



LOCAL GOVERNMENT TOPICS

Land
Use



Illinois Agricultural Areas Conservation and Preservation Act

Introduction

Illinois Department of Revenue figures show a loss of almost 600,000 acres of land assessed as farmland from 1981 to 1996, or 4.5 acres per hour for 15 years. Of that total, 31.4% of the conversion occurred in Cook, DuPage, Kane, Lake, McHenry, and Will Counties. Almost 10% occurred in the tri-county East St. Louis area of Monroe, St. Clair, and Madison Counties. Will County experienced the greatest loss with 52,114 acres. According to the Illinois Agricultural Statistics Service, the state lost 3.9 million acres of farmland between 1950 and 1998.

Since 1980, landowners in Illinois have had a tool available to them that can help preserve farmland for at least 10 years. The Illinois Agricultural Areas Conservation and Protection Act allows one or more landowners to voluntarily place their land into a protected district, often called an "ag area," with the approval of the local county board.

Although it is only one tool in farmland protection, it can offer some assistance in maintaining farmland for farming purposes. Ag areas may also help protect farmers from some aspects of the encroachment of nearby development and possibly assist them in responding to any complaints from residents new to the rural area.

As of November 2000, over 118,000 acres in 21 counties across the state were designated ag areas. McHenry, Henry, and Jersey Counties each have over 20,000 acres in ag areas.

Creation of an Ag Area

Any single landowner or multiple contiguous landowners with 350 acres or more can submit a proposal for the creation of an ag area to the local county board. The county board is responsible for implementing the procedures outlined in state statute to facilitate exploring the issue locally and voting on the specific ag area request. The approval process includes the following steps:

1. Upon receiving a new ag area request, the county board issues a public notice for comment by adjacent landowners.
2. Thirty days after public notice is given, the county board refers the request to the County Ag Area Committee. This committee is appointed by the County Appointing Authority, which includes the county board chair, county Extension staff, and the chair of the county Soil and Water Conservation District (SWCD). The Ag Area Committee consists of five appointees: four must be active farmers, no more than two can be from one political party, and one must be a county board member.
3. The Ag Area Committee must hold a public hearing that is followed by a 30-day comment period. The committee must present the county board with a recommendation within 45 days after the comment period ends.
4. The county board then must approve or deny the ag area request within 45 days

of receiving the committee's recommendation.

5. Within 45 days of their final action, the county board is to notify the Illinois Department of Agriculture of their decision. If the proposal is approved, a description of the ag area is to be filed with the County Clerk's office.

Since many counties do not have any experience with establishing ag areas, landowners should be prepared to cite the state statutes or provide other information to assist local officials in the process.

It is also important to note that if the proposed land is within 1.5 miles of a municipality's corporate boundary, the municipality may file an objection. If the municipality adheres to all procedural guidelines and timelines, the objection can result in removing the land located within the 1.5 mile zone from the ag area. If removal of this land reduces the area to less than 350 acres, the ag area request is invalidated.

Considerations for Ag Area Land

State statute lists several issues that must be considered by the Ag Area Committee and county board when determining whether to approve an ag area request. Those items include:

- viability of active farming within the proposed area and surrounding areas;
- presence of viable farmland;
- the nature and extent of other land uses within the proposed area and adjacent areas;
- county development patterns and needs;
- SWCD-approved conservation plans for the land within the area; and
- any other relevant matters.

Length of Protection

Once approved, an ag area remains protected for 10 years. During that time, landowners can request deletions from, additions to, or dissolution of the designated ag area. After the 10-year period expires, extensions of eight years can be granted.

The county board has final approval of any changes to an ag area, following procedures similar to those for ag area establishment.

Land Ownership

No land can be included in an ag area without the landowner's agreement. At least 350 acres must be included in the area, and one or more landowners may own the property. The state statute suggests, "the land should be as compact and nearly contiguous as feasible."

Land within an ag area may be bought, sold, inherited, etc., without any restrictions. Ag areas do not change with ownership changes. Once established, the ag area designation stays on the land until the county board dissolves it or it ceases to contain 350 acres.

Why Enter Land into an Ag Area?

The benefits of entering property into an ag area may be limited to those specified by state statute, but landowners often cite reasons and benefits that are more personal in nature.

State statute indicates that ag areas help protect landowners from local ordinances that might otherwise interfere with normal farming practices. However, ag areas do not exempt farmers from nuisance suits or from following approved best management practices, especially those prescribed by law. State statute also indicates that after land is enrolled within an ag area, no benefit assessments for community improvements (such as sewer, lighting, water, etc.) can be imposed on land used primarily for agricultural purposes when the landowner is not benefited. In addition, statute specifies that state agencies must take into account the presence of ag areas when siting state projects; however, this requirement does not prohibit those agencies from acquiring land within the ag area. According to the Illinois Department of Agriculture, over 520,000 acres were purchased, donated, or influenced by state agencies from 1985 to 1999.

Other benefits not specified in statute include the ability to consolidate smaller parcels of land into one large area designated for agriculture. Such consolidation can help reduce the fragmentation of farmland and farming activities that result when the surrounding area is increasingly devoted to non-farm land uses. Ag areas can also prevent or delay the conversion of farmland to other land uses. Farmers also often cite less tangible and more personal reasons for

enrolling land into an ag area than those specified in state statute. Many have family farming histories that they want to help keep intact.

While it may be possible to achieve any or all of these benefits without creating an ag area, the ag area designation is an important public declaration that the county and the landowner feel agriculture is important to the community and still a viable industry in that area.

Illinois Farmland Policy

As stated in the 1980 Agricultural Areas Conservation and Preservation Act, "it is the policy of the state to conserve, protect, and to encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. It is also the policy of this state to conserve and protect agricultural lands as valued natural and ecological resources, which provide needed open spaces for clean air as well as for aesthetic purposes. Agriculture in many parts of the state is under urban pressure from expanding metropolitan areas. This urban pressure takes the form of scattered development in wide belts around urban areas, brings conflicting land uses into juxtaposition, creates high costs for public services, and stimulates land speculation. When this scattered development extends into productive farm areas, ordinances inhibiting farming tend to follow, farm taxes rise, and hopes for speculative gains discourage investments in farm improvements. Much agricultural land in Illinois is in jeopardy of being lost for any agricultural purpose. Certain of these lands constitute unique and

irreplaceable land resources of statewide importance. It is the purpose of this act to provide a means by which agricultural land may be protected and enhanced as a viable segment of the state's economy and as an economic and environmental resource of major importance."

What's in the Future?

As farmland conversion has increased, especially in some parts of the state, there has been renewed interest in the ag areas act and related growth issues. Farmers and agricultural groups and agencies have suggested that there may need to be more incentive built into the statute to encourage farmers to more closely examine this farmland protection tool. The state legislature's Illinois Growth Task Force has also discussed some needed updates in the ag areas statutes.

For Further Information

Farmers and landowners interested in more information about ag areas should contact their local University of Illinois Extension, Soil and Water Conservation District, or Farm Bureau office. Some county building and zoning or development offices may also have information. Interested persons can also contact the Illinois Department of Agriculture in Springfield for further information.

References

- Agricultural Areas Conservation and Protection Act, *Illinois Compiled Statutes*, 1980.
- Ag Areas: An Introduction*. 1998. Illinois Farm Bureau.
- Illinois Department of Agriculture Statistics Data Sheets, 1998.

This material written by:

John Church, Extension Educator, Natural Resources, University of Illinois

Edited by:

Jim Hartwig, Illinois Department of Agriculture, Division of Land and Water Resources