



**Smyth County
Planning Commission**
121 Bagley Circle, Suite 120
Marion, Virginia 24354

**Clerk's Direct Phone: (276) 706-8316
Fax: (276) 783-9314**

*Atkins District
Chilhowie District
North Fork District
Park District
Royal Oak District
Rye Valley District
Saltville District
Zoning Administrator, Clerk*

*Hazel L. Wagoner
Graham S. Davidson Jr.
Robert Campbell
Lea Meadows
Anthony "Tony" Ray Dean
Paul D. Shepherd
David L. Spence
Becca Creasy*

AGENDA

Thursday, July 25, 2024

6:30 p.m.

1. Call Meeting to Order
2. Adoption of Agenda
3. Adopt Minutes of May 23, 2024, meeting
4. Citizens Time
5. Other Business, if any (Laurel Creek Energy Storage update)
6. Questions/Comments from Commissioners
7. Recess

JOINT PUBLIC HEARING WITH THE BOARD OF SUPERVISORS

7:00 p.m.

8. Chairman of the Board and Chairman of the Planning Commission call the joint public hearing to order.
9. Application for a Special Use Permit from William R. Varner for a *Campground or RV Park* (Tax Map No. 29-A-82B).
10. Application for a Map Amendment from Myrtle Properties, LLC – A/R to I (portion of Tax Map No. 54-A-28).
11. Adjourn public hearing.
12. Reconvene the Planning Commission meeting to deliberate the applications.
13. Adjournment.



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Note from the Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.

SMYTH COUNTY PLANNING COMMISSION

Thursday, May 23, 2024

The Smyth County Planning Commission met in their regular meeting on Thursday, May 23, 2024, at 6:00 P.M. in the Smyth County Office Building.

Commissioners Present: Hazel Wagoner, Chairperson (arrived 6:05), Atkins District; Graham Davidson, Jr., Vice-Chairman, Chilhowie District; Tony Dean, Royal Oak District; David Spence, Saltville District; Paul Shepherd, Rye Valley District; and Robert Campbell (arrived 6:10), North Fork District.

Commissioners Absent: Lea Meadows, Park District

Staff Present: Clegg Williams

At approximately 6:00 p.m., Vice-Chairperson Graham Davidson Jr. called the meeting to order.

Adoption of Agenda: Mr. Davidson opened the floor for motions to approve the agenda as presented. Mr. Spence made a motion which was seconded by Tony Dean, with the following vote recorded.

Vote:	4 yeas	Davidson Jr., Dean, Shepherd, and Spence
	3 absent	Campbell, Wagoner, Meadows

Minutes: Mr. Spence made the motion to approve the minutes of the Thursday, March 28, 2024, meeting. Mr. Dean seconded the motion, and the following vote was recorded.

Vote:	4 yeas	Davidson Jr., Dean, Shepherd, and Spence
	3 absent	Campbell, Meadows and Wagoner

Zoning Administrator Updates: Mr. Williams informed the Commissioners of the Board's approval to rezone Craig Harper's property from A/R to C. He also reminded the Commissioners who want an ID badge to visit courthouse security anytime during normal hours.

Citizens Time: No citizens were present.

Other Business: None.

Commissioners Questions/Comments: Commissioners would like an update from Laurel Creek Energy Storage, LLC regarding the battery storage facility Special Use Permit approved in November of 2023.

Adjournment: With no comments or questions Mr. Davidson adjourned the meeting at approximately 6:15 p.m.

Tony Dean, Secretary



TO: Clegg Williams, Smyth County Zoning Administrator
FROM: Jeff Strickland and Rex Young, Laurel Creek Energy Storage LLC
DATE: April 25th, 2024
RE: Special Use Permit ZONE-10-23-42066 (Condition 30, Project Update)

INTRODUCTION

On October 26, 2023, the Smyth County Board of Supervisors approved a Special Use Permit for Laurel Creek Energy Storage LLC (hereafter, the “Applicant” or the “Project”) to construct, maintain, and operate a battery storage facility on Tax Map No. 18-1-9B and the associated electrical infrastructure, including 138 kV electric lines and poles and other equipment, on Tax ID: 18-4-34. This Special Use Permit requires the Applicant to provide updates on the Project every six months as specified in Condition 30 below:

“The applicant must commence construction within this Special Use Permit’s five (5) year term on or before October 26, 2028. If the applicant does not commence construction before this date, it may seek one-year extensions from the Board of Supervisors, which the Board may grant if the applicant shows progress on proceeding with the project. In conjunction with the 5-year approval period, the Applicant shall be required to submit written project updates to the Smyth County Zoning Administrator every six months after the initial approval by the Board of Supervisors. Updates provided via email shall be an acceptable form of submission. If the applicant commences construction on or before October 26, 2028, the special use permit does NOT need to be renewed in order for the battery storage facility to operate, be maintained, or upgraded.”

LAUREL CREEK ENERGY STORAGE PROJECT UPDATE

Over the last six months, Laurel Creek Energy Storage LLC has completed several necessary development requirements to progress the Project forward. A summary of several key Project deliverables is provided below.

1. Cultural Desktop Survey

Under the Laurel Creek Energy Storage Special Use Permit Condition 26, “The applicant shall provide a report by the Virginia Department of Historic Resources Virginia Cultural Resource Information System identifying historical, architectural, archeological, or other cultural resources on or near the proposed facility.” The Project has hired a third-party contractor to complete this work, who performed a background literature review and records search using VCRIS, an online system that depicts aboveground resources and archaeological sites previously recorded in Virginia. There were three archaeological sites within or adjacent to the project area that will require additional investigation. The Project plans to hire this contractor to conduct a site survey of the land to investigate these three sites further. The Project intends to perform this work within the next six months.

2. Geotechnical Engineering Survey

Laurel Creek Energy Storage LLC hired a third-party contractor to perform a geotechnical engineering survey of the property. The scope of the third-party contractor is to drill soil borings, perform additional field testing, test representative soil samples for pertinent engineering properties, conduct engineering analyses, and prepare an engineering report. The contractor was onsite in early March 2024 to perform the soil borings. Laurel Creek Energy Storage LLC expects to have the results within the next six months.

3. Pre-application Meeting with the Virginia State Corporation Commission

The Laurel Creek Energy Storage LLC team met with the Virginia State Corporation Commission staff on February 8, 2024 in Richmond, VA, to introduce the Project and learn more about the Certificate of Public Convenience and Necessity (“CPCN”) required by § 56-580 of the Code of Virginia for the energy storage facility. To date, the Commission has not received a CPCN application for a standalone battery energy storage system, so both parties will continue to communicate and collaborate as the Project progresses through the interconnection process.

4. PJM Interconnection

The Laurel Creek Energy Storage LLC project will be part of the transition cycle #2, which will begin processing interconnection applications in November 2024. In the absence of further delays by PJM, the Project should receive its initial interconnection results around August 2025.

CONCLUSION

As detailed above, Laurel Creek Energy Storage LLC has made significant capital investments and performed considerable due diligence to progress the Project forward. We will continue to keep Smyth County updated as additional progress is made and appreciate the opportunity to do business in Smyth County.

APPLICATION FOR SPECIAL USE PERMIT

Campground or RV Park

Applicant: William R. Varner
Site: Saltville Hwy, Saltville
Tax Map No.: 29-A-82B

Background Information

William R. Varner is applying for a Special Use Permit to establish and operate a *Campground or RV Park (Recreational Vehicle)* on Saltville Hwy, north of Nuttywood Lane and across from 1857 Riverdale Lane in Saltville. Mr. Varner intends to have two camping sites with water and electricity provided. Because the Health Department does not consider two campers a campground, they only advised Mr. Varner that no wastewater, including gray water, can be dumped on the ground surfaces. Mr. Varner has indicated campers would be required to dispose of wastewater at an offsite approved facility.

The property is located within the 100-year floodplain. Section 29-43(d)(2)a requires all recreational vehicles to *"be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions)."*

The property is zoned Agricultural/Rural and classified as Rural Residential on the Comprehensive Plan's Future Land Use Map.

Relevant Zoning Ordinance Sections

Section 3-2	Agricultural/Rural District
Article X	Definitions
Article VI	Special Use Permit
Chapter 29	Floodplain Management

Adjoining Property Owners

Kenneth Wayne Nutter et al
1970 Nuttywood Lane
Saltville, Virginia 24370

James A. Hatfield
1228 Morning Dove Drive
Kingsport, Tennessee 37663

Ralph A. Frye
1969 Saltville Hwy
Saltville, Virginia 24370



Smyth County
Building and Zoning Department
121 Bagley Circle, Suite 120
Marion, Virginia 24354

Direct Phone: (276) 706-8317
buildingandzoning@smythcounty.org

Department Administrator
Building Inspector
Building Inspector
Administrative Assistant
Administrative Assistant
GIS Coordinator

Clegg Williams
Danny Wilson
Kenneth Pennington
Becca Creasy
Kelsey Marchant
Manuel Street

APPLICATION FOR SPECIAL USE PERMIT

Article VI of Zoning Ordinance

Date: 6-20-2024

Application Fee: \$250.00

Name of Applicant William R. Varner

Mailing Address P.O. Box 7 SALT LICK VA 221370

Phone: (Home) 276-780-8197 (Cell) 276-780-8197 (Email) _____

Property Owner's Name (if not Applicant) _____

Mailing Address _____

Phone: (Home) _____ (Cell) _____ (Email) _____

Preferred Method of Contact (circle one): ☐ Home ☒ Cell ☐ Email

911 Site Address or Adjoining 911 Address ACROSS FROM
1857 SALT LICK Hwy Tax Map No. 29-A-82B

Existing Use of Property: RECREATION & Hay Field

Proposed Use as defined in the Zoning Ordinance: RECREATION AND 2 CAMPSITES

Uses of immediately adjoining properties: Hay Field ONLY

Source of Water: COUNTY Means of Sewage Disposal: OFFSITE DUMPING ONLY

Attach a Site Plan showing the following information:

- Shape and dimensions of lot
- Existing structures with distances to lot lines.
- Dimensions and locations of all proposed buildings or structures (including additions or alterations) with distances to lot lines.
- Existing and intended uses of the land and of each building or part of a building
- Significant natural features, such as woods, streams, etc.
- Existing and proposed roads and driveways
- Existing public water and sewer lines
- Off-street parking spaces

Zoning District: AGRICULTURAL/RURAL

Attach a list of names and addresses of all abutting property owners and property owners directly across the street.



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AFFIDAVIT:

I swear that: (check one)

✓ W.V. No member of the Smyth County Planning Commission or Smyth County Board of Supervisors or no member of the immediate household of any member of the Planning Commission or the Board of Supervisors has any interest in the property for which this Special Use Permit is requested, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust;
or

_____ Members of the Smyth County Planning Commission or Smyth County Board of Supervisors or members of the immediate household of members of the Planning Commission or the Board of Supervisors who have an interest in the property for which this Special use permit is requested, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust are listed below.

Disclosure of Ownership of Property for which this Special Use Permit is requested:

Names of all owners of the property, including in the case of corporate ownership, the name of stockholders, officers and directors, and in any case the names and addresses of all of the real parties of interest. (Requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.)

William Varner sole Property owner

6.20.2024 W.V.
Date Signature of Applicant

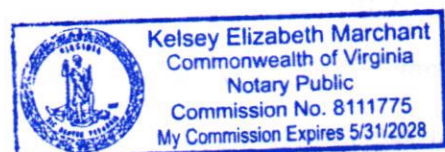
NOTARY PUBLIC

STATE/Commonwealth of Virginia
City/County of Smyth

The foregoing signature(s) were subscribed and sworn before me this 20 day of June, 2024 by William Varner and _____

Kelsey Elizabeth Marchant
Notary Public

My Commission Expires 05/31/2028 My Registration No. 8111775



CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT THE PLATING AND/OR DEDICATION OF THE PROPERTY SHOWN AND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER(S), PROPRIETOR(S) AND TRUSTEE(S) IF ANY.

(SIGNATURE) James A. Hatfield DATE OF EXECUTION 6/2/14
OWNER, PROPRIETOR, OR TRUSTEE
(SIGNATURE) William R. Varner DATE OF EXECUTION 6/2/14
OWNER, PROPRIETOR, OR TRUSTEE

(SIGNATURE) _____ DATE OF EXECUTION _____
OWNER, PROPRIETOR, OR TRUSTEE

STATE OF Tennessee TO WIT:
COUNTY OF Smyth

NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID DO CERTIFY THAT THE ABOVE OWNERS OF THE PROPERTY SHOWN ON THIS PLAT WHOSE NAMES James A. Hatfield & William R. Varner ARE SIGNED HEREON HAVE ACKNOWLEDGED THE SAME BEFORE ME IN SAID COUNTY AND STATE.

GIVEN UNDER MY HAND THE 2nd DAY OF June, 2014
Dee P. George
NOTARY PUBLIC

SURVEYOR/ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT AND COMPLES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS.

SOURCE OF TITLE: WILL BOOK 43, PAGE 537

PLACE OF RECORD OF LAST INSTRUMENT IN THE CHAIN OF TITLE: SMYTH COUNTY CLERK'S OFFICE (VIRGINIA)

THE PROPERTY AS SHOWN ON THIS PLAT LIES IN FLOOD ZONE(S): "AE"

REFERENCE: COMMUNITY PANEL R: FEMA 500 panel 817300000

EFFECTIVE DATE: _____

(SIGNATURE) [Signature]
SURVEYOR/ENGINEER

Certificate of Approval
This plat complies with the Smyth County Subdivision Ordinance and may be submitted for record.

[Signature] 6/2/14
Subdivision Agent Date

RECORD

KENNETH WAYNE NUTTER
D.B. 543, PG. 692
D.B. 812, PG. 113

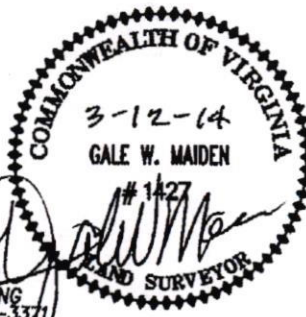
- NOTES:
- 1) PLAT PREPARED WITHOUT CURRENT TITLE REPORT.
 - 2) SUBJECT TO ANY EASEMENTS OR RIGHTS-OF-WAY ON RECORD.
 - 3) I CERTIFY THAT THIS PLAT REPRESENTS AN ACTUAL ON THE GROUND SURVEY AND NO EASEMENTS OR ENCROACHMENTS ARE VISIBLE ON THE GROUND OTHER THAN SHOWN HEREON.
 - 4) I HEREBY CERTIFY THAT THIS SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT AND COMPLES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS.
 - 5) IF - IRON PIN FOUND
 - 6) IF - IRON PIN TO BE SET

BK 865 PG 00353

MAY 2014



SURVEY
A PORTION OF THE LANDS OF
JAMES A. HATFIELD
AS DESCRIBED IN
WILL BOOK 43 PAGE 537
TO BE CONVEYED TO:
WILLIAM R. VARNER
AND BEING LOCATED IN
NORTH FORK MAGISTERIAL DISTRICT
SMYTH COUNTY, VIRGINIA

GALE W. MAIDEN SURVEYING
DRAWN BY: CKM CONSULTING
MEADOWVIEW, VA. 276-944-3371

Request for Special Use Permit - Campsites

Zoned: Agricultural/Rural (A/R)

29-A-82

29-A-78A

29-A-77

29-A-72A

29-A-71

29-A-70

29-A-82B

Proposed
Campsites

Floodway

North Fork
Holston River

100 Year
Flood Zone

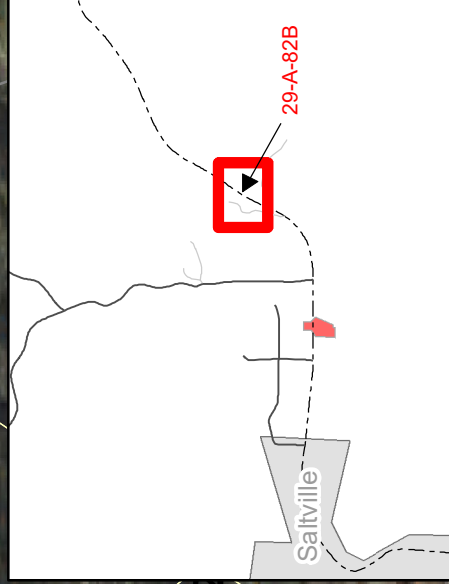
29-A-107

29-A-107

NUTTYWOOD LN

2024 Smyth County GIS

29-A-108A



William R. Varner
Special Use Permit - *Campground or RV Park*
Saltville Hwy, Saltville

Network: Jul 12, 2024 11:26:58 AM EDT
Local: Jul 12, 2024 11:26:58 AM EDT
36°54'19.215"N -81°44'0.671"W



APPLICATION FOR MAP AMENDMENT

Agricultural/Rural to Industrial

Applicant: Myrtle Properties LLC
Site: Beside 289 Lee Hwy, Chilhowie
Tax Map No.: A portion of 54-A-28

Background Information

Myrtle Properties LLC has applied for a Map Amendment to rezone approximately 15 acres of land beside 289 Lee Hwy in Chilhowie from *Agricultural/Rural* to *Industrial*. The property surrounding 289 Lee Hwy is zoned Industrial; however, the northern and eastern portions are zoned Agricultural/Rural.

The Comprehensive Plan identifies the southern portion of this property as Commercial/Industrial with the northern section as Rural Residential on the Future Land Use Map.

Relevant Zoning Ordinance Sections

Section 3-2	Agricultural/Rural District
Section 3-5	Industrial District
Article IX	Amendments

Adjoining Property Owners

MARHRL LLC P. O. Box 316 Chilhowie, Virginia 24319	BRK of Marion, LLC 314 Lee Hwy Marion, Virginia 24354	Lee Hwy Marion LLC 9740 Patuxent Woods Drive, Ste. 50 Columbia, Maryland 21046
Sharon Dolinger et als 439 Lee Hwy Marion, Virginia 24354	Russell & Mary Hall 2485 Denton Valley Road Bristol, Tennessee 37620	Daryl & Jennifer Peake P. O. Box 1004 Abingdon, Virginia 24212
Thomas & Joyce McGhee P. O. Box 613 Chilhowie, Virginia 24319	Robert L. Donnelly P. O. Box 1141 Marion, Virginia 24354	Joshua & Robin Dowell 153 Lee Hwy Chilhowie, Virginia 24319

SMYTH COUNTY BUILDING AND ZONING DEPARTMENT

121 BAGLEY CIRCLE, SUITE 120, MARION, VA 24354

Phone (276) 706-8316 ~ Facsimile (276) 783-9314

APPLICATION TO AMEND ZONING ORDINANCE OR MAP

Article IX of Zoning Ordinance

Date: 7/1/2024

Application Fee: \$250.00

Name of Applicant:

Mailing Address:

Myrtle Properties, LLC.
P.O. BOX 316 Chilhowie, VA. 24319
City: _____ State: _____ Zip: _____

Phone:

(Home): (276) 646-3151 (Cell) (276) 646-7723

Email:

nwilliams3333@icloud.com

Property Owner's Name (if not Applicant) N/A

Mailing Address:

City: _____ State: _____ Zip: _____

Phone:

(Home): (____) ____ - ____ (Cell) (____) ____ - ____

Email:

Preferred Method of Contact (circle one): Home Cell E-mail

911 Site Address or Adjoining: 289 Lee Highway to 331 Lee Hwy Chilhowie, VA. 24319

City: _____ State: _____ Zip: _____

Tax Map No. 54 A 28

Legal Description of Property:

Tax Map Number _____ Deed Book _____ Page _____

Subdivision Name _____ Lot # _____

Proposed Map Amendment:

Existing Zoning District AK Proposed Zoning District I

Proposed Text Amendment:

Existing Text: _____ Proposed Text: _____

Has the same or substantially same amendment been proposed previously? No

Attach a Site Plan showing the following information:

- Shape and dimensions of lot
- Existing structures with distances to lot lines.
- Dimensions and locations of all proposed buildings or structures (including additions or alterations) with distances to lot lines.
- Existing and intended uses of the land and of each building or part of a building
- Significant natural features, such as woods, streams, etc.
- Existing and proposed roads and driveways
- Source of water and means of sewage disposal
- Existing public water and sewer lines
- Off-street parking spaces

Attach a list of names and addresses of all abutting property owners and property owners directly across the street.

AFFIDAVIT:

I swear that: (check one)

☒ No member of the Smyth County Planning Commission or Smyth County Board of Supervisors or no member of the immediate household of any member of the Planning Commission or the Board of Supervisors has any interest in the property for which this Special Use Permit is requested, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust;
or

_____ Members of the Smyth County Planning Commission or Smyth County Board of Supervisors or members of the immediate household of members of the Planning Commission or the Board of Supervisors who have an interest in the property for which this Special use permit is requested, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust are listed below.

Disclosure of Ownership of Property for which this Special Use Permit is requested:

Names of all owners of the property, including in the case of corporate ownership, the name of stockholders, officers and directors, and in any case the names and addresses of all of the real parties of interest. (Requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.)

7/1/2024

Date

Heather Luttrell

Signature of Applicant

NOTARY PUBLIC

STATE/Commonwealth of VA
City/County of Smyth

The foregoing signature(s) were subscribed and sworn before me this _____ day of

July

2024

by

Heather Luttrell

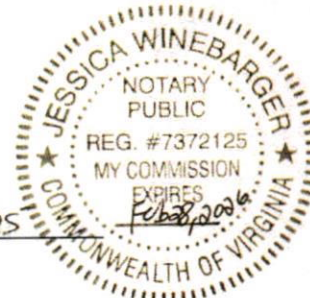
and

Jessica Winebarger

Notary Public

My Commission Expires Feb 28, 2026

My Registration No. 7372125



Myrtle Properties LLC
MARHRL LLC
PO BOX 316
CHILHOWIE, VA 24319

July 1, 2024

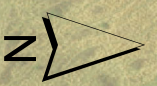
Smyth County Board of Supervisors
Smyth County Planning Commission

Myrtle Properties LLC would like to thank the board and zoning committee for considering the re-zoning of Tax map 54 A28. We would like to request the property that attaches to the current Oak Hall Cap and Gown leased property and 289 Lee Highway addresses through 331 Lee Highway and adjoining 15 acres behind and all acreage to the right of parcel 289 Lee Highway and 331 Lee Highway be re-zoned to industrial. Myrtle Properties LLC has engaged in a possible purchase of a confidential project that will bring growth and jobs to Smyth County. The total acres that will be used for the project will be 15 +/- . An official survey of the current project will be performed by Addison survey on July 11th, 2024. We would like to thank the board for the consideration as we will not be able to attend the meeting on July 25th, due to prior travel arrangements but can join virtually, if needed to answer questions.

Thank You,



Heather Luttrell



54B-1-A-13

54-A-28
15 Acres
Rezone from Agricultural/Rural (A/R)
to Industrial (I)

54-A-28
Agricultural/Rural (A/R)

Commercial (C)
54-A-28B
251

Oak Hall
Cap &
Gown
Industrial (I)

289

313

331

54B-1-A-1

TOMAHAWK LN

11 LEE HWY

11

LEE HWY

54B-1-A-1A

11 LEE HWY

Industrial (I)

54-A-28C

314

54-A-28E

