

Maryland puts its money on preserving farmland

BY JOYCE BUYP
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WALKERSVILLE, Md. —

Robert and Cookie Ramsburg can smile about it now, looking back. But for awhile, James, their younger son, has had an awful worry on his nine-year-old mind. He was afraid the family, which also includes big brother Michael, 17, was going to have to move off the farm.

James doesn't worry about that any longer. In late August, the Ramsburgs became Maryland's first farmer tenants to purchase their landlord's farm, with the help of the sale of development easements.

Their 216 acres of gently rolling Frederick County ground is productive, growing high yielding crops of corn and hay for the dairy herd of 100 Holsteins, plus young stock.

But another crop dots the surrounding area — creeping suburbia — spilling over from the city of Frederick, just a few miles west. And just one farm out the road, the housing development Discovery looms, peopled largely with urban-weary escapes from the metropolitan areas of Washington, D.C.

Since 1971, the Ramsburgs had been leasing this operation, plus an additional 140 rented acres in the valley south of Walkersville, where the first heights of the Appalachian Mountains dot the horizon.

As early as 1973, they'd mentioned to farm owner, Stuart Stauffer their interest in purchasing the farm. At that time, Stauffer wanted to maintain ownership of the operation, and was satisfied with the tenancy of the Ramsburgs. The arrangement continued for several years, with Bob and Cookie, at their own expenses and with Stauffer's permission, adding a farm shop and calf barn to the outbuildings.

"Buying a farm was about the farthest thing from my mind," Bob relates of the mid-summer day of 1979, when Stauffer unexpectedly offered them first chance at purchasing the farm.

Both Bob and Cookie were deeply involved in community activities, especially with the Maryland Farm Bureau, where both were serving in leadership roles with the organization's young farmer program. They'd even reduced the size of the milking herd because of the time they were devoting to organization responsibilities.

As intensely as they wanted the farm, both knew the purchase price, with the land located as development potential even though zoned agriculturally, was simply

beyond their typically-tight young farmer budget.

In 1977, the Maryland legislature had authorized the creation of ag districts, and made provisions for the purchase of development easements as funding was raised. Administration of the program is by the Maryland Agricultural Land Preservation Foundation, county governing bodies and an agricultural preservation advisory board within the county five of the nine state board members and three of the five county board members must be farmers. Minimum size for an ag district is 100 acres. Seventy percent of that must be Class I and II soils, and be located in agriculture zoning.

Monies for easement sales are to come from general or special state fund appropriations, and by grants or transfers from government or private sources.

Half of the state funds are allotted to all counties, and the other half is then distributed to counties with matching funds, at the rate of 60 percent state monies to 40 percent county monies, and limited to a maximum of one million dollars to any one county.

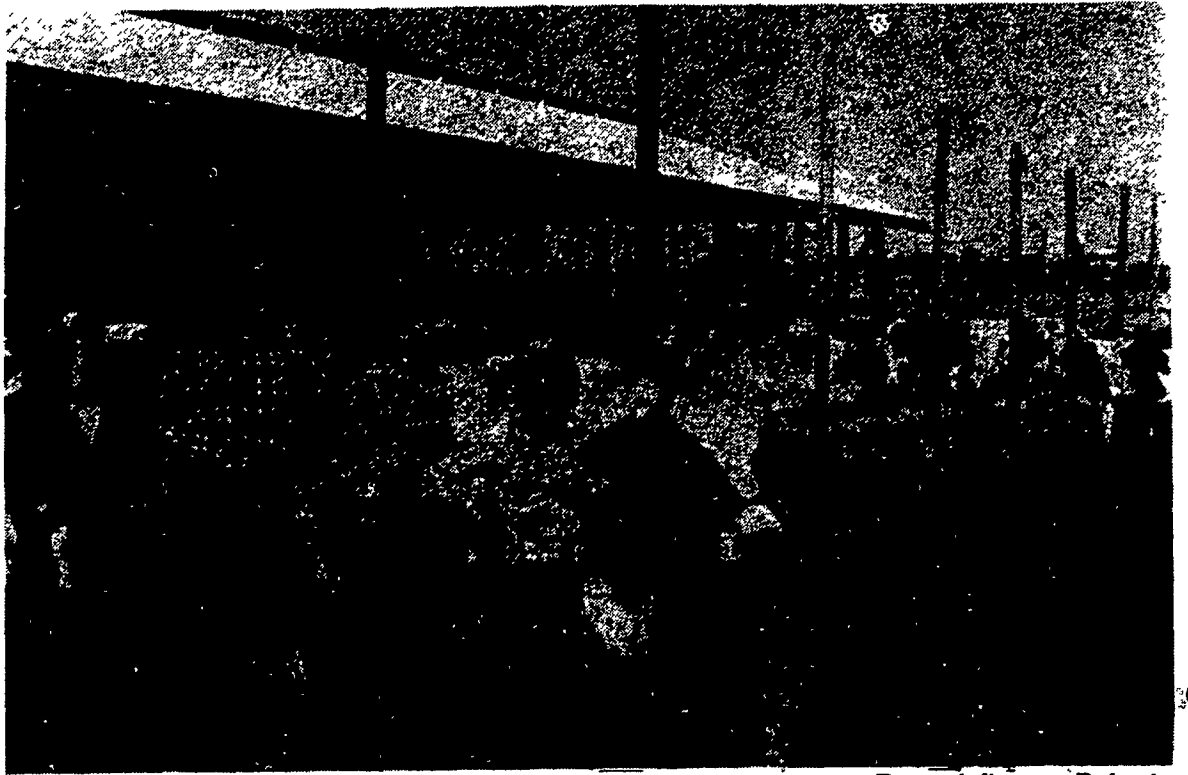
A local subdivision also could transfer open space monies to the Foundation, which in turn could be used only to purchase agriculture easements within that subdivision.

Stauffer, who'd entered the real estate business following his retirement from active farming in 1966, recognized the ag district-easement plan as a possible method to realize his investment from the land. With the development potential sold to the Foundation, the remaining agricultural value of the farm just might be within reach of the young farm couple.

Thus, the Stauffer farm became Frederick County's first to start the lengthy procedure toward selling development easements, and keeping the land in hay rather than homes.

First step, though, was to have the farm declared an ag district. That application had to be approved by local, county, and finally, the state board. And to pass the county's planning and zoning approval, a potential ag district must first fit into the county's 25-year comprehensive land use plan.

"We are especially happy that the two non-ag members of the county's board were the ones to move and second the approval for our ag district application," recalls Bob. Another area farm district applicant was not so fortunate. His application was rejected because the land was in a section listed in the long-range



One of Maryland's newest farm-owner Elevation daughter. From left are Robert, families pauses for a moment with a favorite Cookie, James and Michael Ramsburg.

plan as having development potential.

Walkersville, just north of the Ramsburg farm, was, at the same time, annexing "open space" land into the borough, in a move geared toward systematic development at some open-ended period of time. A 38-acre parcel of the Ramsburgs' was included in that annexation, most of it designated flood plain and therefore not geared to homes. It remains largely pasture land for the Ramsburg dairy herd, although extremely heavy rains occasionally put the flat, stream-bordered piece under muddy water.

After passing local and county boards, the ag districting approval came from the state level late last summer.

But the battle was only half over. Now it was time to go back to the local level, starting all over in the procedure, to secure easement sale approval.

And that took nearly another year.

Finally, early this past summer, a "yes" came down from the Foundation on the easement purchase.

Values are set on a formula that takes into consideration the land's proximity to roads and metropolitan areas, soil types, slope, and acreage. Because each easement situation is a new one, every case must be taken into special study to determine just what the easement is worth.

In late August, legal surveys searches had been completed, the

Foundation had set aside a chunk of Frederick County against development, and Bob and Cookie were bonafide members of the farm mortgage-paying set.

For the next 25 years, the Ramsburg farm is locked into agriculture use. That is the sole deed restriction, recorded on the legal titles to the farm.

"We had to sign papers stating that we would comply, would maintain it for ag use," adds Bob. "Other than that, we can do almost anything with it but build houses there."

There are no restrictions on posting the land to keep the public out, since easement sales, the law states, grant the public no access rights.

The plan also allows for the original landowner who sold the easements to construct a home for himself and one for each child, but that permission will be granted per owner and children only once.

And housing constructed for tenants, at the rate of one home per 100 acres, is permitted.

Condemnation rights are included in the ag preservation law. According to Maryland Extension Leaflet 88, a summary of the law, "any state or county agency may acquire by condemnation land which is under an agricultural preservation easement. The agency, however, is required to pay the landowner fair market value less the amount paid to the landowner for the easement."

After the 25-year period, the landowner at that time may call for a termination review if he wishes out of the land preservation program. The Foundation will have 180 days to study an opt-out request, and must do an on-site inspection, plus hold a public hearing. As in the other steps to sign-up preservation land, the state board can give approval only after the county would have approved termination.

If termination is approved, the landowner can buy back the easements at fair market value, based on an appraisal for which he would pay. If a landowner fails to

repurchase the easement within six months, he must wait another five years before again applying for a termination.

Will the ag district and easement route guarantee that farmland will stay cropped and not paved? Or, is it a method of buying time, with landowners a quarter-century from now ready to buy back easements in order to sell for even higher development returns?

Neither the Foundation, nor the Farm Bureau which worked long and hard for the legislation, nor Bob and Cookie Ramsburg, really care to venture a guess.

And right now, that's the least of the Ramsburg's concerns.

"I'm not sure how our sons would get it out at that time," speculates Bob. "But I do know that if we hadn't gotten it signed up, they'd never have to worry about that problem, because we simply would never have gotten the farm."

The Ramsburgs have special praise for the efforts of Royd Smith, chairman of the county's land preservation committee. Before Maryland even thought much about a land preservation system, they say, Smith was working privately by his own convictions toward saving farmland.

As of July 1981, 287 Maryland farms, representing almost 41,400 acres, were signed up in ag districting. Of that group, 49 had sold easements, representing nearly 7,900 acres, and 16,900 acres in 104 farms were applying for easement sales.

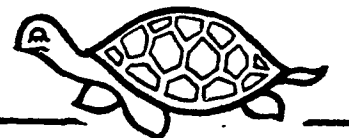
Carroll County leads the sign-ups, with 78 properties in ag districts, 30 sales of easements, and 36 easement sales pending. Second is Anne Arundel with 38 ag districts but only one easement sale, and a dozen pending.

Most of ag district sign-up activity is taking place in areas adjacent to the cities, with Baltimore, Caroline, Frederick, Howard and Washington counties also setting aside several thousand acres for agriculture's future.



The Ramsburg's explain their reasons for favoring the use of calf hutches to Maryland Farm Bureau information director, Jack Matthews, right.

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