

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND**  
**LEGISLATIVE SESSION 2020-19**  
**BILL NO. 2020-11**

**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: James Massey  
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: James Massey  
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.

1           **WHEREAS**, pursuant to Sections 2-501 and 2-502 of the Agriculture Article of the Annotated Code  
2 of 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 to approve or disapprove an application for  
8 certification; 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 establishment of an  
11 agricultural district; and shall refer the petition or application to the county agricultural land preservation  
12 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 body 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  
19 the district; and

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

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

24           **WHEREAS**, the Cecil County Department of Land Use and Development Services has  
25 recommended approval of the petition of Darrell and Eva Byerly for property located at  
26 1285 Cecilton-Warwick Road, Warwick, MD 21912, (Acres 302.34, Election District 1, Tax Map 58,  
27 Grid 22 & 16, Parcels 13, 73 & 62); and

28           **WHEREAS**, the Cecil County Agricultural Land Preservation Advisory Board has recommended  
29 approval of the petition of Darrell and Eva Byerly for property located at 1285 Cecilton-Warwick Road,

30 Warwick, MD 21912, (Acres 302.34, Election District 1, Tax Map 58, Grid 22 and 16, Parcels 13, 73 and  
31 62); and

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

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

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

43           **AND BE IT FURTHER ENACTED** that this Act shall take effect in 60 calendar days from the date it  
44 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

**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**

**ENROLLED**

James Massey  
Council Manager

[Signature]  
Council President

Date: October 20, 2020

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

22<sup>nd</sup> day of October, 2020 at 4:30 am/pm.  
(within 10 business days from adoption §306)



BY: James Massey  
Council Manager

BY THE EXECUTIVE:  
[Signature]  
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