

(Attachment F.)



AGRICULTURAL ADVISORY COMMITTEE

November 30, 2011

The Honorable:  
Senator Jamie Raskin, Chairman  
Delegate Brian Feldman, Chairman  
Montgomery County Delegation

Dear Senator Raskin and Delegate Feldman: RE: MC 7-12 On-site Sewage Disposal and Well Easements-Rural

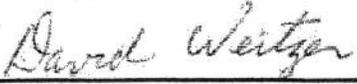
On Behalf of the Montgomery County Agricultural Advisory Committee please accept this letter in support of Bill MC 7-12 for On-site Sewage Disposal Systems and Well Easements in Rural zones.

This bill is identical to House Bill 536 that was considered during the 2011 Legislative Session and unfortunately died on the last day of the session. The AAC strongly supports this MC 7-12 as it will help to reduce the size of proposed lots in the Rural zones which will help to retain more acres available for agricultural production. The continued use of septic easements in Montgomery County will help us to achieve our public policy for the protection of the Agricultural Reserve and simultaneously allow property owners to exercise their property-equity rights.

Montgomery County has used the septic easements for over 40 years and our record shows that septic easements can be achieved without incident or conflict between property owners. The MC 7-12 will pertain only to the Rural zones of the County where the development densities are lower. The MC 7-12 limits properties to only one septic easement and the property must be encumbered by an agricultural preservation easement. These conditions will help to permit the use of septic easements on properties where they are needed the most and where agricultural operations are preferred.

Thank you for this opportunity to understand the views of the Montgomery County Agricultural Advisory Committee regarding MC 7-12.

Sincerely,

  
David Weitzer, Chairman, AAC

(Attachment F.)

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

Thank you for this opportunity to present the views of the Montgomery County Agricultural Advisory Committee on MC 7-12 regarding well and septic easements.

MC 7-12 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.

MC 7-12 will only apply to Montgomery County in the rural and agricultural zones.

MC 7-12 will only allow one well/septic easement from the parent property.

MC 7-12 will only apply to properties that are encumbered by agricultural preservation easements.

Thank you again for hearing the views of the Montgomery County Agricultural Advisory Committee.

(Attachment F.)



AGRICULTURAL ADVISORY COMMITTEE

November 30, 2011

The Honorable:  
Senator Jamie Raskin, Chairman  
Delegate Brian Feldman, Chairman  
Montgomery County Delegation

Dear Senator Raskin and Delegate Feldman:                   RE: MC16-12 Enforceability of Recorded  
Covenants and Restrictions-Agricultural  
Activities and Structures

On behalf of the Montgomery County Agricultural Advisory Committee, please accept this letter in support of the proposed Bill MC 16-12 Enforceability of Recorded Covenants and Restrictions for Agricultural Activities and Structures.

The Rural Density Transfer-RDT Zone of Montgomery County is legally designated as an Agricultural zone where agricultural uses are the preferred use. The legislative Intent of the RDT zone states that all agricultural operations are permitted at any time. With this understanding in mind, the AAC strongly supports MC 16-12 as it will help to solidify the intent of the RDT zone and prevent covenants and restrictions being recorded that prohibit or limit the extent of agricultural activities and structures. The MC 16-12 will help to further strengthen the intent of the RDT zone and the 561 farming operations that currently exist in Montgomery County.

Agriculture is the number 1 industry in the State of Maryland and while Montgomery County has the highest population in the State, we are proud that are our Agricultural Reserve encompasses nearly 1/3 of Montgomery County totaling 93,000 acres. The MC 16-12 will serve as an important tool to help fulfill the legislative intent of the RDT zone and keep agriculture viable in Montgomery County.

Thank you for this opportunity to understand the views of the Montgomery County Agricultural Advisory Committee regarding Bill MC 16-12.

Sincerely,

David Weitzer, Chairman, AAC

(Attachment F.)

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

Thank you for this opportunity to present the views of the Montgomery County Agricultural Advisory Committee on MC 16-12 regarding Agricultural activities and structures on properties encumbered by Transferable development rights.

Agriculture is the largest commercial industry in the State of Maryland and while Montgomery County has the highest population in the State, we are proud to also have 1/3 of the County- 93,000 acres designated in the Agricultural Reserve.

MC 16-12 will help to fulfill the legislative intent of the Rural Density Transfer zone which is commonly called the Agricultural Reserve.

Montgomery County created the Agricultural Reserve 31 years ago and we are acknowledged nationally for our public policy for agricultural preservation.

MC 16-12 will help to promote and protect agricultural activities and structures on properties encumbered by TDR easements that set forth a procedure for the preservation of agricultural land.

MC 16-12 will help to prevent recorded covenants that are in conflict with the right to farm and to conduct an agricultural operation.

MC 16-12 will provide another means to help farmers in Montgomery County do what they do best in Growing food.

Thank you again for hearing the views of the Montgomery County Agricultural Advisory Committee.