



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2555

Introduced 2/6/2018, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

See Index

Amends the Agricultural Areas Conservation and Protection Act. Provides that an agricultural area, at the creation of any such area, shall not be less than 350 acres in all counties with a population under 100,000 (rather than (600,000) and not less than 100 acres in all counties with a population of 100,000 (rather than (600,000) or more. Provides that all land within an agricultural area will be primarily used for agricultural production, and shall be assessed as part of a farm, as defined in the Property Tax Code. Provides that any resident or landowner (rather than person) may submit a petition to the county board requesting the withdrawal of land from an agricultural area located within the county in which he or she lives or owns land. Provides that the county board may collect a fee from owners of land that is removed from an agricultural area before the end of the current review period. Provides that the county board may collect a fee in an amount not to exceed 3 times the difference between the amount of property taxes collected from removed land during the review period under farmland assessment and the amount of property taxes that would have been collected during the full review period under non-farmland assessment. Provides that lands within agricultural areas designated by a county board under the Act shall qualify as preservation districts and individual properties within agriculture districts shall qualify as landmarks, as those terms are defined in the Counties Code. Makes other technical changes.

LRB100 19682 SLF 34956 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Agricultural Areas Conservation and
5 Protection Act is amended by changing Sections 3.07, 5, 9, 12,
6 15, and 17 and by adding Section 20.4 as follows:

7 (505 ILCS 5/3.07) (from Ch. 5, par. 1003.07)

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

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

12 (505 ILCS 5/5) (from Ch. 5, par. 1005)

13 Sec. 5. Agricultural areas ~~Areas~~; Creation. Any owner or
14 owners of land may submit a proposal to the county board for
15 the creation of an agricultural area within such county. An
16 agricultural area, at the creation of any such area, shall not
17 be less than 350 acres in all counties with a population under
18 100,000 ~~600,000~~ and not less than 100 acres in all counties
19 with a population of 100,000 ~~600,000~~ or more. Such proposal
20 shall include a description of the proposed area, including the
21 boundaries thereof. Such territory shall be as compact and
22 nearly contiguous as feasible. If any portion of the proposed

1 area is not contiguous to another portion of the proposed area,
2 that non-contiguous portion must be no more than 1.5 miles from
3 the nearest other portion of the proposed area as measured
4 between the closest boundaries of the 2 portions. An area
5 created under this Act shall be established for a period of ten
6 years. No land shall be included in an agricultural area
7 without the consent of the owner. No land within an
8 agricultural area shall be used for other than agricultural
9 production as described in Sections 3.01 and 3.02 of this Act.
10 All land within an agricultural area will be primarily used for
11 agricultural production, and shall be assessed as part of a
12 farm, as that term is defined in Section 1-60 of the Property
13 Tax Code. Agreements for the extraction of mineral resources
14 duly agreed upon prior to the creation of an agricultural area
15 shall be exempted from the use provisions of this Section. In
16 addition, the extraction of mineral resources conducted
17 pursuant to the Surface Coal Mining Land Conservation and
18 Reclamation Act shall be considered temporary land use and
19 shall be exempted from the use provisions of this Section.
20 (Source: P.A. 93-234, eff. 7-22-03; 94-444, eff. 1-1-06.)

21 (505 ILCS 5/9) (from Ch. 5, par. 1009)

22 Sec. 9. Municipality notification. If the proposed
23 agricultural area includes real estate within a 1 1/2 mile
24 radius from the corporate limits of any municipality, the
25 county board shall notify the municipal authorities of such

1 affected municipality of this proposed area. Such municipal
2 authorities may object to the proposal if such objection is
3 presented to the county board within 30 days of the receipt of
4 the proposal by the municipal authorities. Upon receipt of such
5 objection by the county board, the county board shall consider
6 the objection, and in its discretion, modify the proposed area
7 ~~shall be modified~~ to exclude the real estate within the 1 1/2
8 mile radius of the corporate limits of such municipality. If no
9 objection is received within the specified time period, the
10 affected real estate shall be included in the agricultural
11 area.

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

13 (505 ILCS 5/12) (from Ch. 5, par. 1012)

14 Sec. 12. Petition for withdrawal ~~Withdrawal~~. Any resident
15 or landowner ~~person~~ may submit a petition to the county board
16 requesting the withdrawal of land from an ~~the~~ agricultural area
17 located within the ~~that~~ county in which he or she lives or owns
18 land. Such petition must contain:

19 (1) ~~1.~~ A statement indicating the proposed alternative use
20 of the land.

21 (2) ~~2.~~ An explanation of the necessity for changing the
22 current use.

23 (3) ~~3.~~ An explanation why land outside the agricultural
24 area would not be suitable for proposed use.

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

1 (505 ILCS 5/15) (from Ch. 5, par. 1015)

2 Sec. 15. Withdrawal of land ~~land~~ from an agricultural area
3 ~~Agricultural Area~~.

4 (a) 1. Within 90 days after the receipt of a petition for
5 withdrawal of land from an agricultural area, the county board
6 shall accept or reject the petition in a written decision. The
7 county board's decision shall take into account the review and
8 comment of the county committee, the regional and county
9 planning commissions, if any, and the public hearings held
10 concerning the petition. The county board shall notify the
11 Department of Agriculture of any land withdrawn from an
12 agricultural area within 45 days of taking such action.

13 (b) 2. The county board must consider the factors included
14 in Section 8 of this Act in making its decision. Analysis of
15 such factors must be included in the county board's decision.

16 (c) 3. If there remains less than the minimum required
17 acreage ~~350 acres~~ in the agricultural area following a
18 withdrawal of land, the petition for withdrawal shall not be
19 acted upon until the end of the current review period under
20 Section 16 of this Act, at which time the area designation
21 shall cease to exist.

22 (d) 4. Any person adversely affected by a decision of the
23 county board on a petition of withdrawal of land from an
24 agricultural area may obtain judicial review by filing a
25 petition for review within 35 days after the decision, pursuant

1 to the provisions of the Administrative Review Law, as amended,
2 and the rules adopted pursuant thereto.

3 (e) The county board may collect a fee from owners of land
4 that is removed from an agricultural area before the end of the
5 current review period. The county board may collect a fee in an
6 amount not to exceed 3 times the difference between the amount
7 of property taxes collected from removed land during the review
8 period under farmland assessment and the amount of property
9 taxes that would have been collected during the full review
10 period under non-farmland assessment. The county board may
11 collect this fee before the withdrawal of land from an
12 agricultural area is completed.

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

14 (505 ILCS 5/17) (from Ch. 5, par. 1017)

15 Sec. 17. Petition for dissolution ~~Dissolution~~. Owners ~~Ten~~
16 ~~years after the date of creation of any agricultural area,~~
17 ~~owners~~ of land within such area may petition the county board
18 to dissolve the area or the 8th anniversary of the renewal of
19 the area. Such petition must be submitted in writing to the
20 county board during the 120 day period immediately prior to the
21 10th anniversary of the creation of the area. Should the
22 petition contain signatures of at least two-thirds of the
23 landowners, their heirs, assigns or representatives, owning
24 land within the area, the area shall be dissolved. The county
25 board shall notify the Department of Agriculture of the

1 dissolution of any agricultural area within 45 days of taking
2 such action.

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

4 (505 ILCS 5/20.4 new)

5 Sec. 20.4. Preservation districts and landmarks. Lands
6 within agricultural areas designated by a county board under
7 this Act shall qualify as preservation districts and individual
8 properties within agriculture districts shall qualify as
9 landmarks, as those terms are defined in Section 5-30003 of the
10 Counties Code.

1 INDEX

2 Statutes amended in order of appearance

3	505 ILCS 5/3.07	from Ch. 5, par. 1003.07
4	505 ILCS 5/5	from Ch. 5, par. 1005
5	505 ILCS 5/9	from Ch. 5, par. 1009
6	505 ILCS 5/12	from Ch. 5, par. 1012
7	505 ILCS 5/15	from Ch. 5, par. 1015
8	505 ILCS 5/17	from Ch. 5, par. 1017
9	505 ILCS 5/20.4 new	