

**RESOLUTION TO APPROVE SE2023-00036
ORCHARD ACRES LOTS 37 & 38 – CLEAN EARTH FILL**

WHEREAS, upon consideration of the staff reports prepared for SE2023-00036 Orchard Acres Lots 37 & 38 – Clean Earth Fill and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code § 18-5.1.28 and § 18-33.9, the Albemarle County Board of Supervisors hereby finds that the applicable requirements would not forward the purposes of the Zoning Ordinance or otherwise serve the public health, safety, or welfare, and that:

- (1) The proposed special exceptions would be consistent with an approved and valid initial or preliminary site plan or other land use decision of the County;
- (2) The proposed fill activity would be of limited duration (less than 90 days) and involve not more than 10,000 cubic feet of fill within any 12 months;
- (3) There would be no detriment to any abutting lot; and
- (4) There would be no harm to the public health, safety, or welfare.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves special exceptions for clean earth fill activity on Parcels 055C0-00-0A-03700 and 055C0-00-0A-03800, to waive both: (i) the minimum setback of 75 feet from all property lines in residential zoning districts and the 100-foot minimum setback from dwellings on adjacent properties otherwise required by County Code § 18-5.1.28(a)(7) for clean earth fill activity, and (ii) the minimum lot size of five acres otherwise required by County Code § 18-5.1.28(a)(9) for clean earth fill activity, each provided that placement of any fill on these Parcels must be in general accord with either the Water Protection Ordinance (WPO) plan dated February 9, 2024 or a duly-issued building permit.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Andrews	_____	_____
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Mr. Pruitt	_____	_____