

**Article – Agriculture**

2-513.

(a) Agricultural land preservation easements may be purchased under this subtitle for any land in agricultural use which meets the minimum criteria established under § 2-509 OF THIS SUBTITLE if the easement and county regulations governing the use of the land include the following provisions:

(1) Any farm use of land is permitted.

(2) Operation at any time of any machinery used in farm production or the primary processing of agricultural products is permitted.

(3) All normal agricultural operations performed in accordance with good husbandry practices which do not cause bodily injury or directly endanger human health are permitted including, but not limited to, sale of farm products produced on the farm where such sales are made.

(b) (1) Except as otherwise provided in this section, a landowner, whose land is subject to an easement, may not use the land for any commercial, industrial, or residential purpose.

(2) Except as provided in paragraph (5) 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 child of the landowner subject to the following conditions:

(i) The total number of lots allowed to be released under this section, except as provided in paragraph (5) 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 RESULTING DENSITY ON THE PROPERTY MAY NOT EXCEED THE DENSITY ALLOWED UNDER ZONING OF THE PROPERTY BEFORE THE FOUNDATION PURCHASED THE EASEMENT.

[(ii)] (III) 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)] (IV) Before any conveyance or release, the landowner and the child, if there is a conveyance to a child, shall agree not to subdivide further for residential purposes 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.

[(iv)] (V) After certifying that the landowner or child of the landowner has met the conditions provided in subparagraphs (i) [ , (ii), and (iii) ] THROUGH (IV) 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