

FARM BREWERY STUDY GROUP

June 23, 2021

Minutes

10:00 AM

The meeting was called to order by Councilman Robert Wagner at 10:05 AM.

Membership (Nine members pursuant to Bill 21-012)

- 2 Council Members
 - Robert Wagner
 - Tony Giangiardano
- Representative of the Harford County Sheriff's Office
 - Erik Robey
- Member of the Farm Bureau
 - Michele Magness Hill
- Member of the Farming Community
 - Alice Archer
- Representative, Harford County Department of Planning & Zoning
 - Jenny Jarkowski, Director
- Representative, Harford County Inspections, Licenses & Permits
 - Paul Lawder, Director
- Representatives of the Farm Brewery Industry
 - Kevin Atticks – Executive Director, Brewers Association of Maryland
 - Alex Galbreath – President, Falling Branch Brewery

All members present with the following exceptions. Janna Howley attended, representing Kevin Atticks, who was unavailable. Erik Robey arrived at 10:35 AM.

Mission - This group has been tasked to study the shortcomings of the farm brewery process which have been identified over the years and not a discussion of specific facilities or projects.

The original legislation dates back to 2015 and several breweries have opened since that time. The moratorium was crafted so that projects which were in the process of receiving necessary approvals but had not yet commenced operation would not be negatively affected. Also, the moratorium would not apply to a farm which had received a Harford County Agricultural Grant for the purpose of establishing a farm brewery as a supplement to an existing farming operation.

Bill No. 15-039 (as amended) defines:

***"FARM BREWERY"** – An agricultural processing and manufacturing facility located on a parcel with equipment, components and supplies used for the processing, production and packaging of malt based liquors such as beer, ale, porter, stout and similar grain based beverage on the premises with ingredients being grown on the property on which the facility is located. Said*

facility shall also include product tasting and may include, among other things, product sales and site tours. Other farm brewer activities may include, but not be limited to, associated cooking, fermenting, bottling, storage, aging, shipping and receiving.”

Topics to consider:

- Minimum acreage - suggested 25-30 acres. (Parking, possible outdoor venue space, and a structure would need approximately this much space.)
- Need to be a supplemental use to an agricultural operation.
- Music
- Hours of operation
- Parking
- Relationship to other adjoining residences/properties
- Ingress and Egress
- Possible improvements made to farm lane access.
- When minimum acreage is determined, suggest it line up with other programs (such as, MALF)
- The intent of the original legislation was that the operation of a farm brewery would be secondary to the farming operation.
- Beer should be produced on the property.
- It was discussed that the growing of all ingredients for the beer (example: hops and barley) on the property becomes very difficult due to Maryland's climate. This places Harford County's breweries at a major disadvantage to other breweries in the state.
- Perhaps a discussion that the final product is produced on the property but have the ability to import ingredients?
- Has Planning and Zoning discussed percentages of farm income and the supplemental business income side? Enforcement would be very difficult.
- A “value added” supplemental business supports the farm and assists with profitability.

- Change in zoning designation for this particular use? This could be discussed.
- Permits are issued according to Code so there is no exception for individual uses. The design professional takes responsibility for the building. Is there a difference in a new structure or converting an existing structure? The same standards are used.
- Minimum setbacks – start with 100 ft. from property line?
- Buffering – landscaping, etc.
- Bars are regulated by the Liquor Control Board. Breweries are regulated by the Comptroller. Standards are not identical.
- Are farm breweries permitted on agriculturally preserved lands? Yes. What happens if the farmer stops farming?
- For MALF properties you have to go to Maryland Agricultural Land Foundation and request their approval for farm brewery. Its not a guarantee. For the county program, farmers apply for the brewery license through the county. Rural Legacy properties are not allowed to do anything like this at all, no commercial ventures at all.
- Some of the factors being discussed are already in the current legislation but may need to be more specific.
- Previous legislation stated you need to grow “primary” ingredients, but “primary” was removed by amendment, so it just says you need to grow an ingredient which could be one hops bush. Grain would need to be that ingredient if using the word “primary”. Hops are difficult to grown in our climate. Cascade hops have done well. A wide variety of hops is used for flavor and characteristics. Fruit is a great example of an ingredient which may be grown local.
- Acreage – need to keep in mind what the “neighborhood” looks like, northern end of the county very different from southern end.
- Roughly 20 acres is the actual land required for operation of a brewery, from seating, parking, taproom, etc.
- On a busy Saturday, there could be 500 people spread out on 20 acres.
- Can a brewery operate on land separate from the main farm being operated? Is that regulated?

- Are there capacity limits on the brewery building? There is an occupant load on every structure.
- Who designates the number of parking spaces? Development Advisory Committee may specify a required number of spaces with overflow on the grass and field.
- Need to keep flexibility for indoor/outdoor spaces.
- Farm market legislation required a certain percentage of the farm's own product to be grown on his "owned or leased" property for sale but it didn't need to be on contiguous land.
- Different counties have different acreage requirements (4-5 acres to 25 acres).
- Your size is restricted by your footprint.
- The Sheriff's Office receives very few law-enforcement calls for the breweries.
- "Active farming" operation
- Proof of ownership of property or long-term lease
- No significant complaints about traffic exiting breweries.
- Invite Health Department to next meeting to speak to pertinent issues...septic, food, potable water, plumbing, restrooms, etc.
- Difference between craft brewery and farm brewery may pertain to their location within the county.
- Questioned if there are residency requirements. Section 267-73 contains the current general provisions.
- Over-regulation may push new breweries to locations outside of Harford County.
- There are many stages to approval of a brewery...site plan approval at Department of Planning and Zoning, Health Department, Inspections Licenses and Permits, Fire Marshall, federal license (TTB) and Maryland Comptroller licensure.
- Can a distillery be combined with the brewery? At this moment, the intent of this study group is to look at the farm breweries. That may be a discussion for the future.
- Last year Maryland introduced a "farm alcohol producer definition".

Meeting adjourned at 11:00 AM