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 (date) at the County Administration Building, 200 Chesapeake Blvd., Elkton, and having been published according to the Charter on (dates), 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.
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,
Warwick, MD 21912, (Acres 302.34, Election District 1, Tax Map 58, Grid 22 and 16, Parcels 13, 73 and 62); and

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.

______________________________
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)
   Owner's Name  Relationship to Primary Contact
   Darrell Byerly  Spouse
   Eva Byerly

2. Full Name(s) of Applicant(s) Children:
   Owner's Name  Relationship to Primary Contact
   Andrew Byerly
   Jessica Dixon
   Brittany Phillips

3. Telephone Numbers:
   Home: 443-907-0513  Work:  
   Cell: 443-941-4111  Other:  

4. Email Address:
   Primary: evabyerly21@gmail.com  Other:  

5. Mailing Address:
   PO Box 190  Farm Name (if applicable)
   Warwick  MD  21912
   Street or Post Office Box Number
   City  State  Zip Code

6. Property Address:
   (If different than mailing address)
   Byerly Farm  Farm Name (if applicable)
   1285 Cecilton- Warwick Rd  Street or Post Office Box Number
   Warwick  MD  21912
   City  State  Zip Code

7. Total Acreage:
   302.34 ac

8. Deed References:
   3106/228
9. Land Use: To be completed by Staff

See attached.

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<th>A. LAND USE</th>
<th>ACRES</th>
<th>USDA CAPABILITY CLASS</th>
<th>USDA WOODLAND GROUP</th>
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10. Existing Structures:

Dwelling
Milkhouse
Horsetheds (2)
Barn
Silos (4)
Machinery Shed

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

11. Describe the farming operation: Grain Crop

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.

Dwellel Bouchy 7/14/2020
Owner Name (Primary Contact) Date

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

Evel F. Bouchy 7/14/2020
# MALPF/DISTRICT SOILS CRITERIA BY LAND USE:

**NAME:**  Darrell & Eva Byerly  
**MAP:**  58  
**GRID:**  22, 16  
**PARCEL:**  13, 73, 62

<table>
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<th>USDA WOODLAND GROUP</th>
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| FLOODPLAIN-
WETLANDS       | 17.5  |          |          |          |          |          |          |    |   |       |
| TOTAL           | 302.7 | 229.0    |          | 1.2      |          | 43.4     | 4.3      |    |   |       |

**Total qualifying soils:**

- **Class I, II and/or III soils**  
  - 229.0  
  - 75.7%

- **Woodland Groups 1 and 2 soils**  
  - 43.4  
  - 14.3%

**Totals**  
- 272.4  
- 89.99%