

**House Bill 722 MC 16-12 Enforceability of Recorded Covenants and Restrictions-  
Agricultural Activities and Structures**

Good afternoon members of the Committee, I am Jeremy Criss Agricultural Services Manager with the County DED.

I am responsible for the administration of our farmland preservation programs where we purchase agricultural preservation easements on farm properties in the agricultural zone to prevent develop and protect farmland for future food and fiber production.

The DED must complete title reports on all properties that are considered for preservation and we have found many cases where covenants encumbered these properties.

Examples include gas line easements, power line easements, ingress and egress easements for access and we have also found cases involving private covenants.

We have seen cases where private covenants restrict or prevent develop and therefore we cannot use public resources to purchase agricultural easements to protect farmland where private covenants already restrict or prevent this development.

Please understand that the Keith Ohingler property is only one of many properties that would be impacted by this legislation.

Private covenants are governed by the property owner or an HOA and therefore they are not enforced by government or required to be kept in any type of data base.

Declarations are usually recorded in the land records after the MNCPPC approves the record plat of subdivision and therefore not considered as part of the record plat process. It is my understanding this situation applies to the Rolling Hill Lane development.

The RDT zone is legally designated as agricultural zone for the industry and business of agriculture and it is not a residential zone.

There is an on going disconnect between the residents that live in this agricultural zone and the farmers that make a living farming in the agricultural zone. Hold up the Bethesda Magazine article on page 122-123.

The County enacted Bill 12-07 which requires that all residents moving to the agricultural zone must sign a real estate disclosure at settlement stating they have read and understand the Legislative Intent of the RDT zone where agriculture is the preferred use and agricultural operations are permitted at all times. This legislative intent represents our Right to Farm legislation in Montgomery County which is one of the strongest laws state.

We need your support to protect the agricultural reserve to reduce the conflicts and challenges that farmers encounter.

I have worked for the County for 23 years helping farmers make business decisions and they need your back and support to remain viable in Montgomery County where we have the highest population in the state.

Thank you and I would be happy to answer any questions that you may have.

**HB 723-MC 7-12 On-site Sewage Disposal and Well Easements-Rural Zones**

Good Afternoon members of the Committee and thank you for this opportunity to present a statement of support for HB 723 regarding well and septic easements.

HB 723 is identical to House Bill 536 that failed on the last day of the 2011 Session.

Montgomery County has approved septic easements for over 40 years without incident.

Septic easements help to achieve our public policy for Agricultural Land Preservation.

Septic easements help to alleviate the challenges of the soil conditions in Montgomery County for percolation testing.

Septic easements help to reduce the size of proposed lots on farms.

Keeping the lot size small helps retain more land for agricultural production.

Prohibiting septic easements will cause the size of lots to increase.

HB 723 will only apply to Montgomery County in the rural and agricultural zones.

HB 723 will only allow one well/septic easement from the parent property.

HB 723 will only apply to properties that are encumbered by agricultural preservation easements.

Thank you and I will be happy to answer any of your questions.