



**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  
Clegg Williams  
Becca Creasy*

## AGENDA

Thursday, November 16, 2023

**5:30 p.m.**

Should additional information become available, we will provide it to you as quickly as possible.

1. Call Meeting to Order
2. Adopt Agenda
3. Adopt Minutes of September 28, 2023, meeting
4. Zoning Administrator Updates
5. Citizens Time
6. Other Business; if any
7. Questions/Comments from Commissioners
8. Adjournment





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

**SMYTH COUNTY PLANNING COMMISSION**  
**Thursday, September 28, 2023**

The Smyth County Planning Commission met in their regular meeting on Thursday, September 28, 2023, at 6:30 P.M. in the Smyth County Office Building.

**Commissioners Present:** Hazel Wagoner, Chairperson, Atkins District; Graham Davidson Jr., Vice-Chairman, Chilhowie District; Robert Campbell, North Fork District, Lea Meadows, Park District; David Spence, Saltville District, and Paul Shepherd, Rye Valley District

**Commissioners Absent:** Tony Dean, Royal Oak District

**Staff Present:** Becca Creasy

At approximately 6:30 p.m. Chairperson Wagoner called the meeting to order.

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

Vote: 6 yeas                      Campbell, Davidson, Meadows, Shepherd, Spence, and Wagoner  
      1 absent                     Dean

**Minutes:** Mr. Spence made a motion to approve the minutes of the Thursday, August 24, 2023, meeting. Mr. Shepherd seconded the motion, and the following vote was recorded.

Vote: 6 yeas                      Campbell, Davidson, Meadows, Shepherd, Spence, and Wagoner  
      1 absent                     Dean

**Staff Comments:** Ms. Creasy updated the Commission on the Board of Supervisors' decision to follow their recommendation to approve Robert de Camara's Special Use Permit to construct a *hangar*. She then explained a variance request received from Donald Taylor who wishes to add a 61' x 72' 12-vehicle storage unit at 2790 Lee Hwy in Marion. The proposed building site does not meet the current minimum front lot setback requirement of 35' from the edge of VDOT's right of way. The applicant has requested to be in line with his existing structure that faces Lee Hwy.

Mr. Davidson made a motion to recommend the BZA approve the variance request to be in line with the existing building. His motion was seconded by Mr. Spence and the following vote was recorded.

Vote: 6 yeas                      Campbell, Davidson, Meadows, Shepherd, Spence, and Wagoner  
      1 absent                     Dean

**Citizen's Time:** None present.

**Other Business:** Mr. Campbell noticed a point he made was incorrectly recorded and he would like the July 27, 2023, joint public hearing minutes revised to clarify his statement. Lea Meadows also stated she would like to clarify a statement made by her at the same meeting. The following sections were revised:

**7/27/2023 8:01 PM** Robert Campbell stated 90% of solar panels that are burned out or need to be replaced go to landfills and he feels we need to research the costs associated with disposing of them.

**7/27/2023 7:12 PM** Lea Meadows asked if he had a sign outside his business and if he is seeking approval to perform state inspections.

Mr. Campbell made a motion to revise the July 27, 2023, minutes as discussed, which was seconded by Ms. Meadows and unanimously approved.

**Recess:** At approximately 6:40 p.m. with no other comments or questions from the Commissioners, Chairperson Wagoner recessed the Planning Commission's meeting until their 7:00 p.m. joint public hearing with the Board of Supervisors.

### **JOINT PUBLIC HEARING WITH BOARD OF SUPERVISORS**

**Board Members Present:** Charles Atkins, Chairman, Atkins District; Lori Deel, Vice-Chairperson, Rye Valley District; Roscoe Call, Saltville District; Mike Sturgill, Chilhowie District; Kris Ratliff, Park District, Courtney Widener, Royal Oak District, and Phil Stevenson, North Fork District

**Commissioners Present:** Hazel Wagoner, Chairperson, Atkins District; Graham Davidson Jr., Vice-Chairman, Chilhowie District; Robert Campbell, North Fork District, Lea Meadows, Park District; David Spence, Saltville District, and Paul Shepherd, Rye Valley District

**Commissioners Absent:** Tony Dean, Royal Oak District

**Staff Present:** Shawn Utt, County Administrator; Clegg Williams, Assistant County Administrator - Development; Lisa Richardson, Assistant County Administrator – Operations-HR; Becca Creasy and Auna Louthian, Administrative Assistants

**Others:** Stephanie Porter-Nichols of Smyth County News

**9/28/2023 7:04 PM** Charles Atkins, Chairman of the Board of Supervisors, and Hazel Wagoner, Chairperson of the Planning Commission, called the joint public hearing to order.

**9/28/2023 7:04 PM** Clegg Williams read the legal ad.

### **BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS AND SMYTH COUNTY PLANNING COMMISSION**

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, September 28, 2023, at 7:00 P.M. or as soon after 7:00 P.M. as the following application(s) may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application(s) to the Zoning Ordinance of Smyth County, Virginia:

*A special use permit application from Laurel Creek Energy Storage LLC to establish a Battery Storage Facility on Maloyed Place behind the AEP Substation at 3456 Saltville Hwy in Saltville, Virginia, further identified as Tax Map No. 18-1-9B and zoned Agricultural/Rural.*

At this public hearing, subject to the rules of procedure of the Board of Supervisors and Planning Commission of Smyth County, Virginia, any person may appear and state his/her views thereon.

Copies of the application along with their maps/drawings are on file in the Office of the County Administrator of Smyth County and may be seen upon request. Copies are also maintained by the County Zoning Administrator at the address given above and may be viewed upon request during regular business hours Monday through Friday.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend, and participate in this hearing should contact Clegg Williams, ADA Coordinator, at (276) 706-8315 at least 48 hours prior to the hearing.

Smyth County fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Discrimination Complaint Form, contact (276) 783-3298 or at <https://www.smythcounty.org>.

Done by order of the Board of Supervisors and the Planning Commission.

Shawn M. Utt, County Administrator  
Hazel Wagoner, Chairperson of the Planning Commission

**9/28/2023 7:05 PM** Mike Sturgill made a motion to forgo reading the rules of procedure for public hearings which was seconded by Courtney Widener and unanimously carried.

**9/28/2023 7:06 PM** Clegg Williams presented an application from Laurel Creek Energy Storage LLC (Laurel Creek) stating they are negotiating to purchase approximately 49 acres from Jerry and Dorothy Bise. They are proposing to construct a *Battery Storage Facility* on Maloyed Place in Saltville, which is identified by tax map number 18-1-9B, and is zoned Agricultural/Rural. Included in their application is a proposed tie line across an adjoining tract of land owned by AEP, tax map number 18-A-34. Along with their application and site plan they submitted the following documents: a decommissioning plan, a siting agreement, a noise study, and a landscaping plan. Copies of each were included in hearing packet. More recently, they submitted an emergency response plan which he stated additional copies were available tonight for anyone wanting to review it. He stated notice of this public hearing was advertised in the Smyth County News on September 16<sup>th</sup> and 23<sup>rd</sup>, and that he sent letters to all the adjoining property owners for which an affidavit to that effect is on file. He did not receive any comments regarding the application.

He highlighted Section 3-2.2 which allows Battery Storage Facilities in the A/R by issuance of a special use permit and Article 6 which contains the provisions for Special Use Permits. He particularly highlighted Sections 6-2.3 which contains the standards that must be met prior to any SUP being approved and 4-18 which contains requirements that are specific to Battery/Energy Storage Facilities. He noted the Future Land Use Map in the 2019 Comprehensive Plan identifies this property as Institutional/Public Service.

**9/28/2023 7:08 PM** Mr. Williams then introduced Jeff Strickland with Laurel Creek Energy Storage LLC.

**9/28/2023 7:08 PM** Jeff Strickland, Project Development Manager for Laurel Creek Energy Storage LLC dba PlusPower with a business address of 1780 Hughes Landing Boulevard, Suite 675, The Woodlands, Texas 77380. Mr. Strickland stated Laurel Creek has filed an application for a Special Use Permit to construct and operate a battery storage facility and all associated

infrastructure including proposed electrical lines and components that will connect to the Broadford substation. He pointed out his team members who were present to address any questions or concerns. He briefly provided a history of Laurel Creek stating they are an American owned company that focuses solely on stand-alone energy storage projects connected to an energy grid. They currently have 160 employees, most of which are veterans or have a gas industry related work background. They currently have similar facilities in 28 states and provinces. They plan to construct, own, develop and operate Laurel Creek for 20+ years so being a good neighbor is the key to their long-term success. They have three facilities in Texas of similar size and have been operating continuously for the last two years and have been a critical part to Texas's grid stability. Additionally, Laurel Creek will be their second facility in Virginia, with City of Chesapeake being their other location.

**9/28/2023 7:12 PM** Mr. Strickland described battery storage facilities as a sponge soaking up excess energy from the grid and discharging that energy back to the grid when it's needed. As the transmission grid changes and new technologies are placed into service installing a battery energy system allows the grid to operate more effectively and reliably moving forward. He equated it to a pacemaker for utilities. This project will be built on approximately 20 acres of the 49-acre site accessed by Maloyed Place. The enclosures will sit on a concrete foundation and be secured by an eight-foot fence. The proposed facility will be approximately 2000 feet from Saltville Hwy and barely visible from the road or adjoining property. Additionally, they plan to plant approximately 190 trees pursuant to the submitted landscaping plan. The facility will be 250 megawatts (1,000 megawatt hours) and can basically power 250,000 homes for four hours. There will only be one to two vehicles visiting the site per week for maintenance. The noise study resulted in no additional sound to the neighbors. There will not be water at the site as it is not needed, only electricity for security lights that will be turned off at night. They will install a stormwater management system consisting of approximately seven acres on the south side of the property.

**9/28/2023 7:14 PM** Mr. Strickland moved into discussing why this site and Smyth County were chosen for their project. They strategically researched properties and took into consideration that it is already included in the 2019 Comprehensive Plan. Smyth County is electrically integrated for the transmission grid, the region, and the state. The Broadford substation is one of the largest in the country. The project will be interconnecting at the 138-kilovolt level. This facility will directly support the increased reliability in this area, and they believe it will foster additional investment due to the enhanced power reliability for the region. He then introduced his colleague Rex Young to describe how the project meets the County code.

**9/28/2023 7:16 PM** Rex Young, Senior Permitting Manager, mentioned his relationship to the area and discussed the sections of the code Laurel Creek will be complying with specifically highlighting Article III, decommissioning plan, recycling (they do not plan to dispose of anything in Smyth County), land restoration plans, vegetation and screening requirements, landscaping plan, emergency action plan, visual impact, protected environmental features, on-site monitoring system for fire, and the SUP requirements listed in Article VI.

**9/28/2023 7:26 PM** Mr. Strickland shared his experiences over the past few months visiting Smyth County, meeting with staff, and watching meetings online. He wanted to mention the siting

agreement will be the same as the solar project discussed earlier; it will be ramped up after tonight's hearing and they would like a 5-year extension timeframe on the SUP.

**9/28/2023 7:29 PM** At the conclusion, Mr. Stevenson complimented Laurel Creek's presentation, stating they had the most well laid out application in the past eight years. He asked about the risks of explosions. Mr. Strickland stated the chances are extremely low. Mr. Stevenson asked if there is a fire, could it result in an explosion for which Mr. Strickland confidently said it would not. Mr. Stevenson indicated they had his approval as long as there are no hazards like explosions.

**9/28/2023 7:31 PM** Casey Grant, is an engineer with Energy Safety Response Group and has worked with NFPA. He is an independent contractor supporting PlusPower. There has been significant testing to know how the storage enclosures will perform. They are very challenged to get the fire to spread in the Tesla Mega Pack 2 units. He described in detail the Tesla Mega Pack 2 elements.

**9/28/2023 7:34 PM** Phil Stevenson asked for clarification about the monitors asking if they only monitor heat and noted the proximity to the school. Mr. Grant confirmed Mr. Stevenson was correct and reiterated how difficult it is to get a fire in one unit to spread to other units. He said there would be two, if not three, entities monitoring the units because they want optimal performance at all times. The monitoring and alarms are more extensive than they usually see.

**9/28/2023 7:39 PM** Mr. Stevenson asked what Laurel Creek's response time would be if an alarm were to go off. Mr. Strickland stated they can remotely shut it down and they will have an employee there within one hour.

**9/28/2023 7:40 PM** Roscoe Call asked if the fire department has the proper equipment to put out a fire. Mr. Strickland stated there would be a staging area outside the property. Mr. Grant further described how the monitors work to shut down everything until the issue is resolved. Mr. Utt summarized his recollection from meeting with the fire department stating they would need to just make sure the site is clear and let the fire burn itself out. Mr. Call asked if they had a routine maintenance plan to which they confirmed they do.

**9/28/2023 7:45 PM** Lori Deel asked how the County would benefit. Mr. Strickland explained how the transmission lines supply electricity to our area and said he can't guarantee it will be used locally but the potential would exist, especially in emergency. He also mentioned prospective industries look to areas with reliable power which this project will help provide.

**9/28/2023 7:49 PM** Chairman Atkins asked the Planning Commissioners if they had any questions.

**9/28/2023 7:50 PM** Mr. Campbell briefly discussed which trees proposed on their landscaping plan would work best in that area. Mr. Williams spoke out stating he would connect them with the Smyth County Extension Office.

**9/28/2023 7:51 PM** Chairman Atkins echoed Mr. Stevenson's compliments on Laurel Creek's presentation. He then adjourned the joint public hearing.

**9/28/2023 7:53 PM** Chairperson Wagoner reconvened the Planning Commission meeting and opened the floor for comments and questions.

**9/28/2023 7:53 PM Laurel Creek Energy Storage LLC - recommendation on Special Use Permit for a Battery Energy Facility (Maloyed Place, Saltville, Tax Map No. 18-1-9B)** After reviewing the request and taking into consideration all comments, David Spence felt the application met the standards mentioned by Mr. Williams set out in the Ordinance and made a motion to recommend approval of the special use permit which was seconded by Mr. Davidson.

**9/28/2023 7:54 PM** Mr. Williams interjected the fact Laurel Creek is still working with the County on their Emergency Response Plan. In addition, Laurel Creek Energy requested the Special Use Permit be valid for five years as they work through the process, and they are willing to report milestones every six months.

**9/28/2023 7:54 PM** Mr. Spence amended his motion to recommend approving the Special Use Permit for a Battery Storage Facility with the condition the emergency plan be finalized and approved. In addition, he recommended allowing it to be valid for five years with the condition the applicant submit six-month updates. The amended motion was seconded by Mr. Davidson and the following vote was recorded.

Vote: 6 yeas                      Campbell, Davidson, Dean, Meadows, Shepherd, Spence, and Wagoner  
      1 absent                     Dean

**9/28/2023 7:55 PM** General conversation between the Planning Commission and Laurel Creek continued regarding fire safety. Laurel Creek confirmed the best approach is a defensive approach and to simply watch the fire burn itself out within the enclosure. Mr. Strickland affirmed testing has proven the fire will not spread between enclosures.

**9/28/2023 7:56 PM** Lea Meadows asked if they would manually have to shut down surrounding enclosures or do they shut down automatically and she inquired where the local team is located. Mr. Strickland stated they do not have a team in place yet, but they will have an employee closer to the project's completion.

**9/28/2023 7:58 PM** Graham Davidson made a motion to adjourn which was seconded by Paul Shepherd and unanimously passed.

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Tony Dean, Secretary