

## **FARM BREWERY STUDY GROUP**

Report to the Harford County Council – August 10, 2021

### **LEGISLATIVE ACTIONS**

**Bill No. 15-039** (as amended) (effective February 16, 2016) provided a definition of farm brewery and requirements for the operation of a farm brewery.

- **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.

**Bill No. 19-015** added definitions for micro brewery, production brewery, pub brewery, full distillery and limited distillery, none of which are the topic of the farm brewery study group.

**Bill No. 21-012** (became law on June 11, 2021) established a 120-calendar day temporary moratorium on the approval of site plans and issuance of building permits for the construction of new farm breweries with the county during which the county shall not accept or issue applications for final site and building plan approval, building permits, and other permits and approvals related to the construction of any new farm brewery on agriculturally zoned property.

### **SUMMARY – Farm Brewery Study Group**

In order to provide for the orderly development of farm breweries, a temporary moratorium was approved.

The moratorium shall not apply to:

- 1) Any operating farm brewery
- 2) The lawful use of any farm brewery which has received all necessary permits and approvals from the county but has not yet commenced operation

- 3) Any farm which has received a Harford County Agricultural Grant for the purpose of establishing a farm brewery as a supplement to an existing farm operation prior to the effective date of this Act.

A study group of 9 members was appointed:

- 2 Council Members
  - Robert Wagner
  - Tony Giangordano
- 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

The Farm Brewery Study Group shall study the placement, construction, minimum acreage, and operation of farm breweries and any other issue related to a farm brewery which the group determines to be relevant.

The study group shall present to the County Council its report, including any recommendations, within 80 days of the date this Act becomes law.

### **REPORT AND RECOMMENDATIONS:**

The study group met June 23, July 12 and August 4 and discussed the current operation of farm breweries and the criteria which needed to be further examined.

- (a) Adequate parking shall be provided on-site and screened from any off-site residence. No off-site parking permitted.
- (b) The property shall be at least 25 acres and owner occupied and owner operated.

- (c) The farm brewery shall produce at least two acres of grain, hops, fruit, or other ingredient, excluding water, that is utilized to produce alcohol. Notwithstanding the above, the crops utilized to produce alcohol may be grown on-site or off-site as long as the off-site farm is owned, occupied and operated by the applicant (or by the owner of the farm brewery/subject property. *(There must be a tie in the legislation specifically saying the owner of the property that is applying to actually develop the farm brewery also has to be the owner/occupier/operator of the off-site farm as well.)*)
- (d) Hours of operation are permitted between 10:00 a.m. and 10:00 p.m.
- (e) Any enclosed structure, or portion thereof, to be used for tastings, sales and events shall not exceed 2,500 square feet. Calculation of the 2,500 square feet devoted to tastings, sales and events will be based on the floor area devoted to customer service, excluding restrooms and storage.
- (f) The minimum setback from any lot line for any building used in connection with the farm brewery shall be 300 feet.
- (g) If there is more than one property owner who has a right to use a private road that serves the farm brewery, the owner of the farm brewery shall provide affidavits of support from all of the other owners who are permitted to use the private road. The affidavits shall be approved as to form by the Department of Planning and Zoning prior to signature.
- (h) Events designed to promote the farm brewery shall be permitted on the property, subject to the applicable requirements and conditions set forth in The Alcoholic Beverages Article of the Maryland Annotated Code, as amended.
- (i) The owner shall obtain all other necessary and required Federal and State licenses and approvals prior to operating.