

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND  
LEGISLATIVE SESSION 2022-05**

**BILL NO. 2022-02**

**Title of Bill:** Agricultural Land Preservation District – Marybeth and William Preston - Preston Farm

**Synopsis:** A Bill to approve the petition of Marybeth and William Preston for property located at 160 Spence Road, North East, MD 21901, (Acres 46.004, Election District 5, Tax Map 36, Grid 24, Parcels 153 and 577), requesting the establishment of an agricultural preservation district.

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

**Introduced and order posted on:** March 1, 2022

**Public hearing scheduled on:** April 5, 2022 at 7:00 p.m.

**Consideration scheduled on:** April 19, 2022

By: \_\_\_\_\_  
Council Manager

**PUBLIC HEARING**

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

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.

**Agricultural Land Preservation District – Marybeth and William Preston – Preston Farm**

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 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 Marybeth and William Preston for property located at 160  
26 Spence Road, North East, MD 21901, (Acres 46.004, Election District 5, Tax Map 36, Grid 24, Parcels 153  
27 and 577); and

28           **WHEREAS**, the Cecil County Agricultural Land Preservation Advisory Board has recommended  
29 approval of the petition of Marybeth and William Preston for property located at 160 Spence Road,

**Agricultural Land Preservation District – Marybeth and William Preston – Preston Farm**

30 North East, MD 21901, (Acres 46.004, Election District 5, Tax Map 36, Grid 24, Parcels 153 and 577); and

31 **WHEREAS**, the Cecil County Planning Commission has recommended approval of the petition of  
32 Marybeth and William Preston for property located at 160 Spence Road, North East, MD 21901, (Acres  
33 46.004, Election District 5, Tax Map 36, Grid 24, Parcels 153 and 577); and

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

38 **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**  
39 **MARYLAND**, that the petition of Marybeth and William Preston for property located at 160 Spence Road,  
40 North East, MD 21901, (Acres 46.004, Election District 5, Tax Map 36, Grid 24, Parcels 153 and 577); is  
41 approved for the establishment of an agricultural land preservation district.

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

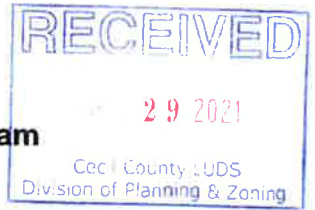
**CERTIFICATION**

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



**Cecil County, Maryland  
Agricultural Land Preservation District Program  
Property Description**



*Please complete this form as thoroughly and accurately as possible. Attach separate sheets if necessary. Please contact the Office of Planning & Zoning at 410-996-5220 with any questions*

1. Applicants Name(s):  
(All Owners of Record)

MARYBETH Preston  
Owner's Name (Primary Contact)

WILLIAM Preston      SPOUSE  
Owner's Name      Relationship to Primary Contact

\_\_\_\_\_  
Owner's Name      Relationship to Primary Contact

\_\_\_\_\_  
Owner's Name      Relationship to Primary Contact

2. Full Name(s) of  
Applicants(s) Children:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Telephone Numbers:

Home: \_\_\_\_\_ Work: \_\_\_\_\_  
Cell: 610-389-4556      Other: 484-796-1338

4. Email Address:

Primary: HikerMB@GMAIL.com      Other: BILL.F.PRESTON1@GMAIL.com

5. Mailing Address:

PRESTON FARM  
Farm Name (if applicable)

160 Spence DR  
Street or Post Office Box Number

NORTH EAST      MD      21901  
City      State      Zip Code

6. Property Address:  
(If different than  
mailing address)

\_\_\_\_\_  
Farm Name (if applicable)

\_\_\_\_\_  
Street or Post Office Box Number

\_\_\_\_\_  
City      State      Zip Code

7. Total Acreage:

45

8. Deed References:

\_\_\_\_\_

9. Land Use: *To be completed by Staff*

A. LAND USE	ACRES	USDA CAPABILITY CLASS					USDA WOODLAND GROUP		
		I	II	III	IV	V - VII	1	2	3 OR 4
CROPLAND									
PASTURE	2								
WOODLAND	40								
FARMSTEAD	2								
SUBTOTAL	44								
FLOODPLAIN- WETLANDS	1								
TOTAL	45								

10. Existing Structures:

3700 sqft Dwelling

*Please provide a plot, aerial photo, or sketch with all structures labeled on the property with this application*

11. Describe the farming operation:

LIVESTOCK TIMBER

12. Is the farming operation owner operated, or leased to others?

Owner / Leased

12. Is a current (within the last 10 years) Soil and Water Conservation Plan in effect?

Yes / No

13. Is a current Forestry Management Plan in effect?

Yes / No

14. Is the property located with the County's Master Water and Sewer Plan?

Yes / No

15. Is the establishment of this property as an agricultural preservation district consistent with the County's adopted Comprehensive Plan?

Yes / No

All Landowner(s) hereby certify that the above information is true and accurate to the best of their knowledge

Margaret Puster

Owner's Name (Primary Contact)

12/24/2021

Date

*Please attach a separate sheet with additional landowner signatures if necessary.*

Wella Puster

12/24/21

# Cecil County, MD

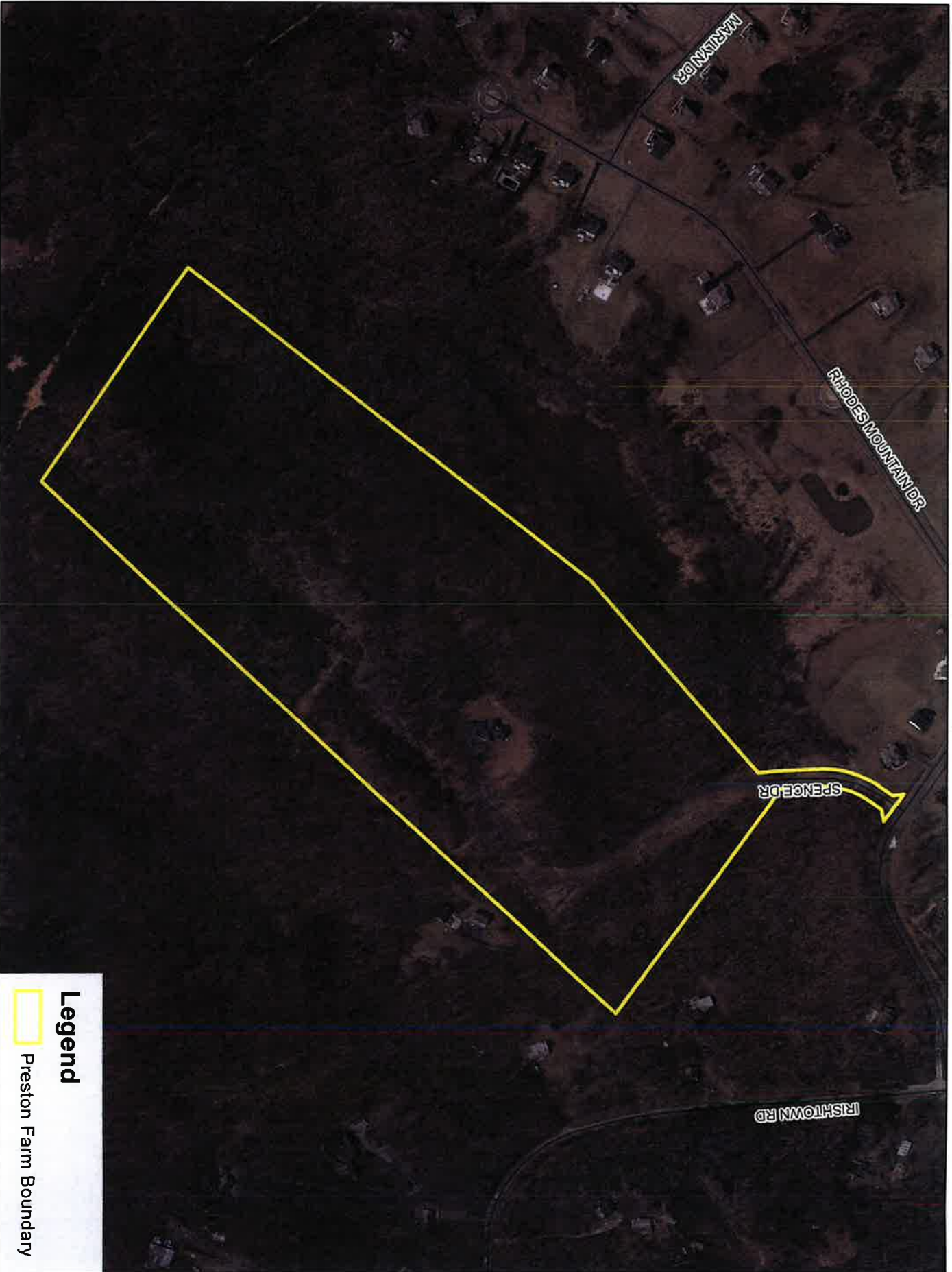


Scale = 1 : 6945




THIS MAP IS DESIGNED FOR ASSESSMENT PURPOSES ONLY AND IS NOT INTENDED AS A SUBSTITUTE FOR A TRUE TITLE SEARCH, PROPERTY APPRAISAL OR A SURVEY BY A LICENSED SURVEYOR.

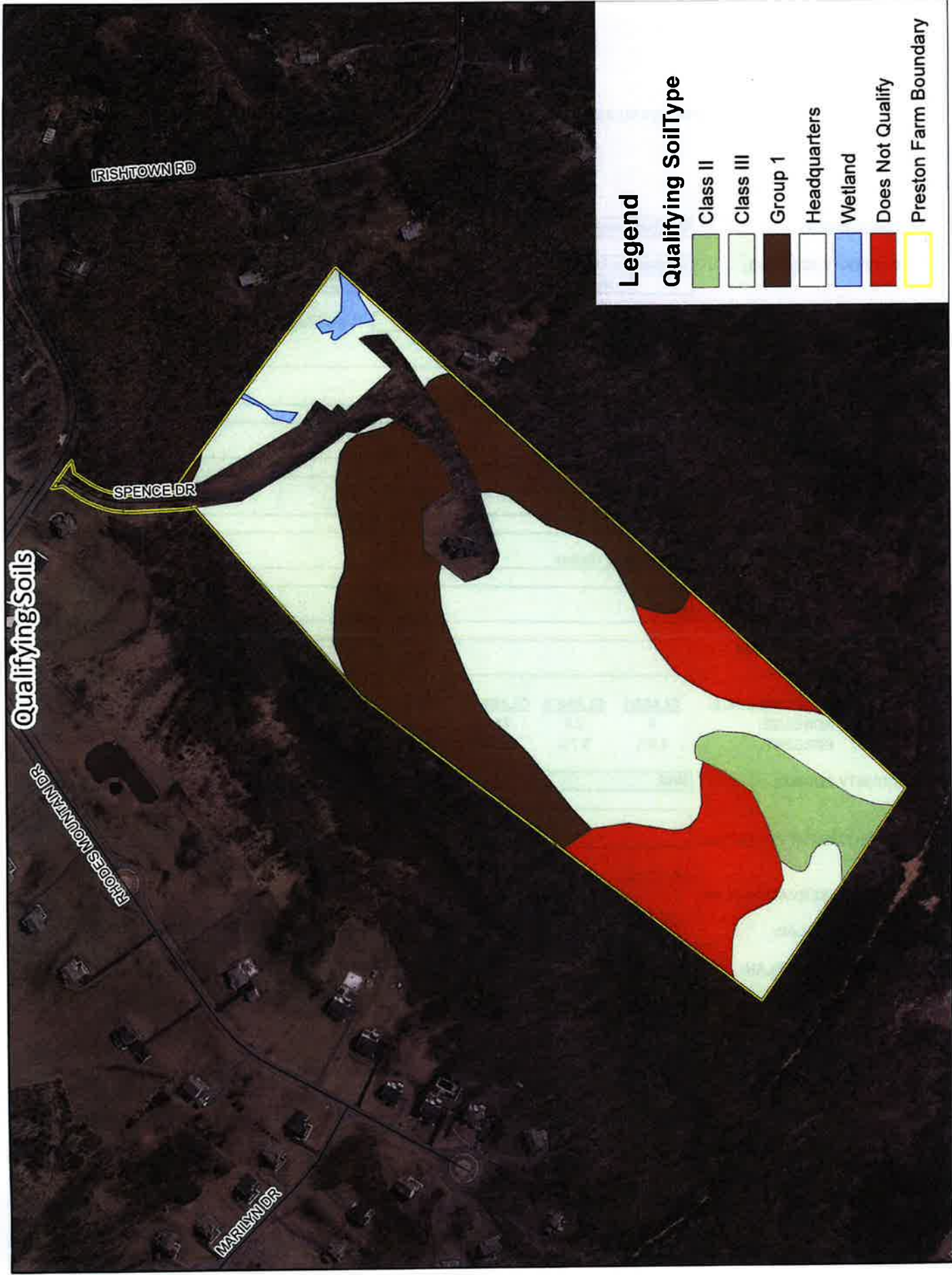
Preston Farm



**Legend**

 Preston Farm Boundary

# Preston Farm Qualifying Soils



## Legend

### Qualifying SoilType

- Class II
- Class III
- Group 1
- Headquarters
- Wetland
- Does Not Qualify
- Preston Farm Boundary



**PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT  
STAFF REPORT**

**CECIL COUNTY**

**LANDOWNER:** Marybeth and William Preston

**PROPERTY ADDRESS:** 160 Spence Drive  
North East, Maryland 21901 **ELECTION DISTRICT:** 5

**MAP:** 36 12 24 **PARCEL:** 153 & 577 **ACREAGE:** 46.004

**EXISTING DWELLINGS ON PROPERTY:**  1

**ADJACENT DISTRICT OR EASEMENT ACREAGE:**  59.492

**ADJACENT DISTRICT ACREAGE:**  0

**GENERAL FARMING OPERATION:** Livestock & Timber

**PART OF LARGER FARM OPERATION:** No

**OWNER OPERATED OR RENTED OUT:**

<b>TOTAL QUALIFYING SOILS:</b>	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>GROUP 1</u>	<u>GROUP 2</u>	<u>TOTAL</u>
ACREAGE:	0	2.6	21.1	11.3	0	35
PERCENT:	0.0%	5.7%	45.9%	24.6%	0.0%	76.1%

**COUNTY ZONING:** NAR

**DEVELOPMENT POTENTIAL:**  3

<b>SOIL CONSERVATION PLAN:</b>	(Y=1/N=2)	1	<b>YES</b>
<b>FORESTRY PLAN:</b>	(Y=1/N=2)	1	<b>YES</b>
<b>WATER/SEWER PLAN:</b>	(Y=1/N=2)	2	<b>OUTSIDE</b>
<b>DEVELOPMENT PRESSURE:</b>	(H/M/L)	LOW	<b>LOW</b>

**ACREAGE WITHHELD:** 0

**OTHER INFORMATION:**

**Staff Report for proposed Preservation District  
Lands of **Marybeth and William Preston****

The proposed district is located at 160 Spence Dr. North East, MD 21901; and is further identified as Tax Map 36, Grid 24, Parcel 153 & 577. The property is located within the fifth (5) Election District and is zoned the Northern Agricultural Residential (NAR).

The proposed district contains 46.004 acres with 0 acres withheld, at the owners' request. Additionally, the site is located within a Priority Preservation (PPA) area.

The proposed district adjoins an additional 59.492 acres of protected lands. Thus, the addition of the proposed district would create a total of 105.5 contiguous acres.

The proposed district is located outside a current or future water and sewer service area on the Master Water and Sewer Plan.

The Code of Cecil Count requires that all districts consist of a minimum of 50% UDSA Soil Capability Classes I, II, III; and Woodland Groups 1 and 2. The proposed district contains a total of 23.65 acres of Class I, II, & III soils, and an additional 11.29 acres of Woodland Group 1 and 2 soils. Thus 34.94 acres or 75.94% of the proposed district consists of the required soil types.

The Code of Cecil County requires that all Districts consist of a minimum of 50 contiguous acres. The County Council may include parcels less than 50 acres if it is of exceptional value and contiguous to existing protected lands.

**SOILS CRITERIA  
BY LAND USE:**

**NAME:** Marybeth and William Preston    **MAP:** 36    **GRID:** 24    **PARCEL:** 153 & 57

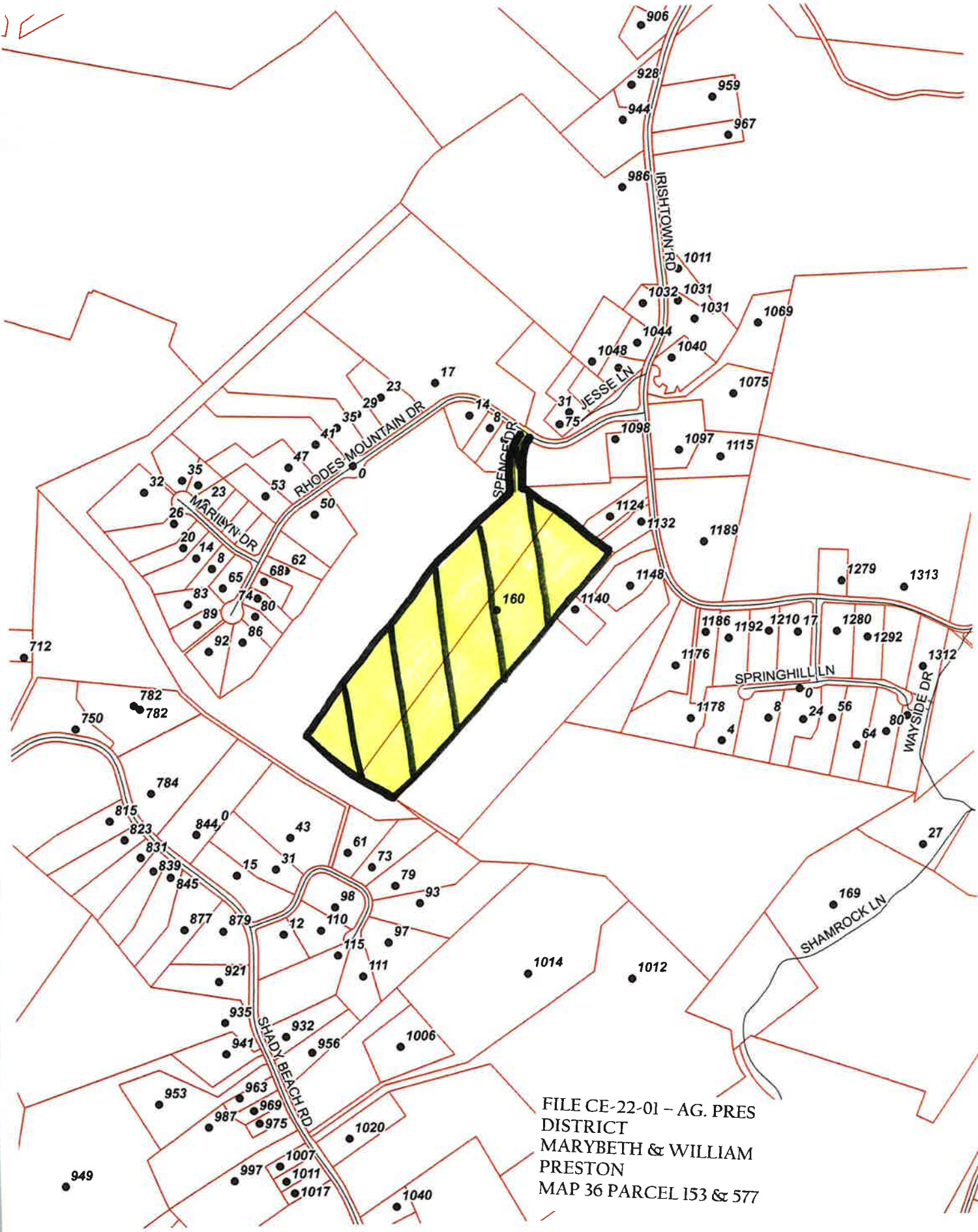
A. LAND USE	ACRES	USDA CAPABILITY CLASS						USDA WOODLAND GROUP		
		I	II	III	IV	V	VI-VIII	1	2	3 OR 4
CROPLAND	0.0	0.0	0.0	0.0	0.0	0.0	0.0			
PASTURE	0.0	0.0	0.0	0.0	0.0	0.0	0.0			
WOODLAND	41.4	0.0	2.6	21.1				11.3	6.5	23.5
FARMSTEAD	4.2									
SUBTOTAL	45.6									
FLOODPLAIN- WETLANDS	0.4									
TOTAL	46.0	23.7 51.4%			0.0 0.0%			17.8 38.8%		23.5 51.2%

If the majority of the land is NOT Class I, II and III; then proceed to Table B to list Woodland as groups only

B. LAND USE	ACRES	USDA CAPABILITY CLASS						USDA WOODLAND GROUP		
		I	II	III	IV	V	VI-VIII	1	2	3 OR 4
CROPLAND	0.0	0.0	0.0	0.0	0.0	0.0	0.0			
PASTURE	0.0	0.0	0.0	0.0	0.0	0.0	0.0			
WOODLAND	41.4							11.3	0.0	6.4
FARMSTEAD	4.2									
SUBTOTAL	45.6									
FLOODPLAIN- WETLANDS	0.4									
TOTAL	46.0	0.0 0.0%			0.0 0.0%			11.3 24.6%		6.4 13.9%

Total qualifying soils:

Class I, II and/or III soils	23.7	51.4%
Woodland Groups 1 and 2 soils	11.3	24.6%
	35.0	76.02%



FILE CE-22-01 - AG. PRES  
DISTRICT  
MARYBETH & WILLIAM  
PRESTON  
MAP 36 PARCEL 153 & 577