



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4732

by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

20 ILCS 205/205-48 new	
505 ILCS 5/2	from Ch. 5, par. 1002
505 ILCS 5/3	from Ch. 5, par. 1003
505 ILCS 5/3.07	from Ch. 5, par. 1003.07
505 ILCS 5/3.09 new	
505 ILCS 5/5	from Ch. 5, par. 1005
505 ILCS 5/8	from Ch. 5, par. 1008

Amends the Department of Agricultural Law of the Civil Administrative Code of Illinois. Provides that the Director of Agriculture, or his or her designee, shall convene a working group between persons in both rural agricultural areas and urban agricultural areas. Provides that the working group shall collaborate to improve farming development in the State, develop plans for a voluntary farmer-to-farmer assistance and mentorship program, and develop a proposal to include urban farming in agricultural educational programs. Amends the Agricultural Areas Conservation and Protection Act. Defines "county board" as the county board of any county in this State (rather than, the county board of any county in this State except those counties with a population of 1,000,000 or more). Removes acreage requirements for the proposal of an agricultural area. Provides that county boards, county committees, or planning commissions, with respect to the formation of any agricultural area shall consider whether the proposed agricultural area is within an urban agricultural area and eliminates the consideration of the nature and extent of land uses other than active farming within the proposed area. Defines "urban agricultural area". Makes other changes.

LRB100 20277 SLF 35562 b

1 AN ACT concerning agriculture.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Agriculture Law of the Civil
5 Administrative Code of Illinois is amended by adding Section
6 205-48 as follows:

7 (20 ILCS 205/205-48 new)

8 Sec. 205-48. Urban-rural agriculture partnership.

9 In this Section, "urban agriculture area" means an area
10 within a metropolitan statistical area, as defined by the
11 United States Office of Management and Budget that has one or
12 more of the following entities: (1) an organization or person
13 who grows produce or other agricultural products; (2) an
14 organization or person that raises livestock or poultry; (3) an
15 organization or person who processes livestock or poultry; or
16 (4) any organization that sells at minimum 75% locally grown
17 food.

18 The Director of Agriculture, or his or her designee, shall
19 convene a working group between persons in both rural
20 agricultural areas and urban agricultural areas. The working
21 group shall collaborate to improve farming development in this
22 State, develop plans for a voluntary farmer-to-farmer
23 assistance and mentorship program, and develop a proposal to

1 include urban farming in agricultural educational programs.

2 Section 10. The Agricultural Areas Conservation and
3 Protection Act is amended by changing Sections 2, 3, 3.07, 5,
4 and 8 and by adding Section 3.09 as follows:

5 (505 ILCS 5/2) (from Ch. 5, par. 1002)

6 Sec. 2. Legislative findings and intent. It is the policy
7 of the State to conserve, protect and to encourage the
8 development and improvement of its agricultural lands for the
9 production of food and other agricultural products. It is also
10 the policy of this State to conserve and protect agricultural
11 lands as valued natural and ecological resources which provide
12 needed open spaces for clean air sheds as well as for aesthetic
13 purposes. ~~Agriculture in many parts of the State is under urban~~
14 ~~pressure from expanding metropolitan areas. This urban~~
15 ~~pressure takes the form of scattered development in wide belts~~
16 ~~around urban areas, brings conflicting land uses into~~
17 ~~juxtaposition, creates high costs for public services, and~~
18 ~~stimulates land speculation. When this scattered development~~
19 ~~extends into productive farm areas, ordinances inhibiting~~
20 ~~farming tend to follow, farm taxes rise, and hopes for~~
21 ~~speculative gains discourage investments in farm improvements.~~
22 ~~Much agricultural land in Illinois is in jeopardy of being lost~~
23 ~~for any agricultural purpose.~~ Certain of these lands constitute
24 unique and irreplaceable land resources of Statewide

1 importance. It is the purpose of this Act to provide a means by
2 which agricultural land may be protected and enhanced as a
3 viable segment of the State's economy and as an economic and
4 environmental resource of major importance.

5 (Source: P.A. 81-1173.)

6 (505 ILCS 5/3) (from Ch. 5, par. 1003)

7 Sec. 3. Definitions. As used in this Act, unless the
8 context otherwise requires, the terms specified in Sections
9 3.01 through 3.09 ~~3.08~~ have the meanings ascribed to them in
10 those Sections.

11 (Source: P.A. 81-1173.)

12 (505 ILCS 5/3.07) (from Ch. 5, par. 1003.07)

13 Sec. 3.07. "County Board" means the county board of any
14 county in this State ~~except those counties with a population of~~
15 ~~1 million or more.~~

16 (Source: P.A. 81-1173.)

17 (505 ILCS 5/3.09 new)

18 Sec. 3.09. Urban agricultural area. "Urban agricultural
19 area" means an area within a metropolitan statistical area, as
20 defined by the United States Office of Management and Budget
21 that has one or more of the following entities: (1) an
22 organization or person who grows produce or other agricultural
23 products; (2) an organization or person that raises livestock

1 or poultry; (3) an organization or person who processes
2 livestock or poultry; or (4) any organization that sells at
3 minimum 75% locally grown food.

4 (505 ILCS 5/5) (from Ch. 5, par. 1005)

5 Sec. 5. Agricultural Areas; Creation. Any owner or owners
6 of land may submit a proposal to the county board for the
7 creation of an agricultural area within such county. ~~An~~
8 ~~agricultural area, at the creation of any such area, shall not~~
9 ~~be less than 350 acres in all counties with a population under~~
10 ~~600,000 and not less than 100 acres in all counties with a~~
11 ~~population of 600,000 or more. The ~~Such~~ proposal shall include~~
12 ~~a description of the proposed area, including the boundaries~~
13 ~~thereof. The ~~Such~~ territory shall be as compact and nearly~~
14 ~~contiguous as feasible. ~~If any portion of the proposed area is~~~~
15 ~~not contiguous to another portion of the proposed area, that~~
16 ~~non contiguous portion must be no more than 1.5 miles from the~~
17 ~~nearest other portion of the proposed area as measured between~~
18 ~~the closest boundaries of the 2 portions. An area created under~~
19 ~~this Act shall be established for a period of ten years. No~~
20 ~~land shall be included in an agricultural area without the~~
21 ~~consent of the owner. No land within an agricultural area shall~~
22 ~~be used for other than agricultural production as described in~~
23 ~~Sections 3.01 and 3.02 of this Act. Agreements for the~~
24 ~~extraction of mineral resources duly agreed upon prior to the~~
25 ~~creation of an agricultural area shall be exempted from the use~~

1 provisions of this Section. In addition, the extraction of
2 mineral resources conducted pursuant to the Surface Coal Mining
3 Land Conservation and Reclamation Act shall be considered
4 temporary land use and shall be exempted from the use
5 provisions of this Section.

6 (Source: P.A. 93-234, eff. 7-22-03; 94-444, eff. 1-1-06.)

7 (505 ILCS 5/8) (from Ch. 5, par. 1008)

8 Sec. 8. Factors for Consideration in Formation of
9 Agricultural Areas. (a) The following factors should be
10 considered by county boards, county committees, or planning
11 commissions, with respect to the formation of any agricultural
12 area:

13 1. the viability of active farming within the proposed area
14 and in areas adjacent ~~thereto~~;

15 1.5. whether the proposed agricultural area is within an
16 urban agricultural area;

17 2. the presence of any viable farmlands within the proposed
18 area and adjacent to the proposed agricultural area ~~thereto~~
19 that are not now in active farming;

20 3. (blank); ~~the nature and extent of land uses other than~~
21 ~~active farming within the proposed area and adjacent thereto;~~

22 4. county developmental patterns and needs;

23 5. the existence of a conservation plan approved by the
24 local soil and water conservation district; and

25 6. any other matter which may be relevant.

1 (b) In judging viability, any relevant agricultural
2 information shall be considered, including soil, climate,
3 topography, other natural factors, markets for farm products,
4 the extent and nature of farm improvements, the present status
5 of farming, anticipated trends in agricultural economic
6 conditions and technology, and ~~such~~ other factors as may be
7 relevant. Proposed agricultural areas in urban agricultural
8 areas shall be considered equally with proposed rural
9 agricultural areas.

10 (Source: P.A. 84-456.)