

(iv) After certifying that the landowner or child of the landowner has met the conditions provided in subparagraphs (i), (ii), and (iii) of this paragraph, the Foundation shall issue a preliminary release which shall:

1. Become final when the Foundation receives and certifies a nontransferable building permit in the name of the landowner or child of the landowner for construction of a dwelling house; or

2. Become void upon the death of the person for whose benefit the release was intended if the Foundation has not yet received a building permit as provided in this subparagraph.

(v) Any release or preliminary release issued under this paragraph shall include a statement of the conditions under which it was issued, a certification by the Foundation that all necessary conditions for release or preliminary release have been met, and copies of any pertinent documents.

(vi) Any release, preliminary release, building permit, or other document issued or submitted in accordance with this paragraph shall be recorded among the land records where the land is located and shall bind all future owners.

(vii) The Foundation may not restrict the ability of a landowner who originally sold an easement to acquire a release under this paragraph beyond the requirements provided in this section.

[(3) 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 child of the landowner so that the maximum lot size is 2 acres if:

(i) 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 and 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; or

(ii) Regulations adopted by the jurisdiction in which the land is situated require that the lot be larger than 1 acre.]

[(4)](3) 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)](4) [On] EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SECTION, 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] FURTHER FOR RESIDENTIAL PURPOSES ANY ACREAGE ALLOWED TO BE RELEASED. This agreement shall be recorded among the land records where the land is located and shall bind all future owners.