

(2) Except as provided in paragraph (3) of this subsection, on written application, the foundation shall release free of easement restrictions only for the landowner who originally sold an easement, 1 acre or less for the purpose of constructing a dwelling house for the use only of that landowner or landowner's child subject to the following conditions:

(i) The total number of lots allowed to be released under this section, except as provided in paragraph (3) of this subsection, may not exceed 10 lots of 1 acre or less at a maximum of not more than 1 lot for each 20 acres or portion thereof.

(ii) The landowner shall pay the State for any acre or portion released at the price per acre that the State paid the owner for the easement.

(iii) Before any conveyance or release, the landowner and the child, if there is a conveyance to a child, shall agree not to subdivide further any acreage allowed to be released. The agreement shall be recorded among the land records where the land is located and shall bind all future owners.

(3) If regulations adopted by the Department of the Environment require a minimum lot size of not less than 2 acres in areas where there is less than 4 feet of unsaturated, unconsolidated soil material below the bottom of an on-site sewage disposal system, OR IN AREAS LOCATED WITHIN 2,500 FEET OF THE NORMAL WATER LEVEL OF AN EXISTING OR PROPOSED WATER SUPPLY RESERVOIR, then the restriction of paragraph (2) of this subsection concerning maximum lot sizes is altered for the construction of a dwelling house for the use only of that landowner or landowner's child so that the maximum lot size in those areas is 2 acres.

(4) A landowner may construct housing for tenants fully engaged in operation of the farm, but this construction may not exceed 1 tenant house per 100 acres. The land on which a tenant house is constructed may not be subdivided or conveyed to any person. In addition, the tenant house may not be conveyed separately from the original parcel.

(5) On request to the foundation, an owner may exclude from the easement restrictions 1 acre per each single dwelling, which existed at the time of the sale of the easement, by a land survey and recordation provided at the expense of the owner. However, before any exclusion is granted, an owner shall agree with the foundation not to subdivide each acre excluded. This agreement shall be recorded among the land records where the land is located and shall bind all future owners.