

(viii) 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) A landowner may reserve the right to exclude 1 unrestricted lot from an easement in lieu of all owner's and children's lots to which the landowner would otherwise be entitled under paragraph (2) of this subsection, subject to the following conditions:

(i) The resulting density on the property shall be less than the density allowed under zoning of the property before the Foundation purchased the easement;

(ii) An unrestricted lot may be subdivided by the landowner from the easement and sold to anyone to construct one residential dwelling;

(iii) The size of an unrestricted lot shall be 1 acre or less, except as provided in paragraph (6) of this subsection;

(iv) The landowner shall agree not to subdivide further for residential purposes any acreage allowed to be released, and the agreement shall be recorded among the land records where the land is located and shall bind all future owners;

(v) The right to the lot is taken into consideration in the appraisal of fair market value and determination of easement value;

(vi) The lot can be subdivided at any time and the location of the lot to be subdivided is subject to the approval of the local agricultural advisory board and the Foundation; and

(vii) If the property is transferred before the right to exclude the lot has been exercised, the right may be transferred with the property.

(4) (I) [A] SUBJECT TO THE APPROVAL OF THE FOUNDATION, 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].

(II) CONSTRUCTION MAY NOT EXCEED 1 TENANT HOUSE PER 100 ACRES, UNLESS THE FOUNDATION GRANTS AN EXCEPTION BASED ON A SHOWING OF COMPELLING NEED.

(III) 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.

(IV) THE FOUNDATION SHALL ADOPT REGULATIONS FOR THE SIZE AND LOCATION OF TENANT HOUSES.

(5) Except as provided in paragraph (6) of this subsection, 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, as an owner's, children's, or unrestricted lot to which the owner is entitled under paragraph (2) of