

**Agenda  
Item  
VII.B.**  
**Amended proposal**

**State of Oregon**

**Board memo**

**Building Codes Division**

**February 3, 2010**

**To:** Building Codes Structures Board

**From:** Patrick Allen  
Administrator, Oregon Building Codes Division

**Subject:** Board Concurrence – Oregon amendment relative to wineries.

**Action requested:**

A board motion noting concurrence with the hearings officer’s findings regarding adoption of code requirements specific to the production of wine in Oregon. This memo shows changes to further amend OSSC 508.1 exception 4 to capture automatic sprinkler systems as well as fire alarm/smoke detection as satisfying occupancy/use fire related separations in wineries.

In preparing the hearings officer report for the public hearing considering adoption of the 2010 Oregon Structural Specialty Code (OSSC), the hearings officer became aware of the inadvertent omission of existing Oregon amendments addressing the production of wine. The hearings officer has recommended that these amendments be included in the 2010 OSSC. In addition, the hearings officer is requesting a modification to the definition of winery in OSSC section 202 addressing scope. Accordingly, I am requesting that the Building Codes Structures Board consider for adoption the Oregon amendments noted below.

**Background:**

Previously, the Oregon Building Codes Division worked with the Oregon Wine Advocacy Council, the Yamhill County Building Official, and architects associated with the design and construction of wineries in developing the following code changes to the OSSC to better accommodate the construction of new wineries and the remodeling of existing facilities, and to clarify how the code should be interpreted state wide. In addition, ORS 455.068 provides the statutory definition of winery and states in part:

*“ORS 455.068 Applicability of construction standards to winery. (1) For the purposes of this section, “winery” means a facility used primarily for the commercial production of wine or cider, including but not limited to areas used for production, shipping and distribution, wholesale and retail sales, tasting, crushing, fermenting, blending, aging, storage, bottling, administrative functions and warehousing.” (et al)*

The legislative intent was to assign wineries to a single occupancy category thereby avoiding the unnecessary 2 to 3 hour fire-rated occupancy separations required by the 2003 IBC in effect at the time. Later editions of the IBC have greatly reduced or eliminated the fire rating of such occupancy separations with consideration given to similar fuel load conditions among certain occupancies and, in some cases, the presence of an automatic sprinkler system.

While the ORS 455.068 definition includes “tasting” areas in all wineries, the Oregon Wine Advocacy Council and other stakeholders agreed that certain fire, life-safety considerations should be applicable within the context of the building code. To that end, the following parameters were negotiated:

1. Tasting areas should be limited to a maximum occupant load of 299. Where tasting rooms exceed 299 occupants, those areas would be assigned an occupancy category of A-2 and the building reviewed as a mixed occupancy structure.
2. Wineries with a tasting room not exceeding 299 occupants may be considered as an “F-2” occupancy in their entirety where one of the following conditions exists;
  - a. An automatic sprinkler system is provided throughout the fire area.
  - b. Both an automatic fire alarm system with manual pull stations and a smoke detection system are installed throughout the building.

Boiler rooms and areas over 750 square feet where wine is stored in wood or cardboard cases are not exempt from separation requirements.

3. Wineries processing wine with more than a 16 percent alcohol by volume are properly classified as an “F-1” occupancy and should be separated from other occupancies and uses per the OSSC. Such wines are generally “fortified” with other alcohol as the natural wine fermenting process typically does not exceed 16 percent alcohol by volume.

The 2009 IBC fire-rated occupancy separations remain applicable for boiler rooms as well as storage areas where wine is stored in wood or cardboard as such materials can easily burn.

Previously, the Board approved the following definition for wineries for inclusion in OSSC section 202 as well as an amendment to OSSC section 306.3 clarifying that equipment, materials and supplies used directly in the production of wine with a 16-percent alcohol content by volume may be stored in a low-hazard winery (F-2) without classifying the area as storage.

***Existing code references;***

***Section 202:***

Winery. A facility used for the primary commercial purpose of processing grapes or other fruit products to produce wine or cider, including all areas used for the production, storage, distribution and sale of such wine or cider, including crushing, fermenting in wood or steel barrels, blending, aging, bottling, tasting rooms with an occupant load of

299 or less, warehousing, shipping, and retailing of wine, cider, and incidental items related to wine and cider and all associated administrative functions.

***Section 306.3:***

Wood barrel and bottled wine aging facilities in wineries

Missing from the board review was an amendment to section 508.1 clarifying that F-2 wineries are exempt from occupancy separation requirements where both an automatic fire alarm with manual pull stations and smoke detection system are installed throughout.

In addition, the hearings officer is recommending the addition of language to the winery definition in section 202 limiting the same to facilities producing wine or cider having a 16-percent or less alcohol content by volume. As noted above, wineries processing wine with more than a 16 percent alcohol by volume are properly classified as an “F-1” occupancy and should be separated from other occupancies per the OSSC.

**PROPOSED OREGON AMENDMENTS TO THE 2010 OSSC FOR CONCURRENCE:**

***Add the following modification to 2010 OSSC section 202:***

Winery. A facility used for the primary commercial purpose of processing grapes or other fruit products to produce wine or cider having a 16-percent or less alcohol content by volume, including all areas used for the production, storage, distribution and sale of such wine or cider, including crushing, fermenting in wood or steel barrels, blending, aging, bottling, tasting rooms with an occupant load of 299 or less, warehousing, shipping, and retailing of wine, cider, and incidental items related to wine and cider and all associated administrative functions.

***Add fourth exception to 2010 OSSC Section 508.1:***

4. Uses within a winery as defined in section 202 of this code are exempt from occupancy separation requirements where one of the following conditions exists:

4.1 An automatic sprinkler system is provided throughout the fire area.

4.2 Both an automatic fire alarm with manual pull stations and smoke detection system are installed throughout the building.

Boiler rooms and areas over 750 square feet where wine is stored in wood or cardboard cases are not exempt from separation requirements.

**Options:**

- Pass a motion concurring with the Hearings Officer’s recommendation, with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

- Suggest additional code language and pass a motion with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

**Recommendation:**

Pass a motion concurring with the Hearings Officer's recommendation, with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.