

**Superseded 5/5/2021**

**11-38-102 Definitions.**

As used in this chapter:

- (1) "Affordable housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the applicable municipal or county statistical area for households of the same size.
- (2) "Agricultural land" has the same meaning as "land in agricultural use" under Section 59-2-502.
- (3) "Brownfield sites" means abandoned, idled, or underused commercial or industrial land where expansion or redevelopment is complicated by real or perceived environmental contamination.
- (4) "Commission" means the Quality Growth Commission established in Section 11-38-201.
- (5) "Infill development" means residential, commercial, or industrial development on unused or underused land, excluding open land and agricultural land, within existing, otherwise developed urban areas.
- (6) "Local entity" means a county, city, or town.
- (7)
  - (a) "Open land" means land that is:
    - (i) preserved in or restored to a predominantly natural, open, and undeveloped condition; and
    - (ii) used for:
      - (A) wildlife habitat;
      - (B) cultural or recreational use;
      - (C) watershed protection; or
      - (D) another use consistent with the preservation of the land in or restoration of the land to a predominantly natural, open, and undeveloped condition.
  - (b)
    - (i) "Open land" does not include land whose predominant use is as a developed facility for active recreational activities, including baseball, tennis, soccer, golf, or other sporting or similar activity.
    - (ii) The condition of land does not change from a natural, open, and undeveloped condition because of the development or presence on the land of facilities, including trails, waterways, and grassy areas, that:
      - (A) enhance the natural, scenic, or aesthetic qualities of the land; or
      - (B) facilitate the public's access to or use of the land for the enjoyment of its natural, scenic, or aesthetic qualities and for compatible recreational activities.
- (8) "Program" means the LeRay McAllister Critical Land Conservation Program established in Section 11-38-301.
- (9) "Surplus land" means real property owned by the Department of Administrative Services, the Department of Agriculture and Food, the Department of Natural Resources, or the Department of Transportation that the individual department determines not to be necessary for carrying out the mission of the department.