from the edge, of tidal wetlands or nontidal wetlands, as defined in 9VAC25-830, or from the top of bank of perennial streams, as defined in § 62.1-44.122 of the Code of Virginia. The term "equipment" as it applies to this setback is limited to solar panels, racking equipment, and inverters.
4. For projects of any capacity within Chesapeake Bay Preservation Areas, 125 feet from the edge of tidal wetlands, nontidal wetlands, or from the top of bank of perennial streams. The term "equipment" as it applies to this setback is limited to solar panels, racking equipment, and inverters.
5. 75 feet measured from the nearest shared property line for nonparticipating properties, except that the owner of a nonparticipating property may waive this setback requirement by written agreement.
6. Setbacks shall not be required for internal boundaries between adjacent project participating parcels.
7. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such are generally perpendicular to the property line.

4-11.4.4 Height. The height of solar panels shall not exceed 25 feet above ground when the arrays are at full tilt, except in cases where a height variance is necessary to allow for agrivoltaics activity below or in proximity to the panels.

4-11.4.5 Buffer and Screening. Vegetative visual screening requirements shall not be required to exceed three feet at planting, shall be between 25 and 50 feet wide. Screening methods may include:

1. Facilities shall provide a visual buffer/screening 50 feet in width.
2. Preexisting natural or manmade visual barriers may satisfy screening requirements.
3. Trees and shrubs planted to provide for screening must be no less than three (3) feet in height at the time of planting.
4. All trees and shrubs at the time of planting shall accommodate adequate screening or buffering at the end of five years of planting.
5. Vegetation used to establish a visual screen shall not be trimmed to stunt upward and outward growth or to otherwise limit the effectiveness of the visual screen.
6. Required screening may be accomplished on any property with the consent of the property owner.

4-11.4.6 Fencing. Fencing for the facility shall comply with Code of Virginia § 55.1-2804, the latest version of the National Electrical Safety Code or any applicable successor standard regarding requirements for limiting access to facilities, and the Uniform Statewide Building Code (Sec. 36-97 et seq.).

4-11.4.7 Wildlife Corridors. Facilities shall provide for wildlife passage where needed by limiting fencing to the areas in reasonable proximity to arrays and interconnection equipment to the extent practicable and consistent with safety and security requirements. The facility shall prioritize open wildlife access to riparian areas, wetlands, streams, and other areas not in proximity to panels. Proposed wildlife corridor(s) shall be shown on the Special Exception Permit Concept Plan and eventual land disturbance/site plan submitted to the County.

4-11.4.8 Lighting. Facilities shall implement light intensity dimming solution technology that provides a means of tailoring the intensity level of lights according to surrounding visibility.

4-11.4.9 Stormwater Management & Land Disturbance.

1. Facilities shall comply with all Department of Environmental Quality stormwater regulations as established in 9VAC25-880.
2. Facilities shall minimize new impervious surface on sites and under solar panels.
3. Land disturbance, including site grading, construction, and landscaping, shall be conducted in compliance with a stormwater pollution prevention plan.

4. Topsoil shall not be removed from the project site. Topsoil shall be returned to disturbed areas from stockpiles as quickly as site conditions allow, unless returning soil would cause adverse impacts to topsoil integrity or is otherwise not practicable for construction activities.
5. Site stabilization shall occur as the site is developed, following appropriate stabilization timelines as identified in the General Permit for Discharges of Stormwater from Construction Activities, and shall not be delayed until site construction is completed.
6. Soils shall be decompacted as necessary and feasible for re-vegetation after construction has concluded.
7. When all land-disturbing activities at the construction site have been completed, the facility shall initiate permanent stabilization to provide vegetative ground cover that provides a minimum level of coverage over the project site. No less than 75 percent vegetative cover shall be provided with no significant bare areas, with vegetative cover mature enough to survive and will inhibit erosion.

4-11.4.10 Vegetation & Planting.

1. The use of native and naturalized plants is encouraged and invasive plants as established pursuant to § 10.1-104.6:2 shall be prohibited.
2. For projects or portions of projects not used for animal grazing, co-located crop production, native and naturalized pollinator plant species, or native and naturalized meadow species shall be planted, except for in the area directly beneath panels, and maintained throughout the solar project's life.
3. Seed mixes shall include a diversity of species with varied bloom times.
4. Mowing shall be limited and performed on a schedule that promotes the establishment of the native plantings, controls invasive species, and minimizes impacts to wildlife.

4-11.5 Minimum Development Standards for Utility-Scale Battery Energy Storage Facilities.

All utility-scale battery energy storage facilities, including those accessory to utility-scale solar facilities, shall comply with the following criteria:

- 4-11.5.1 General Requirements.** Battery energy storage facilities shall be subject to the minimum development standards contained in sections: 4-11.4.2; 4-11.4.3; 4-11.4.4; 4-11.4.5; 4-11.4.6; 4-11.4.8.
- 4-11.5.2 Configuration.** Battery energy storage facilities shall be configured so that battery cells shall be placed in a Battery Energy Storage System ("BESS") with a Battery Management System ("BMS"). The BESS shall provide a secondary layer of physical containment to the batteries and be equipped with cooling, ventilation, and fire suppression systems.
- 4-11.5.3 Construction, Maintenance and Operation.** Battery Energy Storage Facilities shall be constructed, maintained and operated in accordance with applicable codes and standards including but not limited to the then applicable fire, electrical and building codes adopted by the County; National Fire Protection Association (NFPA) 855, Standard for the Installation of Stationary Energy Storage Systems, 2020 Edition and subsequent additions; Underwriters Laboratories (UL) 9540A Ed. 4-2019, Standard for Test Method for Evaluating Thermal Runway Fire Propagation in Battery Energy Storage Systems and subsequent editions; and, unless otherwise required by such regulations and codes:
1. Each individual battery shall have 24/7 automated fire detection and extinguishing technology built in;
 2. The BMS shall monitor individual battery module voltages and temperatures, container temperature, and humidity, off gassing of combustible gas, fire, ground fault and DC surge, and door access;
 3. The BMS shall be capable of shutting down the system before thermal runaway takes place;
 4. Access to all batteries and electrical switchgear shall be from the exterior for normal operation and maintenance. Access to the container interior shall not be permitted while the system is in operation except for safety personnel and first responders; and
 5. Signage shall include the following information: the type of technology associated with the battery energy storage systems; any special hazards associated; the type of suppression system installed in the area of the battery energy storage system; 24-hour emergency contact information, including reach-back phone number. Additionally, disconnect and other

emergency shutoff information shall be clearly displayed on a light reflective surface.

- 6. Battery Storage Facilities must be setback at least 100 ft. from all property lines.**
- 7. Due to their potentially combustible nature, the siting of Battery Storage Facilities must:**
 - i. Buffer the facility from the surrounding areas by siting towards the interior of the lot(s); and**
 - ii. Take advantage of existing topography, structures, and vegetation to provide screening.**
- 5. Public water, or an existing commercial well, and fire hydrants must be available to the property.**
- 6. All on-site utility lines must be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way**
- 7. Screening and/or landscaping will be necessary to ensure that facilities are not visible to the extent possible. Facilities must be fully screened on all sides from view.**
 - i. All screening and landscaping must be in accordance with Article 8, Community Design Standards, of this Ordinance.**
 - ii. Resource Protection Areas will not be counted toward buffer requirements.**
 - iii. Areas within 20 ft. on each side of Battery Energy Storage Facility must be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers will be permitted to be exempt, if they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.**

8. The owner or operator must coordinate with the Emergency Services to provide materials, education, and/or training on how to safely respond to on-site emergencies. Emergency personnel must be given a key or code to access.
9. The facilities must be enclosed by security fencing.
 - i. All security fencing must be a minimum of 6 ft. in height and topped with razor/barbed wire, as appropriate.
 - ii. All security fencing must be placed behind the buffer and screened from view.
 - iii. All security fencing must be constructed so as to substantially lessen the likelihood of entry by unauthorized individuals.
 - iv. A performance bond reflecting the costs of anticipated security fence maintenance must be posted and maintained.
 - v. Failure to maintain the security fencing will result in revocation of the Zoning Use Permit and the facility's decommissioning.

4-11.6 Decommissioning and Reclamation.

- 4-11.6.1 Solar and battery energy facilities which have reached the end of their useful life or have not been in active and continuous service for a period of 6 months shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the County may require evidentiary support that a longer repair period is necessary.
- 4-11.6.2 The owner or operator shall notify the Zoning Administrator by certified mail of the proposed date of discontinued operations and plans for removal.
- 4-11.6.3 Decommissioning shall be performed in compliance with an approved Decommissioning Plan, which must be submitted for approval by the Board of Supervisors prior to the issuance of a Zoning Permit. The draft Decommissioning Plan and the final Decommissioning Plan must demonstrate compliance with the requirements of this section. The Board of Supervisors may approve any appropriate amendments to or modifications of the Decommissioning Plan.

- 4-11.6.4** Decommissioning shall include removal of all electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural uses. The site shall be graded and re-seeded to restore it to as natural a condition as possible, unless the landowner requests in writing that the access roads or other land surface areas not be restored, and this request is approved by the Board of Supervisors (other conditions might be more beneficial or desirable at that time).
- 4-11.6.5** The site shall be re-graded and re-seeded to as natural condition as possible within 12 months of removal of facilities. Re-grading and re-seeding shall be initiated within a 6-month period of removal of equipment.
- 4-11.6.6** Any exception to site restoration, such as leaving driveways, entrances, or landscaping in place, or substituting plantings, shall be requested by the landowner in writing, and this request must be approved by the Zoning Administrator.
- 4-11.6.7** Hazardous material from the property shall be disposed of in accordance with federal and state law.
- 4-11.6.8** The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County.
1. The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.
 2. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon the owner's or occupant's compliance with the approved decommissioning plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.
 3. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value, plus 10%.

4. The owner or occupant shall recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety percent (90%) of the original estimated cost of decommissioning, then the County may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost.
5. The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a utility-scale solar facility, such as a performance bond, letter of credit, or other security approved by the County.
6. If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.

ADDRESS THROUGH CONDITIONS

1. **Noise/Sound.** Audible sound from solar facilities shall not exceed sixty (60) decibels, as measured from any adjacent non-participating landowners' property line. This level may be exceeded during short-term exceptional circumstances, such as severe weather. The owner or operator of a solar facility shall measure and document, on a continuing basis, which shall not be less frequent than annually, or upon request by the County, that noise levels comply with the decibel limit established herein; any violation will constitute a zoning violation.
2. **Groundwater Monitoring.** Ground water monitoring to assess the level of groundwater contamination shall take place prior to, and upon completion of construction of a project, throughout the area of the facility. Ground water monitoring shall take place every five years of the operation of the facility, and upon completion of decommissioning. Results from said monitoring shall be delivered to the County.
3. **Coordination of Local Emergency Services; Emergency Response Plan.** Prior to completion of construction, the owner or operator of a facility shall coordinate with the County's emergency services to provide materials, education, and/or training on how to safely respond to on-site

emergencies, and to develop, implement and periodically update, including exercising of, an emergency response plan. Emergency personnel will be given a key or code to access the property in case of an on-site emergency.

4. **Monitoring and Maintenance.** The owner or operator shall maintain the solar facility in good condition. Such monitoring and maintenance shall include, but not be limited to, painting, evaluating the structural integrity of equipment, foundations, structures, fencing and security barriers, as applicable, maintenance of the buffer areas, and landscaping. Site access shall be maintained to a level acceptable to the County. The project owner shall be responsible for the cost of maintaining the facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation. Failure to maintain the Solar Facility may result in revocation of the Special Exception Permit and the facility's decommissioning.
5. **Liability Insurance.** The owner or operator of a facility shall provide to the Zoning Administrator written evidence of liability insurance in an amount acceptable to the purchasing utility provider prior to beginning construction and before the issuance of a zoning permit.
6. **Damaged Panels; Storage.** All physically damaged panels or any portion or debris thereof shall be collected by the 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 portion or debris thereof shall not exceed thirty (30) days beyond any required period for insurance, warranty claim or in event of force majeure, for which reasonable documentation shall be submitted to and approved by the Zoning Administrator. For the purposes of the foregoing, force majeure shall be defined to include strikes, lockouts or other labor disturbances, inability to secure labor or materials in the open market, acts of God or other element of nature or accidents, delays or conditions arising from or relating to acts of war, domestic or international terrorism, pandemic, civil disturbances or riots, or any other matter or condition that is beyond the reasonable anticipation and control of the Applicant.
7. **Compliance with Local, State, and Federal Requirements.** During the term of issued Special Exception Permits, operation of facilities shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations, including but not limited to, the U.S. Environmental Protection Agency (EPA), Federal Aviation Administration ("FAA"), State Corporation Commission ("SCC") or equivalent, any state departments related to environmental quality, parks, and wildlife protection, as well as all the applicable regulations of any other agencies that were in force at the time of the permit approval.

8. Inspections.

- a. The applicant, owner, or operator will allow designated County representatives or employees access to a facility for inspection purposes. The County representative or employee will provide the facility operator with 24-hour notice prior to such inspection when practicable.**
- b. The applicant or owner of a facility shall reimburse the County its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.**

9. Change in Ownership. Notice of any change of ownership of the facility shall be provided to the County within ten (10) working days of any such change.

Appendix - Table of Uses

The following Table of Uses summarizes the uses allowed by the Zoning Ordinance. This table is for convenience only and is not part of the official Zoning Regulations. Thus, the text of the Zoning Ordinance supersedes this table.

X means Permitted Use ("by-right" or accessory); S/E means Requires Special Exception approval of Board of Supervisors; Spaces left blank means the use is not permitted in that zoning district; Note that the plural form of a word means the same as the singular form.

USE	C-1	C-2	A-1	AC	RC	R-1	RR	R-2	RN	R-3	R-4	PRD	PVD	B-1	BN	B-2	BG	B-3	M-1	IG	PIP	RE-PD	S-1	WC	RU
Private Well (accessory use)	X	X	X			X		X		X	X			X		X		X	X				X		
Produce Processing Plants, Ag.			S/E	S/E															X	X	X				
Professional Offices (office use)			S/E											X											
Office, branch of professional small business or office relating to waterfront not > than 2,500 s.f.																								X	
Public Landings	S/E		S/E	S/E	S/E	S/E								S/E					S/E				S/E	S/E	
Utility-Scale Batter Energy Storage Facility			S/E																S/E	S/E					
Utility-Scale Solar Facility	S/E	S/E	S/E	S/E										S/E	S/E	S/E	S/E	S/E	S/E	S/E			S/E	S/E	
Public Utility Facilities	S/E		S/E			S/E		S/E						S/E					X				S/E		
Public Utilities Serving Individual User	X		X			X		X						X					X				X		
Public Utility trunk lines, (elect. or gas)				S/E	S/E		S/E		S/E			S/E	S/E		S/E		S/E			S/E	S/E	S/E		S/E	S/E
Public Utility trunk lines, water									S/E			S/E	S/E		S/E		S/E			S/E	S/E			S/E	S/E
Public Utility trunk line, wastewater									S/E			S/E	S/E		S/E		S/E			S/E	S/E			S/E	S/E
Public Utility treatment plant, water									S/E			S/E	S/E		S/E		S/E			S/E	S/E			S/E	S/E

VIRGINIA ACTS OF ASSEMBLY - 2026 RECONVENED SESSION

CHAPTER 1005

An Act to amend and reenact §§ 15.2-2241.2, 15.2-2288.7, and 15.2-2288.8 of the Code of Virginia, relating to local regulation of solar facilities; special exceptions.

[S 347]

Approved April 22, 2026

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2241.2, 15.2-2288.7, and 15.2-2288.8 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2241.2. Bonding provisions for decommissioning of solar energy equipment, facilities, or devices.

A. As used in this section, unless the context requires a different meaning:

"Decommission" means the removal and proper disposal of solar energy equipment, facilities, or devices on real property that has been determined by the locality to be subject to § 15.2-2232 and therefore subject to this section. "Decommission" includes the reasonable restoration of the real property upon which such solar equipment, facilities, or devices are located, including (i) soil stabilization and (ii) revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

"Solar energy equipment, facilities, or devices" means any personal property designed and used primarily for the purpose of collecting, generating, or transferring electric energy from sunlight.

B. As part of the local legislative approval process or as a condition of approval of a site plan, a locality shall require an owner, lessee, or developer of real property subject to this section to enter into a written agreement to decommission solar energy equipment, facilities, or devices upon the following terms and conditions: (i) if the party that enters into such written agreement with the locality defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the locality has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning, and (ii) such owner, lessee, or developer provides financial assurance of such performance to the locality in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the locality; such estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.

C. *The owner, lessee, or operator shall hire a professional engineer licensed in the Commonwealth to update the decommissioning plan cost estimate and corresponding approved financial instrument every five years after the approval of the first decommissioning plan to adjust for inflation, account for advancements in technologies and processes for decommissioning, salvaging, or re-powering of renewable energy facilities, and make any other necessary changes. The decommissioning plan shall provide for the removal of the facility's equipment from the landowner's property and return of the property to a useful condition similar to the preconstruction condition unless otherwise agreed to by the landowner. After the decommissioning process is complete, the facility shall comply with all stormwater provisions in state law. The project shall provide an up-to-date decommissioning plan to the locality any time there is project ownership outside of the current developer. Notice shall be provided to the local government within 30 days of the sale or transfer of the lease or property, and a new financial guarantee shall be provided by the new leaseholder or property owner.*

§ 15.2-2288.7. Local regulation of solar facilities.

A. An owner of a residential dwelling unit may install a solar facility on the roof of such dwelling to serve the electricity or thermal needs of that dwelling, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility to be located on property zoned residential shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as provided herein, any other solar facility proposed on property zoned residential, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable

zoning regulations of the locality.

B. An owner of real property zoned agricultural may install a solar facility on the roof of a residential dwelling on such property, or on the roof of another building or structure on such property, to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. ~~Unless a local ordinance provides otherwise, a~~ A ground-mounted solar energy generation facility to be located on property zoned agricultural and to be operated under § 56-594 or 56-594.2 shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as otherwise provided herein, any other solar facility proposed on property zoned agricultural, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to ~~any applicable zoning regulations of the locality considered pursuant to § 15.2-2288.8 unless otherwise permitted by right.~~

C. An owner of real property zoned commercial, industrial, or institutional may install a solar facility on the roof of one or more buildings located on such property to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. ~~Unless a local ordinance provides otherwise, a~~ A ground-mounted solar energy generation facility to be located on property zoned commercial, industrial, or institutional shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as otherwise provided herein, any other solar facility proposed on property zoned commercial, industrial, or institutional, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to ~~any applicable zoning regulations of the locality considered pursuant to § 15.2-2288.8 unless otherwise permitted by right.~~

D. An owner of real property zoned mixed-use may install a solar facility on the roof of one or more buildings located on such property to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. ~~Unless a local ordinance provides otherwise, a~~ A ground-mounted solar energy generation facility to be located on property zoned mixed-use shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to § 15.2-2306 where such property is located. Except as provided herein, any other solar facility proposed on property zoned mixed-use, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.

E. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

F. A locality, by ordinance, may provide by-right authority for installation of solar facilities in any zoning classification in addition to that provided in this section. A locality may also, by ordinance, require a property owner or an applicant for a permit pursuant to the Uniform Statewide Building Code (§ 36-97 et seq.) who removes solar panels to dispose of such panels in accordance with such ordinance in addition to other applicable laws and regulations affecting such disposal.

§ 15.2-2288.8. Special exceptions for solar photovoltaic projects.

A. ~~Any~~ Unless otherwise provided by right, each locality ~~may grant~~ shall require a special exception pursuant to §§ 15.2-2204, 15.2-2286, and 15.2-2288.7 or a siting agreement pursuant to § 15.2-2316.7 and include in its zoning ordinance reasonable regulations and provisions consistent with this section for a special exception as defined in § 15.2-2201, for any solar photovoltaic ~~(electric energy)~~ project or energy storage

project. For the purposes of this section, "energy storage project" means energy storage equipment and technology within an energy storage project that is capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored "solar photovoltaic project" means a ground-mounted solar facility with a generating capacity of one megawatt or more that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facility is located.

Any special exception granted pursuant to this section is an amendment to the zoning ordinance pursuant to subdivision A 7 of § 15.2-2286 and shall comply with the following criteria. Where numerical ranges are attached to criteria, localities may choose to establish an ordinance that specifies any number within the applicable range that they deem appropriate for their community. In the issuance of a special exception, a variance from these ordinance criteria may be implemented only with a written agreement of the locality, the property owner or their agent, and the applicant. Nothing in this section shall (i) be construed to relieve projects of the responsibility to comply with all relevant state and federal laws, regulations, and permits, including those related to tree canopy; (ii) require a locality to approve a special exception application considered pursuant to this section; (iii) be construed to prohibit a locality from permitting a solar photovoltaic project or energy storage project by right; or (iv) prohibit the owner of a proposed solar photovoltaic project and a locality from entering into a siting agreement that provides less stringent restrictions than those specified under this subsection.

1. Setback distances shall be measured from the nearest edge of the equipment as follows: (i) between 150 and 200 feet from the nearest point on the outer wall of existing occupied community buildings and dwellings on nonparticipating properties; (ii) between 50 and 100 feet from the outside edge of the roadbed of any road abutting the property; (iii) for projects not greater than 25 megawatts, 50 feet from the edge, and for projects greater than 25 megawatts, 100 feet from the edge, of tidal wetlands or nontidal wetlands, as defined in 9VAC25-830, or from the top of bank of perennial streams, as defined in § 62.1-44.122; (iv) for projects of any capacity within Chesapeake Bay Preservation Areas, between 100 and 125 feet from the edge of tidal wetlands, nontidal wetlands, or from the top of bank of perennial streams; and (v) between 50 and 75 feet measured from the nearest shared property line for nonparticipating properties. Nothing in this subdivision shall preclude the owner of a nonparticipating property from waiving the foregoing setback requirements by written agreement. Setbacks shall not be required for internal boundaries between adjacent participating parcels. For purposes of clauses (iii) and (iv), "equipment" is limited to solar panels, racking equipment, and inverters.

2. Fencing for the facility shall comply with § 55.1-2804, the latest version of the National Electrical Safety Code or any applicable successor standard regarding requirements for limiting access to facilities, and the Uniform Statewide Building Code (§ 36-97 et seq.). Vegetative visual screening requirements shall not be required to exceed three feet at planting, shall be between 25 and 50 feet wide, and shall allow for consideration of preexisting natural or manmade visual barriers.

3. The height of solar panels shall not exceed 25 feet above ground when the arrays are at full tilt, except in cases where a height variance is necessary to allow for agrivoltaics activity below or in proximity to the panels. For purposes of this section, "agrivoltaics" means the same as that term is defined in § 10.1-1197.5.

4. Visual impacts of facilities on public parks, scenic rivers and byways, and historic structures or sites listed on or eligible for the National Register of Historic Places or a county register of historic places shall be minimized. A locality may request a viewshed analysis as part of the special exception application to assure that visual impacts are minimized through solar panel placement, height, landscaping, and screening. Such analysis shall account for existing vegetation and planned visual buffers. Such screening may be accomplished on any property with the consent of the property owner.

5. The facility shall implement light intensity dimming solution technology that provides a means of tailoring the intensity level of lights according to surrounding visibility.

6. The facility shall comply with all Department of Environmental Quality stormwater regulations as established in 9VAC25-880.

7. The facility shall minimize new impervious surface on the site and under its solar panels.

8. Land disturbance, including site grading, construction, and landscaping, shall be conducted in compliance with a stormwater pollution prevention plan. Topsoil shall not be removed from the project site. Topsoil shall be returned to disturbed areas from stockpiles as quickly as site conditions allow, unless returning soil would cause adverse impacts to topsoil integrity or is otherwise not practicable for construction activities. Site stabilization shall occur as the site is developed, following appropriate stabilization timelines as identified in the General VPDES Permit for Discharges of Stormwater from Construction Activities, and shall not be delayed until site construction is completed. The facility shall decompact soil as necessary and feasible for re-vegetation after construction has concluded.

9. When all land-disturbing activities at the construction site have been completed, the facility shall initiate permanent stabilization to provide vegetative ground cover that provides a minimum level of coverage over the project site. An ordinance may require up to 75 percent vegetative cover with no significant bare areas that is mature enough to survive and will inhibit erosion. The use of native and

naturalized plants shall be encouraged and invasive plants as established pursuant to § 10.1-104.6:2 shall be prohibited. For projects or portions of projects not used for animal grazing, co-located crop production, native and naturalized pollinator plant species, or native and naturalized meadow species shall be planted, except for in the area directly beneath panels, and maintained throughout the solar project's life. The seed mix shall include a diversity of species with varied bloom times. Mowing shall be limited and performed on a schedule that promotes the establishment of the native plantings, controls invasive species, and minimizes impacts to wildlife. All trees and shrubs at the time of planting shall accommodate adequate screening or buffering at the end of five years of planting. Vegetation used to establish a visual screen shall not be trimmed to stunt upward and outward growth or to otherwise limit the effectiveness of the visual screen.

10. The facility shall provide for wildlife passage where needed by limiting fencing to the areas in reasonable proximity to arrays and interconnection equipment to the extent practicable and consistent with safety and security requirements. The facility shall prioritize open wildlife access to riparian areas, wetlands, streams, and other areas not in proximity to panels.

11. The facility shall comply with all applicable state and federal labor and employment laws, including apprenticeships and labor standards necessary to achieve any available tax credit bonuses found in 26 U.S.C. §§ 45Y and 48E.

12. A locality shall require an applicant to enter into a written agreement to decommission equipment, facilities, or devices pursuant to § 15.2-2241.2.

B. Any locality may grant a special exception pursuant to § 15.2-2286, and include in its zoning ordinance reasonable regulations and provisions for a special exception as defined in § 15.2-2201, for an energy storage project. For the purposes of this section, "energy storage project" includes energy storage equipment and technology within an energy storage project that is capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored.

B- C. The governing body of such locality may grant a condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such conditions are reasonably related to the project.

C- D. Once a condition is granted pursuant to subsection B C, such condition shall continue in effect until a subsequent amendment changes the zoning on the property for which the conditions were granted. However, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

E. The governing body of such locality shall furnish the State Corporation Commission a record of special exception decisions reached pursuant to this section not more than 60 days after such decision is made. The record shall include (i) the reason for any adverse decision, (ii) any finding of nonconformity with the local comprehensive plan, and (iii) the date of the last revision to the comprehensive plan.

2. That the State Corporation Commission shall compile and maintain on the Commission's public website a searchable database of all solar photovoltaic project special exception decisions and the reasons for any adverse decisions made over a period of not less than five years. The Commission shall furnish to each locality a standardized form for submitting decision records by July 1, 2026.

3. That the provisions of this act shall apply to any ground-mounted solar facility with a generating capacity of one megawatt or more for which an application for local approval is filed on or after July 1, 2026, and any such project shall not be governed by any local ordinances inconsistent with this act. Any application for a solar energy facility that has been received and accepted by the relevant authority prior to July 1, 2026, shall be subject to any applicable local ordinances in place at the time the initial application was filed.

VIRGINIA ACTS OF ASSEMBLY - 2026 RECONVENED SESSION

CHAPTER 1011

An Act to amend and reenact § 15.2-2316.9 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7.3 of Chapter 22 of Title 15.2 a section numbered 15.2-2316.10, relating to siting of battery energy storage projects; commercial solar photovoltaic generation facilities; permitted accessory use.

[S 443]

Approved April 22, 2026

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2316.9 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 7.3 of Chapter 22 of Title 15.2 a section numbered 15.2-2316.10 as follows:

§ 15.2-2316.9. Effect of executed siting agreement; land use approval.

A. ~~Nothing~~ Except as provided in § 15.2-2316.10, nothing in this article shall be construed to exempt an applicant from any other applicable requirements to obtain approvals and permits under federal, state, or local ordinances and regulations. An applicant may file for appropriate land use approvals for the solar project or energy storage project, as applicable, under the regulations and ordinances of the host locality at or after the time the applicant submits its notice of intent to site a solar project or energy storage project as set forth in subsection A of § 15.2-2316.7.

B. Nothing in this article shall affect the authority of the host locality to enforce its ordinances and regulations to the extent that they are not inconsistent with the terms and conditions of the siting agreement.

C. Approval of a siting agreement by the local governing body in accordance with subsection B of § 15.2-2316.8 shall deem the solar project or energy storage project to be substantially in accord with the comprehensive plan of the host locality, thereby satisfying the requirements of § 15.2-2232.

D. The failure of an applicant and the governing body to enter into a siting agreement may be a factor in the decision of the governing body in the consideration of any land use approvals for a solar project or energy storage project, but shall not be the sole reason for a denial of such land use approvals.

§ 15.2-2316.10. Battery energy storage projects as permitted accessory use to approved solar projects.

A. As used in this section, "special exception" means any special exception or special use permit, conditional use permit, or any other similar approval issued for a solar facility.

B. 1. A battery energy storage project shall be deemed as a permitted accessory use in all zoning districts on any parcel of land that is subject to an approved special exception for a solar facility if the battery energy storage project is located within the boundaries of the parcel covered by the existing special exception and has a rated storage capacity that does not exceed 100 percent of the nameplate generating capacity of the associated solar energy facility.

2. Such battery energy storage project shall not require a special exception or be subject to any other local land use approval. The addition of the battery energy storage project pursuant to this section shall not alter, reduce, or otherwise affect any (i) payment obligations, financial commitments, or other terms contained in the existing special exception associated with the siting agreement for the approved solar project or (ii) state and local tax exemption from which the approved solar project benefits. Nothing in this subdivision shall be construed to affect or alter the state and local tax provisions under § 58.1-3660.

C. A battery energy storage project shall comply with all applicable federal, state, and local safety or fire codes and environmental regulations.

D. Any payment obligations, financial commitments, or other terms contained in the special exception or any associated siting agreement for the approved solar project shall relate and apply only to the approved solar project and shall not affect any battery energy storage project added pursuant to this section.

E. Nothing in this section shall be construed to (i) limit the authority of a host locality to enforce compliance with applicable codes or to ensure the safe operation of the battery energy storage project or (ii) preclude the developer or host locality of a battery energy storage project from negotiating a siting agreement.

2. That any battery energy storage project for which an initial interconnection request has been filed with an electric utility or a regional transmission organization prior to July 1, 2030, and is constructed pursuant to § 15.2-2316.10 of the Code of Virginia, as created by this act, shall be subject to the applicable local ordinance and regulation in effect on July 1, 2026, except as modified under § 15.2-2316.10 of the Code of Virginia, as created by this act.

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

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WESTMORELAND COUNTY, VIRGINIA

Board of Supervisors

MONTROSS, VIRGINIA 22520-1000

RESOLUTION IN SUPPORT OF A FEMA FLOOD MITIGATION ASSISTANCE GRANT APPLICATION FOR THE RELOCATION OF EMS SERVICES IN COLONIAL BEACH

WHEREAS, Westmoreland County EMS provides critical emergency medical services to the residents and visitors of Colonial Beach and surrounding areas; and

WHEREAS, the existing EMS facility located at 225 Dennison Street in Colonial Beach is located within a FEMA-designated flood hazard area and is vulnerable to flooding, storm surge, and other coastal hazards; and

WHEREAS, relocation of EMS operations to a new facility outside of the floodplain will reduce risk to critical public safety infrastructure and ensure continuity of emergency response services during and after hazard events; and

WHEREAS, the proposed project will relocate EMS operations to a new facility to be constructed at 700 Colonial Avenue in Colonial Beach; and

WHEREAS, Westmoreland County has identified funding for this project within its Capital Improvement Program and is committed to providing this allocation as local matching funds and other eligible project support necessary to facilitate the relocation of EMS services from the floodplain and ensure the continued delivery of emergency medical services to Colonial Beach and surrounding communities; and

WHEREAS, the Northern Neck Planning District Commission (NNPDC) will serve as grant administrator and coordinate project implementation with the Town of Colonial Beach, Westmoreland County, VDEM, and FEMA;

NOW, THEREFORE, BE IT RESOLVED that the Westmoreland County Board of Supervisors supports submission of a FEMA Flood Mitigation Assistance (FMA) grant application for the relocation of EMS services from the floodplain and construction of a new flood-resilient facility at 700 Colonial Avenue.

BE IT FURTHER RESOLVED that the Board acknowledges Westmoreland County EMS as the primary occupant and operator of the proposed facility and affirms its commitment to provide the local matching funds identified for the project.

Adopted this ____ day of _____, 2026.

Timothy J. Trivett, Chairman
Westmoreland County Board of Supervisors