Title of Bill: Agricultural Preservation District – Darrell and Eva Byerly - Byerly Farm

Synopsis: A Bill to approve the petition of Darrell and Eva Byerly for property, located at 1285 Cecilton-Warwick Road, Warwick, Maryland, 21912, (Acres: 302.34, Election District 1, Tax Map 58, Grid 22 and 16, Parcels 13, 73, and 62), requesting the establishment of an agricultural preservation district.

Introduced by: Council President at the request of the County Executive

Introduced and order posted on: September 1, 2020

Public hearing scheduled on: October 6, 2020 at 7:00 p.m.

Consideration scheduled on: October 20, 2020

By: Council Manager

PUBLIC HEARING

Notice of time and place of public hearing and title of Bill having been posted by September 1, 2020, at the County Administration Building, 200 Chesapeake Blvd., Elkton, and having been published according to the Charter on September 23, 2020 and September 30, 2020, a public hearing was held on October 6, 2020 and concluded on October 6, 2020.

By: Council Manager

Explanation: CAPITAL LETTERS INDICATE LANGUAGE ADDED TO EXISTING DOCUMENT
Strike-through indicates language deleted from existing document
Underlining indicates language added to document by amendment.
Double Strike-through indicates language stricken from document by amendment.
WHEREAS, pursuant to Sections 2-501 and 2-502 of the Agriculture Article of the Annotated Code of Maryland, the Maryland Agricultural Land Preservation Foundation (MALPF) was established in the Department of Agriculture to protect agricultural land and woodland as open-space land; and

WHEREAS, pursuant to Section 2-504.1(a), in each county containing productive agricultural land, the county governing body shall appoint an agricultural preservation board; and

WHEREAS, the county agricultural land preservation board shall advise the county governing body with respect to the establishment of agricultural districts; and to approve or disapprove an application for certification; and

WHEREAS, pursuant to Section 2-509(b)(1-2) one or more owners of land actively devoted to agricultural use may file a petition with the county governing body requesting the establishment of an agricultural district; and shall refer the petition or application to the county agricultural land preservation board and to the county planning and zoning body; and

WHEREAS, the county agricultural land preservation board shall advise the county governing body as to whether or not the land in the proposed district or proposed easement meets the qualifications established by MALPF; and whether or not the board recommends establishment of the district; and

WHEREAS, the county planning and zoning body shall advise the local governing body as to whether or not establishment of the district is compatible with existing and approved county plans and overall county policy, and whether or not the planning and zoning body recommends establishment of the district; and

WHEREAS, if either the county agricultural land preservation board or the planning and zoning body recommends approval, the county governing body shall hold a public hearing on the petition; and

WHEREAS, the county governing body shall render a decision as to whether or not an agricultural district shall be established for this petition or application; and

WHEREAS, the Cecil County Department of Land Use and Development Services has recommended approval of the petition of Darrell and Eva Byerly for property located at 1285 Cecilton-Warwick Road, Warwick, MD 21912, (Acres 302.34, Election District 1, Tax Map 58, Grid 22 & 16, Parcels 13, 73 & 62); and

WHEREAS, the Cecil County Agricultural Land Preservation Advisory Board has recommended approval of the petition of Darrell and Eva Byerly for property located at 1285 Cecilton-Warwick Road,
WHEREAS, the Cecil County Planning Commission has recommended approval of the petition of Darrell and Eva Byerly for property located at 1285 Cecilton-Warwick Road, Warwick, MD 21912, (Acres 302.34, Election District 1, Tax Map 58, Grid 22 and 16, Parcels 13, 73 and 62); and

WHEREAS, pursuant to Section A385-3 Standards, in Chapter A385. Purchase of Development Rights Program and Fund, in the Code of Cecil County, the Cecil County Purchase of Development Rights Program allows a landowner the option of establishing an agricultural preservation district, a minimum of five-year agreement by the landowner not to develop the land and sets standards.

NOW, THEREFORE, BE IT HEREBY ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND, that the petition of Darrell and Eva Byerly for property located at 1285 Cecilton-Warwick Road, Warwick, MD 21912, (Acres 302.34, Election District 1, Tax Map 58, Grid 22 and 16, Parcels 13, 73 and 62) is approved for the establishment of an agricultural preservation district.

AND BE IT FURTHER ENACTED that this Act shall take effect in 60 calendar days from the date it becomes law.

CERTIFICATION

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.

[Signature]

BY Council Manager
BILL NO: 2020-11

Title of Bill: Agricultural Preservation District – Darrell and Eva Byerly – Byerly Farm
is hereby submitted to the County Council of Cecil County, Maryland for enrollment as being the text
as finally passed.

CERTIFIED TRUE AND CORRECT

James Massey
Council Manager
Date: October 20, 2020

ENROLLED

Council President
Date: October 20, 2020

BY THE COUNCIL

Read the third time.

Passed – LSD 2020-22

Failed of Passage – LSD __________

BY: James Massey
Council Manager

SEALED WITH THE COUNTY SEAL AND PRESENTED TO THE COUNTY EXECUTIVE for approval this
22nd day of October, 2020 at 4:30 am/pm
(within 10 business days from adoption §306)

BY: James Massey
Council Manager

BY THE EXECUTIVE:

Cecil County Executive

APPROVED Date: 10/22/20

VETOED Date: ________________
(within 10 business days from presentation §306)

BY THE COUNCIL

Bill No. 2020-11 having been approved by the Executive and returned to the Council becomes law
on October 22, 2020 with an effective date of December 21, 2020

BY: James Massey
Council Manager