

1 AN ACT to amend the Agricultural Areas Conservation and  
2 Protection Act.

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

5 Section 5. The Agricultural Areas Conservation and  
6 Protection Act is amended by changing Sections 4, 5, 6, 7, 8,  
7 9, 10, 11, 12, 13, 16, 17, 18, and 20.2 and adding Section  
8 11.5 as follows:

9 (505 ILCS 5/4) (from Ch. 5, par. 1004)

10 Sec. 4. Agricultural areas committee.

11 (a) A county board shall may establish a county  
12 agricultural areas committee that ~~which~~ shall consist of (i)  
13 4 ~~four~~ active farmers, no more than 2 ~~two~~ of whom shall be of  
14 the same major political party, and (ii) a member of the  
15 county board.

16 (1) The committee shall select one of its members  
17 to serve as chairperson ~~chairman-of-the-county-committee~~.

18 (2) The ~~Sueh--a~~ committee shall be established  
19 whenever a petition is received by the county board for  
20 the creation of an agricultural area under ~~pursuant-to~~  
21 Section 6. ~~A, provided that no such~~ county committee may  
22 not be established if one has already been established  
23 for the ~~sueh~~ county.

24 (3) Members of the ~~sueh~~ county committee shall be  
25 appointed by and shall serve at the pleasure of the  
26 county appointing authority.

27 (4) The members shall serve without salary, but the  
28 county board may entitle each ~~sueh~~ member to  
29 reimbursement for his actual necessary expenses incurred  
30 in the performance of his official duties.

31 (b) The ~~Sueh~~ committee shall advise the county board in

1 relation to the proposed establishment, modification, and  
 2 termination of agricultural areas. The county committee shall  
 3 render expert advice relating to the desirability of such  
 4 action, including advice as to the nature of farming and farm  
 5 resources within the proposed area and the relation of  
 6 farming in the such area to the county as a whole.

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

8 (505 ILCS 5/5) (from Ch. 5, par. 1005)

9 Sec. 5. Agricultural areas; creation. Any owner or  
 10 owners of land may submit a petition ~~proposal~~ to the county  
 11 board for the creation of an agricultural area within the  
 12 such county according to the following provisions:-

13 (1) An agricultural area, at the creation of the  
 14 any-such area, shall not be at least ~~less-than~~ 350 acres.

15 (2) The petition ~~Such--proposal~~ shall include a  
 16 description of the proposed area, including its ~~the~~  
 17 boundaries thereof.

18 (3) The Such territory shall be as compact and  
 19 nearly contiguous as feasible.

20 (4) An area created under this Act shall be  
 21 established for a period of 10 ~~ten~~ years.

22 (5) No land shall be included in an agricultural  
 23 area without the consent of the owner.

24 (6) No land within an agricultural area shall be  
 25 used for other than agricultural production as described  
 26 in Sections 3.01 and 3.02 of this Act.

27 (7) Agreements for the extraction of mineral  
 28 resources duly agreed upon before ~~prior-to~~ the creation  
 29 of an agricultural area shall be exempted from the use  
 30 provisions of this Section. In addition, the extraction  
 31 of mineral resources conducted under ~~pursuant-to~~ the  
 32 Surface Coal Mining Land Conservation and Reclamation Act  
 33 shall be considered temporary land use and shall be

1 exempted from the use provisions of this Section.

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

3 (505 ILCS 5/6) (from Ch. 5, par. 1006)

4 Sec. 6. Duties of the county board.

5 (a) Within 10 days after receiving ~~Upon the receipt of~~  
6 such a petition to create an agricultural area proposal, the  
7 county board shall provide notice of the petition (i) such  
8 ~~proposal~~ by publishing a notice in a newspaper having general  
9 circulation within the proposed area or, if no such newspaper  
10 has a general circulation within the proposed area then in a  
11 newspaper having general circulation within the county and  
12 (ii) by posting the such notice in 5 ~~five~~ conspicuous places  
13 within the proposed area. A copy of the such notice shall be  
14 sent to the county or regional planning commission for review  
15 or written comment to be made to the county board within 30  
16 days. ~~Such comment shall be made to the county board.~~

17 The notice required to be published or posted under this  
18 Section shall contain the following information:-

19 (1) ~~1-~~ A statement that a petition proposal for an  
20 agricultural area has been filed with the county board  
21 under pursuant to this Act.;

22 (2) ~~2-~~ A statement that the petition proposal will  
23 be on file open to public inspection at the county  
24 clerk's office.;

25 (3) ~~3-~~ A statement that any landowner, owning land  
26 adjacent to or partially encompassed by the proposed  
27 area, may propose a modification of the area to include  
28 or exclude such lands, within 30 days of the date of  
29 publication of the newspaper notice. The proposed  
30 modification ~~Such application~~ shall be made on forms  
31 prescribed by the county board.;

32 (4) ~~4-~~ A statement that any proposed modification  
33 must be filed with the county clerk and the clerk of the

1 county board within 30 days after the publication of the  
2 newspaper such notice.;

3 (5) 5. A statement that at the termination of the  
4 ~~30-day~~ 30-day period, the petition ~~proposal~~ and proposed  
5 modifications will be submitted to the county committee,  
6 and that a public hearing will be held on the petition  
7 ~~proposal~~, proposed modifications, and recommendations of  
8 the county committee.

9 (b) The county board shall receive any petitions  
10 ~~proposals~~ for modifications of the petition that such  
11 ~~proposal~~-which may be submitted by the landowners within 30  
12 days after the publication of the such notice.

13 (c) The county board shall simultaneously, upon the  
14 termination of the 30-day such--30--day period, refer the  
15 petition such--~~proposal~~ and proposed modifications to the  
16 county committee, which shall, within 45 days, report to the  
17 county board its recommendations concerning the petition  
18 ~~proposal~~ and proposed modifications.

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

20 (505 ILCS 5/7) (from Ch. 5, par. 1007)

21 Sec. 7. Public hearing required.

22 (a) The Agricultural Areas Committee of the county board  
23 shall hold a public hearing on any petition ~~proposal~~ for the  
24 creation of an agricultural area. The Such hearing shall be  
25 held at a place within the proposed area or a place readily  
26 accessible to the proposed area.

27 (b) Notice of the hearing shall contain (i) a statement  
28 of the time, date, and place of the public hearing and (ii) a  
29 description of the proposed area and any proposed additions.  
30 The Such notice shall in addition contain a statement that  
31 the public hearing will be held concerning (i) the original  
32 petition ~~proposal~~, (ii) any written modifications amendments  
33 proposed during the 30 day review period, and (iii) any

1 recommendations proposed by the county committee or the  
 2 planning commissions. The notice shall (i) be published in a  
 3 newspaper having a general circulation within the proposed  
 4 area or if no newspaper has general circulation within the  
 5 proposed area, then in a newspaper having general circulation  
 6 within the county, and (ii) shall be given in writing to the  
 7 persons owning land within such a proposed area and adjacent  
 8 to the proposed area.

9 (Source: P.A. 91-357, eff. 7-29-99.)

10 (505 ILCS 5/8) (from Ch. 5, par. 1008)

11 Sec. 8. Factors for Consideration--in formation of  
 12 agricultural areas.

13 (a) County boards, county committees, and planning  
 14 commissions shall grant a preference to the recommendations  
 15 of the landowners within the proposed agricultural area. The  
 16 following factors should also be considered by county boards,  
 17 county committees, or planning commissions, with respect to  
 18 the formation of any agricultural area:

19 (1) 1- The viability of active farming within the  
 20 proposed area and in areas adjacent to the proposed area.  
 21 thereto;

22 (2) 2- The presence of any viable farmlands within  
 23 the proposed area and within land adjacent to the  
 24 proposed area thereto that are not now in active  
 25 farming.;

26 (3) 3- The nature and extent of land uses other  
 27 than active farming within the proposed area and land  
 28 adjacent to the proposed area. thereto;

29 (4) 4- County developmental patterns, plans, and  
 30 needs.;

31 (5) 5- The existence of a conservation plan  
 32 approved by the local soil and water conservation  
 33 district.;

1           (6) ~~6-~~ Any other matter that which may be relevant.

2           (b) In judging viability, any relevant agricultural  
3 information shall be considered, including:

4           (1) Soil.~~7~~

5           (2) Climate.~~7~~

6           (3) Topography.~~7~~

7           (4) Other natural factors.~~7~~

8           (5) Markets for farm products.~~7~~

9           (6) The extent and nature of farm improvements.~~7~~

10          (7) The present status of farming.~~7~~

11          (8) Anticipated trends in agricultural economic  
12 conditions and technology.~~7~~-and-sueh

13          (9) Other factors as may be relevant.

14          (Source: P.A. 84-456.)

15          (505 ILCS 5/9) (from Ch. 5, par. 1009)

16          Sec. 9. Municipal notice and objections.

17          (a) If the proposed agricultural area includes real  
18 estate within a 1 and one-half 1/2 mile radius from the  
19 corporate limits of any municipality, the county board shall  
20 notify the municipal authorities of the sueh affected  
21 municipality of this proposed area.

22          (b) The Sueh municipal authorities may object to the  
23 petition ~~proposal~~ if the sueh objection is presented to the  
24 county board within 30 days after of the receipt of the  
25 petition ~~proposal~~ by the municipal authorities.

26          Upon receipt of the sueh objection by the county board,  
27 the proposed area shall be modified to exclude the real  
28 estate within the 1 and one-half 1/2 mile radius of the  
29 corporate limits of the sueh municipality, unless the  
30 property in question is approved for inclusion in the  
31 agricultural area by a favorable vote of three-fourths of all  
32 members of the county board. In counties where the county  
33 board consists of 3 members, only a two-thirds vote is

1 required. If no objection is received within the specified  
2 time period, the affected real estate shall be included in  
3 the agricultural area.

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

5 (505 ILCS 5/10) (from Ch. 5, par. 1010)

6 Sec. 10. Adoption of petition plan by county board. The  
7 ~~county--board~~, After receiving the reports of the county  
8 committee and other comments, and after the such public  
9 hearing, the county board may adopt as-a-plan the petition  
10 ~~proposal~~ or any modification of the petition ~~proposal~~ it  
11 deems appropriate, including the--inclusion, to the extent  
12 feasible, of adjacent viable farmlands, and may exclude the  
13 ~~exclusion~~, to the extent feasible, of non-viable farmland and  
14 non-farm land. The county board shall act to adopt or reject  
15 the petition ~~proposal~~, or any modification of it not later  
16 than 45 days from the date that the county committee's  
17 recommendation on the petition ~~proposal~~ was submitted to it.  
18 The county board shall notify the Department of Agriculture  
19 of the adoption or rejection of the petition ~~proposal~~ and  
20 shall provide the Department with a description of the  
21 agricultural area within 45 days of taking the such action.

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

23 (505 ILCS 5/11) (from Ch. 5, par. 1011)

24 Sec. 11. Filing Requirement--that description of area  
25 ~~Agricultural--Areas--be-filed~~ with county clerk and recorder.  
26 Upon the creation or alteration of an agricultural area, the  
27 county board must file the description and the accompanying  
28 board resolution or ordinance: thereof shall be filed by--the  
29 ~~county-board~~

- 30 (1) With the county clerk.
- 31 (2) ~~Such-description-shall-also-be-placed~~ On record  
32 in the office of the recorder.

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

2 (505 ILCS 5/11.5 new)

3 Sec. 11.5. Stewardship agreements. The Department of  
4 Agriculture may enter into agreements with any federal or  
5 State agency, other entity, or with any landowner within an  
6 agricultural area or proposed agricultural area as may be  
7 necessary to furnish surveys, engineering, and assistance for  
8 the formation, expansion, maintenance, or renewal of  
9 agricultural conservation practices. The Department of  
10 Agriculture shall develop, by rule, an incentive program for  
11 land stewardship that pays up to 75% of the costs of these  
12 conservation practices for land that is designated or  
13 proposed to be designated as an agricultural area.

14 (505 ILCS 5/12) (from Ch. 5, par. 1012)

15 Sec. 12. Petition for Withdrawal. Any person owning land  
16 within an agricultural area may submit a petition to the  
17 county board requesting the withdrawal of land from the  
18 agricultural area located within that county. Such petition  
19 must contain:

20 1. A statement indicating the proposed alternative use  
21 of the land.

22 2. An explanation of the necessity for changing the  
23 current use.

24 3. An explanation why land outside the agricultural area  
25 would not be suitable for proposed use.

26 4. A legal description, map, and acreage of the land  
27 proposed for withdrawal.

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

29 (505 ILCS 5/13) (from Ch. 5, par. 1013)

30 Sec. 13. Procedures for Consideration of Petition for  
31 Withdrawal.



1           1. Within 5 days after the receipt of a petition for  
2 withdrawal of land from an agricultural area, the county  
3 board shall provide notice of such petition by certified mail  
4 to all record owners of property in the agricultural area and  
5 by publishing a notice in a newspaper having general  
6 circulation in the immediate area of the affected land or, if  
7 no such newspaper has a general circulation within such area,  
8 then in a newspaper having general circulation within the  
9 county, and by posting such notice in 5 conspicuous places  
10 within the immediate area of the affected land. Such notice  
11 shall contain the following information:

12           (a) a statement that a petition for withdrawal of  
13 land from an agricultural area has been filed with the  
14 county board pursuant to this Act;

15           (b) a statement that the petition will be on file  
16 open to public inspection at the county clerk's office;

17           (c) a brief, narrative description of the location  
18 of the affected land;

19           (d) a statement of the proposed non-agricultural  
20 use of the land;

21           (e) a statement that the petition will be referred  
22 to the county committee and to the regional and county  
23 planning commissions, if any, for review and comment;

24           (f) a statement that a public hearing will be held  
25 within 60 days on the petition and on the recommendations  
26 of the county committee and of the regional and county  
27 planning commissions, if any, at a time and place to be  
28 announced.

29           2. Within 5 days after the receipt of a petition for  
30 withdrawal of land from an agricultural area, the county  
31 board shall refer the petition to the county committee, which  
32 shall, within 30 days of its receipt of the petition, report  
33 to the county board its recommendations.

34           3. Within 5 days after the receipt of a petition for

1 withdrawal of land from an agricultural area, the county  
 2 board shall refer the petition to the regional and county  
 3 planning commissions, if any, which shall, within 30 days of  
 4 their receipt of the petition, report to the county board  
 5 their recommendations concerning the potential effect of the  
 6 withdrawal of land from an agricultural area upon the  
 7 development patterns and needs of the county and upon the  
 8 county's planning objectives.

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

10 (505 ILCS 5/16) (from Ch. 5, par. 1016)

11 Sec. 16. Review of agricultural areas by county board.  
 12 The county board shall review any agricultural area created  
 13 under this Act every 10 years after the date of its creation  
 14 ~~and--every-8-years-thereafter~~. In conducting the such review,  
 15 the county board shall:

16 (1) Grant a preference to the recommendations of  
 17 the landowners in the agricultural area.

18 (2) Ask for the recommendations of the county  
 19 committee, and shall,

20 (3) At least 120 days before the 10-year prior to  
 21 such date, require the Agricultural Areas Committee to  
 22 hold a public hearing at a place within the area or other  
 23 readily accessible place. The Committee must give (i)  
 24 upon notice being given in a newspaper having general  
 25 circulation within the area or if there is no such  
 26 newspaper, then in a newspaper having general circulation  
 27 within the county, and (ii) individual notice in writing  
 28 to the persons owning land within the area, to the  
 29 persons owning land adjacent to the area, and to the  
 30 county or regional planning commission.

31 Included in the notice to the landowners owning land in  
 32 the agricultural area shall be a statement that, by  
 33 submitting a letter to the agricultural areas committee at or

1 prior to the public hearing, any landowner of land within the  
2 agricultural area may request that his or her land be removed  
3 from the agricultural area to be reviewed. The letter must  
4 contain:

5 (1) a request to remove land from the agricultural  
6 area;

7 (2) an affidavit that the author is the landowner  
8 of the land proposed for removal from the agricultural  
9 area; and

10 (3) a legal description, map, and acres proposed  
11 for removal from the agricultural area.

12 The land described in the letter shall no longer be included  
13 in the agricultural area.

14 ~~The---county---~~board After receiving the landowners'  
15 recommendations and the reports of the county committee and  
16 after the public hearing, the county board may (i) terminate  
17 the area at the end of a 10-year period ~~such--10--or--8--year~~  
18 ~~periods~~ by filing a notice of termination with the county  
19 clerk, (ii) decide not to take any action, or (iii) the  
20 ~~county--board--may~~ modify the area in the same manner as is  
21 provided in Section 6 of this Act. If the county board does  
22 not act, the area shall continue as originally constituted.  
23 The county board shall notify the Department of Agriculture  
24 of any alterations to an agricultural area or the termination  
25 of an agricultural area within 45 days of taking the ~~such~~  
26 action.

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

28 (505 ILCS 5/17) (from Ch. 5, par. 1017)

29 Sec. 17. Petition for dissolution. Ten years after the  
30 date of creation of any agricultural area and every 10 years  
31 thereafter, owners of land within the ~~such~~ area may petition  
32 the county board to dissolve the area. The ~~Such~~ petition must  
33 be submitted in writing to the county board during the year

1 120-day-period immediately prior to the 10th anniversary of  
 2 the creation of the area. If Should the petition contains  
 3 contain signatures of-at-least-two-thirds of the landowners,  
 4 their--heirs,--assigns--or--representatives, owning at least  
 5 two-thirds of the land within the area, the area shall be  
 6 dissolved. The county board shall notify the Department of  
 7 Agriculture of the dissolution of any agricultural area  
 8 within 45 days of taking the such action.

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

10 (505 ILCS 5/18) (from Ch. 5, par. 1018)

11 Sec. 18. Limitation on local regulations and on suits.  
 12 No local government shall exercise any of its powers to enact  
 13 local laws or ordinances within an agricultural area in a  
 14 manner that which would unreasonably restrict or regulate  
 15 farm structures or farming practices, including the  
 16 acquisition of land by annexation or eminent domain, in  
 17 contravention of the purposes of this Act.

18 The owners of land within the agricultural area may not  
 19 be subjected to a civil action for nuisance by a private  
 20 party. The Department of Agriculture shall give technical  
 21 assistance and provide other resources for owners of land  
 22 within an agricultural area if subjected to any other private  
 23 civil action. Nothing in this Act shall be construed as a  
 24 limitation or preemption of any statutory or regulatory  
 25 authority arising under subsection (a) of Section 9 of the  
 26 Environmental Protection Act.

27 The unless--such restrictions or regulations may be  
 28 adopted and the nuisance suits may be allowed if bearing bear  
 29 a direct relationship to the public health or safety.

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

31 (505 ILCS 5/20.2) (from Ch. 5, par. 1020.2)

32 Sec. 20.2. Adding land to designated agricultural areas.

1 Any petition ~~preposal~~ for adding land to a designated  
2 agricultural area shall be submitted to the county board  
3 which shall forward the proposal to the county committee  
4 within 10 days. Within 45 days from the date the petition  
5 ~~preposal~~ was submitted to it, the county committee shall  
6 review the proposed addition and shall recommend the  
7 approval, disapproval or modification of the petition  
8 ~~preposal~~. The county committee shall submit a report of its  
9 recommendations to the county board which shall act on the  
10 recommendations within 30 days. The county board shall  
11 notify the Department of Agriculture of any addition of land  
12 to a designated agricultural area within 45 days of taking  
13 such action. Any land added to a designated agricultural area  
14 under this Section shall be subject to review under Section  
15 16 at the same times as the original area is subject to such  
16 review. The dates for such review and the period during  
17 which a petition may be filed under Section 17 shall not be  
18 affected by the addition of land under this Section.

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

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.

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