

## Kevin McCollum

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**From:** Betty Slough  
**Sent:** Friday, October 13, 2023 11:34 AM  
**To:** M M  
**Cc:** Margaret Maliszewski; Kevin McCollum; Francis MacCall; Bart Svoboda  
**Subject:** RE: Comments form SP202300006 ArborLife Professional Tree Care Landscape Contractor Special use Permit  
**Attachments:** Farm exemptions.docx

Good morning,

I have attached to this email a synopsis of the Farm Exemptions per the 2018 Uniform Statewide Building Code and the Code of Virginia. This existing building was built as a farm exempt structure based on it being on an operating farm at that time. The current proposal for the property does not comply with either the 2018 USBC or the Code of Virginia as an exempt farm use building. Since the use is being changed, in code language, a new building permit will be needed. The new use would be classified as Utility building.

The 2018 USBC requires restroom facilities for employees and visitors. You may check with the Virginia Department of Health for approval to use portable toilets with potable water or pit latrines. Use of either of these would need to also receive approval from Zoning and possibly the Architectural Review Board.

**Betty R. Slough, CBO**  
**Deputy Building Official**  
Albemarle County  
(434) 296-5832 X3362  
(434) 872-3793 Cell  
bslough@albemarle.org

All decisions are subject to appeal in accordance with Section 119 of the 2018 Virginia Construction Code.

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**From:** M M <hrdept@arborlifetreeecare.com>  
**Sent:** Friday, October 13, 2023 10:58 AM  
**To:** Betty Slough <bslough@albemarle.org>  
**Subject:** Comments form SP202300006 ArborLife Professional Tree Care Landscape Contractor Special use Permit

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Betty,

I had questions on your comment about change of use of my structure located at 163 Patterson mill lane.

So, this structure is a pole barn and will be continued to be used in a manner consistent with that use. It is not an office space and employees will merely pick up equipment at the start of their work day and return equipment at the end of the work day. The building has gravel base, there are no interior walls, it's really just a pole barn with rollup doors that we will be protecting equipment from the weather.

In reading the 2018 Virginia Uniform Statewide Building Code I am not sure where this structure fits. Any assistance you could provide would be greatly appreciated.

You mentioned including restroom facilities with potable water. As no one will be spending time at this site will portable toilets be acceptable as they are on construction sites?

If we could schedule a time to discuss this that would be very helpful for me to navigate this process.

Thank you,

Monica Madison  
Project Manager  
Arbor Life Professional Tree Care Company

434 260 2344

## **Synopsis of Farm Exemptions per the USBC:**

### **2018 Virginia Construction Code:**

102.3-9 Farm buildings and structures, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in § 35.1-1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chapter 2 (§ 35.1-11 et seq.) of Title 35.1 of the Code of Virginia.

### **Code of Virginia 35.1 Hotels, Restaurants, Summer Camps, and Campgrounds**

Chapter 1 General Provisions.

35.1-1 Definitions.

"Restaurant" means:

1. Any place where food is prepared for service to the public on or off the premises, or any place where food is served, including lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and institutions of higher education, and kitchen areas of local correctional facilities subject to standards adopted under § 53.1-68.
2. Any place or operation that prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public, including operations preparing or storing food for catering services, push cart operations, hotdog stands, and other mobile points of service.
3. Mobile points of service to which food is distributed by a place or operation described in subdivision 2 unless the point of service and of consumption is in a private residence.

"Restaurant" does not include any place manufacturing packaged or canned foods that are distributed to grocery stores or other similar retailers for sale to the public.

### **Code of Virginia 36 Housing Chapter 6. Uniform Statewide Building Code. Article 1. General Provisions 36-97 Definitions**

"Farm building or structure" means a building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm;
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products;
3. Business or office uses relating to the farm operations;
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm;
5. Storage or use of supplies and materials used on the farm; or
6. Implementation of best management practices associated with farm operations.