

(ii) The fair market value shall be determined by the Department of General Services based on one or more appraisals by the State appraisers, and appraisals, if any, of the landowner.

(iii) The entire contiguous acreage shall be included in the determination of the value of the easement, less 1 acre per single dwelling; however, except as provided in § 2-513(b)(2) of this subtitle, the entire contiguous acreage, including the 1 acre per single dwelling, is subject to the easement restrictions.

(2) (i) Subject to subparagraph (ii) of this paragraph, the agricultural value of land shall be determined by a formula approved by the Department that measures the farm productivity of the land on which the applicant has applied to sell an easement by taking into consideration weighted factors that may include rents, location, soil types, development pressure, interest rates, and potential agricultural use.

(ii) The agricultural value determined under subparagraph (i) of this paragraph is subject to the approval of the Department.

~~(E) ONCE THE DIFFERENCE BETWEEN THE FAIR MARKET VALUE AND THE AGRICULTURAL VALUE OF THE LAND IS DETERMINED BY THE FOUNDATION AS OF THE VALUATION DATE, THE VALUE SHALL BE FIXED FOR A PERIOD OF 2 YEARS, UNLESS THE VALUE IS DETERMINED BY ARBITRATION AS PROVIDED IN SUBSECTION (F) OF THIS SECTION OR UNLESS THE FOUNDATION ELECTS TO REDETERMINE THE VALUE PRIOR TO THE EXPIRATION OF 2 YEARS.~~

~~[(e)](F)~~ (1) If the landowner and Foundation do not agree on the value of the easement as determined by the State, either the landowner or the Foundation may request that the matter be referred to the property tax assessment appeal board as provided under § 3-107 of the Tax - Property Article, for arbitration as to the value of the easement.

(2) The value determined by that arbitration shall be binding upon the owner and the Foundation in a purchase of the easement made subsequent to the arbitration for a period of [two] 2 years, unless the landowner and the Foundation agree upon a lesser value or the landowner or the Foundation appeals the results of the arbitration to the Maryland Tax Court, and either party may further appeal from the Tax Court as provided in § 13-532 of the Tax - General Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 1995.

Approved May 25, 1995.