

(4) If there is a failure to comply with a declaration of intent filed under paragraph (1) of this subsection or a failure to qualify for the farm or agricultural use assessment under § 8-209 of this article during the time that a declaration of intent is in effect, the agricultural land transfer tax that would have been payable at the date of transfer on the land subject to the declaration of intent is due plus interest at an annual rate of 12%.

(5) The tax and interest due under paragraph (4) of this subsection are a lien on the agricultural land that was transferred. The tax is due on the earlier date of:

(i) the next date on which property tax on the agricultural land is due under § 10-102 of this article; or

(ii) the date of the next transfer of any part of the agricultural land.

(6) A declaration of intent may not be filed under this subsection, if under current governmental land use regulations the transferred land:

(i) may only be developed in its entirety; and

(ii) may not be subdivided into 2 or more parcels which may be developed independently.]

(F) IF THERE IS A FAILURE TO COMPLY WITH A DECLARATION OF INTENT FILED UNDER SUBSECTION (C) OR SUBSECTION (D) OF THIS SECTION, THE SUPERVISOR IN DETERMINING THE FAIR MARKET VALUE OF THE LAND SUBJECT TO THE VIOLATION SHALL:

(1) IDENTIFY THE SIZE AND LOCATION OF THE LAND BY:

(I) MAKING A PHYSICAL INSPECTION OF THE PROPERTY;

(II) CONSIDERING PERTINENT GOVERNMENTAL RECORDS SUCH AS BUILDING PERMITS, ZONING MAPS, AND REGULATIONS;

(III) CONSIDERING INFORMATION PROVIDED BY THE PROPERTY OWNER; AND

(IV) DETERMINING THAT IN THE CASE OF THE BUILDING OF A DWELLING FOR THE RESIDENTIAL USE OF THE OWNER, THE SIZE OF THE BUILDING SITE IS 1 ACRE UNLESS MORE LAND IS ACTUALLY USED; AND

(2) APPRAISE THE LAND UTILIZING GENERALLY ACCEPTED APPRAISAL APPROACHES INCLUDING CONSIDERATION OF THE SALES OF COMPARABLE LAND.