

45. LAND USE AND FARMLAND PRESERVATION

Municipal Annexation

We support:

1. Legislation requiring notification of landowners by the petitioners via certified mail at least 90 days prior to any formal petition to incorporate their land into a municipality as defined in Illinois Statutes.
2. Legislation that allows only the landowners in a territory being considered for annexation to be allowed to sign and submit a written petition to the corporate authorities.
3. Efforts to reduce the impacts of municipal annexation on agriculture by reducing to 10 acres the size of the parcel that may be forcibly annexed, and/or establishing a fixed minimum period of time during which agricultural practices may continue.

We oppose:

1. Strip and excessive annexation by municipalities.
2. Non-contiguous annexation agreements and the ability of municipalities to apply their ordinances to parcels that have not been annexed.

Whenever the governing body of any municipality has adopted a resolution to annex any unincorporated area of land, such municipality shall, before proceeding, present at a public hearing the following information:

1. A map and description of the area to be annexed.
2. Evidence that such annexation is reasonable and necessary to the proper development of the municipality.
3. Evidence of the ability to furnish normal municipal services to the unincorporated area at the time of annexation.

Farmland Preservation

While protecting the constitutional rights of landowners, we support:

1. Legislation to broaden the legal basis for farmland preservation approaches and efforts to implement and utilize the following farmland preservation tools:
 - A. Purchase of Agricultural Conservation Easements (PACE) to be implemented at the state, county, or local levels or in collaborative arrangements between entities.
 - B. Transfer of Development Rights (TDR) to be supported and implemented at the state, county, or local levels.
 - C. Growth Management Laws including limited annexation rights for municipalities where prime agricultural land is involved and agricultural protection zones based on referendum secured from encroachment of conversion.
 - D. Mitigation standards requiring that conversion of farmland to a non-farm use be considered only if an equal amount of equal quality land is protected by an agricultural conservation easement.
2. Efforts to encourage preservation of appropriate lands for agriculture and open space uses through land use programs which include:
 - A. A policy statement by all counties to:
 - 1) Preserve Class I and II farmland as defined by the Natural Resources Conservation Service.
 - 2) Conserve Class III and IV farmland.
 - 3) Protect all classes of farmland from indiscriminate conversion to non-farm use.
 - B. Establishment of a review process with local involvement prior to acquisition of real property by public agencies for public uses.
 - C. Identification of the various classes of farmland in all counties.
 - D. Identification of land in each county appropriate for development because of class, size or location.
 - E. The concept of agricultural areas as found in the Illinois Agricultural Areas Conservation and Protection Act. We will take a strong leadership role in strengthening the Act to ensure that it becomes an effective farmland preservation tool.

3. Requiring consideration of the impact on agriculture and the local tax base and the desires of local voters in proposals to take agricultural lands for any public use.
4. Encouraging counties and municipalities to implement boundary and land use agreements that protect farmland. Boundary agreements should not be used as a tool in lieu of the purchase of development rights.
5. Seeking legislation that limits the term of county/municipal boundary agreements to five years in length and subjects such agreements to public notice and public hearing.
6. Maintaining involvement in reviewing federal, state and local proposals to convert farmland to non-farm purposes.
7. Monitoring actions by state agencies regarding implementation of the Farmland Protection Act.
8. Working with major urban interests to develop policies and programs which will encourage compact cities and discourage conversion of farmland. We support the concept of cluster development if the remaining property in the original parcel of property will be preserved for agricultural or conservation purposes.
9. Cooperating with other organizations on farmland preservation issues.
10. Encouraging municipalities to explore all possible avenues to redevelop areas within their borders before annexing farmland.
11. The consideration of impacts on farmland in the development of Environmental Impact Statements as being as significant as the impacts to other environmentally sensitive areas (i.e., historical sites, wildlife/waterfowl refuges, and publicly owned parks and recreational areas). We will work with state and federal agencies to develop an Environmental Impact Statement methodology that increases the contributory value of farmland to the public good.
12. Legislation authorizing a graduated conversion fee program for agricultural land that is converted to non-agricultural use based on the parcel's Land Evaluation score. The collected fees would support local PACE programs.

We oppose the use of condemnation by governmental bodies to acquire farmland for farmland preservation.

The federal government should assist in funding the purchase of agricultural conservation easements for agricultural purposes from willing sellers as a means of preserving farmland without intruding on private property rights. Information about federal, state, local, and private efforts to acquire private property using tax money should be catalogued and publicized through a state-level clearinghouse.

Planning & Zoning

We support:

1. Requiring members of a county zoning Board of Appeals to reside within the area covered by the county zoning ordinance.
2. Making it mandatory that County Boards require zoning Boards of Appeal to read and include the report of the Soil and Water Conservation District concerning all zoning applications in the hearing and in the report on the application which is made to the County Board.
3. Basing the extent of the municipality's extraterritorial jurisdiction (ETJ) and zoning capability outside its boundaries on the population of the municipality. The smaller the municipality, the smaller its reach of ETJ and authority should be. No ETJ and municipality's zoning authority should extend beyond 1 1/2 miles.
4. Limiting the ETJ and zoning capabilities of a municipality to either a municipality's utility boundary or corporate limits, whichever lies closer to the city core.
5. Removing the veto power of municipalities over proposed agricultural areas within their 1 1/2 mile jurisdiction.
6. Assisting counties and municipalities in considering adoption of zoning.
7. Assisting counties and municipalities in considering the adoption of a comprehensive land use plan.
8. Encouraging zoned counties to design and implement land use and zoning techniques to protect the integrity of agricultural practices including the option of strict agricultural protection zones.
9. Establishing reverse setbacks, comparable to those in the Livestock Management Facilities Act, for new rural residences built near established livestock facilities.

10. Ensuring local land use administrators have the resources necessary to properly develop and implement land use plans which accommodate production agriculture and ensure the effective and efficient administration of the plan.
11. Incorporating the use of a Land Evaluation and Site Assessment (LESA) system in evaluating the suitability of land for agriculture/development.
12. Incorporating the principles of the Land Use Evolution and Impact Assessment Model (LEAM) and encourage its use in planning efforts.
13. Developing legislation giving counties protest rights over municipal zoning and planning proposals within the unincorporated area of a county, thus requiring a municipality to have a supermajority vote.
14. Requiring municipalities to have at least one voting representative from the 1 1/2 mile extraterritorial jurisdiction (ETJ) on their planning commission with the possibility of additional representatives from the ETJ based on the population of the municipality.
15. Maintaining active involvement in county planning and zoning and in the establishment of agricultural areas as tools to guide development and limit farmland conversion.
16. Encouraging the State of Illinois to develop a statewide zoning model that can be used by county boards and municipal corporate authorities in adopting and amending zoning ordinances that accommodate agriculture and agricultural tourism. Such a model should account for current agricultural-related federal and state laws and regulations.
17. The provisions of the Local Legacy Act and the Local Planning Technical Assistance Act and work to secure state funding for them by reallocations within the Department of Commerce and Economic Development.
18. Supporting legislation that would exempt agriculture from zoning imposed by municipalities within the extraterritorial area outside municipal boundaries.
19. Encouraging county Farm Bureaus to develop relationships with local zoning boards to allow an exchange of information on proposed zoning changes that will impact agriculture on the county level.
20. Seeking legislation requiring 30 days advanced written notification of all landowners and governmental entities whose property or district boundary is within 1 1/2 miles of any parcel in an unincorporated area for which a zoning change is proposed or on which a special use permit is sought. If a petition of protest from 20 percent of those landowners or a written notice from that governing board opposing the change or permit is presented, the amendment shall not be passed nor the special permit issued except by the favorable vote of 3/4 of all the members of the county board. Landowners also need to be given 30 days written advance notice of any new or proposed changes to municipal future planning area or land use.
21. Seeking legislation that strengthens the Illinois Counties Code to limit the arranging of "by-right" lots between a proposed rural subdivision and neighboring property owners in a manner intended to extinguish the neighbors' protest rights.
22. Encouraging townships with planning commissions to have township government approved land use plans or goals with corresponding policies that reflect a consensus of the townships' residents. These plans, goals, and policies should be used as a basis for recommendations to the county board.

Other

We support:

1. Working with units of local government to enact "Right to Farm" ordinances or resolutions.
2. Efforts to disclose to potential buyers of rural residential property those conditions associated with living in an agricultural or rural area. These efforts should include state legislation linking such notice to the Residential Real Property Disclosure Act.
3. Encouraging county Farm Bureaus to distribute The Code of Country Living to potential new residents of rural areas so that they better understand rural living.
4. Seeking changes in the process of development of Greenway Plans or other related Illinois Department of Natural Resources plans.
 - A. Where proposed passive or active greenways are targeted, the landowners should have direct input on the creation of the plan.

- B. Before their county board votes on a plan, the board should be given sufficient time to study the plan and get input from citizens of the county.
- C. If a county board has approved a plan, there should be the option the county can withdraw from the plan in the future.
- D. If a plan is developed, it should include provisions to ensure that greenways remain voluntary.