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4-46-102 Definitions.

As used in this chapter:

- (1) "Agricultural land" has the same meaning as "land in agricultural use" under Section 59-2-502.
- (2) "Board" means the Land Conservation Board established in Section 4-46-201.
- (3) "Conservation commission" means the Conservation Commission created in Section 4-18-104.
- (4) "Conservation district" means a limited purpose local government entity created under Title 17D, Chapter 3, Conservation District Act.
- (5) "Director" means the director of the Division of Conservation.
- (6) "Division" means the Division of Conservation created in Section 4-46-401.
- (7) "Land use authority" means:
 - (a) a land use authority, as defined in Section 10-9a-103, of a municipality; or
 - (b) a land use authority, as defined in Section 17-27a-103, of a county.
- (8) "Local entity" means a county, city, or town.
- (9)
 - (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 the land's natural, scenic, or aesthetic qualities and for compatible recreational activities.
- (10) "Program" means the LeRay McAllister Critical Land Conservation Program established in Section 4-46-301.
- (11)
 - (a) "State conservation efforts" includes:
 - (i) efforts to optimize and preserve the uses of land for the benefit of the state's agricultural industry and natural resources; and
 - (ii) conservation of working landscapes that if conserved, preserves the state's agricultural industry and natural resources, such as working agricultural land.
 - (b) "State conservation efforts" does not include the purpose of opening private property to public access without the consent of the owner of the private property.
- (12)
 - (a) "Working agricultural land" means agricultural land for which an owner or producer engages in the activity of producing for commercial purposes crops, orchards, livestock, poultry,

aquaculture, livestock products, or poultry products and the facilities, equipment, and property used to facilitate the activity.

- (b) "Working agricultural land" includes an agricultural protection area established under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas.