

### **Purpose**

To inform owners, contractors and the general public of community-specific considerations for alcohol production facilities and ancillary uses on ALR land in the District of Summerland. Building permit applicants who intend to construct or convert an existing building to an alcohol production facility should be ready to demonstrate how risk will be mitigated in consideration of the District of Summerland being served by a Volunteer Fire Department.

### **Agricultural Land Reserve Regulations**

The *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation* govern all uses located with the Agricultural Land Reserve (ALR). Applicants are expected to respect all applicable regulations and govern activities on the land accordingly. An alcohol production facility (brewery, cidery, distillery, meadery or winery) and ancillary uses are designated as farm uses for the purposes of the Act as long as at least 50% of the primary farm product used to make the alcohol product produced each year is grown on the farm on which the facility is located. Where the farm is greater than 2 hectares (4.94 acres) in area, the primary farm product may be supplemented by product from another farm located in BC under contract. Additional information is available in ALC Policy L-03 at: [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca).

The definitions of primary farm product, alcohol production facility and ancillary use contained in the *Act* and regulation are important to considering the uses generally under other relevant legislation such as zoning and building regulations.

Processing, storing and retail sales of an alcohol product produced by the facility and operating a food and beverage service lounge, if the area of the lounge does not exceed 125m<sup>2</sup> indoors and 125m<sup>2</sup> outdoors are defined as permitted ancillary uses. Specific regulations apply to gathering for an event on a farm where the event occurs outside of a licensed lounge. Applicants should consult the regulations and ALC Policy L-22 for further information regarding these provisions at: [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca).

The following information is based on the assumption that all relevant ALC regulations are satisfied.

### **Local Government Land Use Regulations**

ALC Policy L-03 Activities Designated as Farm Use: Alcohol Production Facilities in the ALR states that:

“Local Governments have the authority to regulate alcohol production facilities by setting a maximum building and/or floor area or maximum site coverage and setbacks to a total development area no greater than 1.0 ha or 5% of the parcel, whichever is less. Local governments may also regulate with regard to health and safety, parking, lighting, hours of operations, noise, access for police, fire and emergency vehicles and so on.” (p.7)

Several different bylaws respond to these issues.

### **The Zoning Bylaw**

The District of Summerland regulates land use in part through the Zoning Bylaw. The information provided in this bulletin assumes that the land on which the alcohol production facility is proposed is zoned for agricultural uses: A1 Agricultural Small Acreage Zone or A2 Agricultural Large Acreage Zone. Brewing & Distilling and Winery & Cidery are permitted accessory uses in each of these zones. Setbacks to lot lines and parking requirements are addressed in the Zoning Bylaw.

### **The Building Bylaw**

The District of Summerland regulates the construction and use of buildings and structures for the health, safety and protection of persons and property via the Building Bylaw and the *Fire Services Act*. In accordance with provincial legislation, the Building Bylaw reflects the *British Columbia Building Code*.

A number of factors influence the application of the *Building Code* and *Fire Services Act*. Building design should be guided by the answers to the following questions:

**1. How many and what types of uses are accommodated in the building?**

**Single use**

Where the use of a building is limited to a single use, the occupancy classification for the purposes of the Building Code are determined by that use. A distillery is classed as an F1 Major Occupancy classification and a brewery, cidery or winery are either F2 or F3 Major Occupancy classifications depending on the amount of combustible material stored. A building containing only a tasting room would be classified as an A2 (Assembly) Major Occupancy classification.

**Multiple uses**

Where a single building accommodates more than one use or occupancy, such as the case when an alcohol production facility and a tasting room are contained in a single building, a combination of factors determines the applicable code requirements. Fire separation, fire suppression, access and egress (exiting) are the primary concerns.

*Note: Depending upon the regulation being considered, the terms ancillary (ALC), accessory (Zoning Bylaw) and subsidiary (BCBC) are variously used; however, they have the same meaning in practice.*

The ALC requirement that at least 50% of the primary farm product used to make an alcohol product be grown on the farm on which the production facility is located means that the alcohol production facility is secondary to an established primary agricultural use.

The ALC defines several activities as acceptable ancillary uses at an alcohol production facility, including but not limited to the retail sales of alcohol products produced in the facility. Generally, retail sales include a "tasting room" operated in compliance with Liquor Control and Licensing regulations. It follows that, that the floor area devoted to production would be greater than the floor area devoted to retail sales and the "tasting room". Conversely, the size of the tasting room should be commensurate with the size of the production facility.

**Fire Protection**

**2. Is the building located within a 10-minute response time for fire protection?**

**Yes**

Where the building is located within the Fire Department's 10-minute response zone this factor is not an issue.

**No**

Where the building is located outside of the Fire Department's 10-minute response zone the design of the building should reflect a level of risk mitigation commensurate with the scale of the operation.

### **Mitigating Risk**

**Risk may be mitigated by a variety of means including but not limited to:**

1. Installation of a fire suppression/sprinkler system;
2. Construction of a fire separation between different major occupancy classifications, particularly between assembly and production uses; or
3. Some combination of fire and physical separation that limits the exposure of the people in the tasting room to the hazards present in the production area.

### **Additional Considerations**

The answers to several additional questions may inform building design to mitigate the risk associated with fire and life safety issues resulting from longer emergency response times. Applicants should demonstrate how the proposed design will achieve fire and life safety objectives at least equivalent to the Building Code, in conformance with BCBC Section 2.3.1.1.

#### **4. If the building existing or new?**

**New** Where a new building is purpose-built it is strongly recommended that fire suppression system be installed to minimize risk.

**Existing** Where an existing building is being re-purposed it may be more practical to consider construction of a fire separation between the assembly and production uses to minimize risk.

NOTE: Whether new or existing, the Fire Chief has the authority to specify requirements under the *Fire Services Act*. A Fire Protection Engineer may be required to calculate the fire load and establish the minimum code standard applicable.

#### **5. Is there a physical separation proposed between the production area and the tasting area?**

**Yes** Where a physical separation is proposed between the production and tasting areas consideration will be given to fire resistance rating of that separation.

**No** Where no physical separation is proposed between the production and tasting areas, consideration will be given to the amount of space available to accommodate people tasting product.

#### **6. Is there a physical constraint that limits occupant load?**

**Yes** Where the space available to be used to accommodate people tasting product, whether by creating a separate "tasting room" or by practical limits and/or physical constraints such as by the size of the area, there may be an opportunity to consider combining uses without a physical separation.

**No** Where the space available in the production area for people to gather is not constrained to limit practical use of the space for assembly class uses, a physical separation must be created. At a minimum, the "tasting room" must be physically separated by a permanent barrier from the production space. In specific circumstances it may be necessary to construct a full one-hour fire separation.