

# Farmer fights for right to farm in MontCo Ag Reserve

By: [Rachel Baye](#) | 02/04/12 8:05 PM

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A farmer in Montgomery County's Agriculture Reserve caused an uproar among his neighbors when he tried to fence in his front yard, a step he says is necessary for him to raise livestock. The dispute has inspired state legislation and a battle in Montgomery County Circuit Court.

When Keith Ohlinger bought the property near Laytonsville, the person who sold it failed to mention a covenant in place since August 1980 that prohibits homeowners from fencing in their front yards, said Ohlinger's attorney, Michele Rosenfeld.

The covenant -- written before the county established the Agriculture Reserve to protect farming -- prevents homeowners from making "improvements of any type," including building fences, sheds, barns or other outside buildings without the approval of the neighbors. Fences in the front yard are strictly prohibited.

The neighbors threatened to sue if Ohlinger proceeded with his plans, Rosenfeld said, and Ohlinger is now pursuing a suit against the previous owners.

In addition, state Sens. Rob Garagiola, D-Gaithersburg/Rockville, and Karen Montgomery, D-Eastern County, plan to introduce a bill on Monday that would make covenants restricting farming in the Agriculture Reserve unenforceable. It would retroactively affect existing covenants.

But the neighbors don't intend to prevent Ohlinger from farming, said Greg Scace, one of the neighbors. They just don't want him to mar the picturesque neighborhood by fencing his front yard.

The neighbors support an amendment to the bill proposed by Garagiola and Montgomery that would remove the retroactive nature of the bill, Scace said, meaning it wouldn't apply in Ohlinger's case.

"Compromising doesn't seem to be what he wants to do," Scace said. "The fight about the fence is mostly a fight about the open space character of the front of houses."

Ohlinger tells a different story. In a video online, he describes his neighbors' anger when he replaced "beautiful golf course grass" with a wildflower meadow and spent an extra \$7,000 on a gate for his fence to get one that would look less industrial.

Ohlinger raises turkeys, chickens and pigs, and he wants to put in an orchard, said Caroline Taylor, director of the Montgomery Countryside Alliance, which lobbies for agricultural issues in the county. Taylor has been leading the charge for state lawmakers to pass the proposed bill.

The covenant may be legal but it's wrong for the Agriculture Reserve, said County Councilman Craig Rice, D-Germantown who represents the Agriculture Reserve area.

"The right to farm in the Agriculture Reserve is imperative," Taylor said. "If they can't farm here, where can they farm?"

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