

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 2016-13**

BILL NO. 2016-15

Title of Bill: Approval - Maryland Agricultural Land Preservation Foundation - Losten's Dairy

Synopsis: A Bill to approve the application of Losten's Dairy for the properties of 1059 Biddle Street, 1195 Augustine Herman Highway, & 3777 Augustine Herman Highway, (Tax Map 38, 39, 44 & 48, Parcels 2, 5, 6, 266, 313, 406, 460,& 483) requesting a recommendation of approval to submit an application for the purchase of an easement to the Maryland Agricultural Land Preservation Foundation.

Introduced by: Council President on behalf of the County Executive

Introduced, read first time and ordered posted on: July 5, 2016

Public hearing scheduled for: August 2, 2016 **at:** 7:00 p.m.

Consideration scheduled on: August 16, 2016

By: _____
Council Manager

Public Hearing

Notice of time and place of public hearing and title of Bill have been posted by _____ at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on _____, a public hearing was held on ____, and concluded on_____.

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.

Approval - Maryland Agricultural Land Preservation Foundation - Losten's Dairy

1 **WHEREAS**, pursuant to Section 2-501-502 of the Agriculture Article of the Annotated Code of
2 Maryland, the Maryland Agricultural Land Preservation Foundation (MALPF) was established in the
3 Department of Agriculture to protect agricultural land and woodland as open-space land; and

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

6 **WHEREAS**, the county agricultural land preservation board shall advise the county governing body
7 with respect to the establishment of agricultural districts and the approval of purchases of easements by
8 the Foundation within the County; and

9 **WHEREAS**, pursuant to Section 2-509(b)(1-2) one or more owners of land actively devoted to
10 agricultural use may file a petition with the county governing body requesting the purchase of an easement
11 by the Foundation on the land owned by the applicants; and said application shall be referred to the county
12 agricultural land preservation board and to the county planning and zoning body; and

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

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

20 **WHEREAS**, pursuant to Section 2-509(b)(3) if either the county agricultural land preservation board
21 or the planning and zoning body recommends approval, the county governing body shall hold a public
22 hearing on the application;

23 **WHEREAS**, pursuant to Section 2-509(b)(5) the county governing body shall render a decision as to
24 whether or not the petition or application shall be recommended to MALPF for approval; and

25 **WHEREAS**, if the county governing body decides to recommend approval of the petition or
26 application, it shall notify MALPF and forward the petition or application and all accompanying materials,
27 including the recommendations of the county agricultural land preservation board and county planning and
28 zoning body; and

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29 **WHEREAS**, the Cecil County Agricultural Land Preservation Advisory Board has recommended
30 approval of the application of Losten's Dairy for the properties of 1059 Biddle Street, 1195 Augustine
31 Herman Highway, 3777 Augustine Herman Highway, (Tax Map 38, 39, 44 & 48, Parcels 2, 5, 6, 266, 313,
32 406, 460,& 483); and

33 **WHEREAS**, the Cecil County Office of Planning and Zoning has recommended approval of the
34 application of Losten's Dairy for the properties of 1059 Biddle Street, 1195 Augustine Herman Highway,
35 3777 Augustine Herman Highway, (Tax Map 38, 39, 44 & 48, Parcels 2, 5, 6, 266, 313, 406, 460,& 483); and

36 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,**
37 that the application by Losten's Dairy for the properties of 1059 Biddle Street, 1195 Augustine Herman
38 Highway, 3777 Augustine Herman Highway, (Tax Map 38, 39, 44 & 48, Parcels 2, 5, 6, 266, 313, 406, 460,&
39 483) is hereby recommended; and

40 **BE IT FURTHER RESOLVED** that the petition be forwarded to the Maryland Agricultural Land
41 Preservation Foundation for their approval.

42 **AND BE IT FURTHER ENACTED** that this Act shall take effect 60 calendar days from the date it
43 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.

BY: Council Manager