

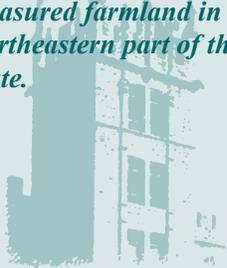
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CENTER FOR GOVERNMENTAL STUDIES
Northern Illinois University

issue: *Safeguarding Farmland from Non-Agricultural Uses*

J. Dixon Esseks

- *Efforts are under way in six metro counties to preserve that land because it is so agriculturally rich.*
- *Enforceable zoning laws are critical to discourage residential development of prime farmland.*
- *DeKalb County has both the strictest zoning and a credible reputation for turning down zoning requests.*
- *Kane County, with federal aid, has enrolled almost 5,000 acres of farmland in easement contracts to enable farmers to farm and realize gain from the urban value of their acreage. Enrolled land can no longer be developed for nonagricultural purposes.*
- *Continuing coordination among state and local governments is essential to preserving Illinois' treasured farmland in the northeastern part of the state.*



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Editor's Note: The rate at which the world is losing prime agricultural land each year is a major concern of environmentalists and futurists, but it is of special concern in Illinois, where large quantities of farmland – some of the most productive agricultural land in the world – is being bulldozed to meet the insatiable demand for urban development. The annual loss of Illinois' farmland to urban sprawl is a major cause of the growing concern over the adequacy of the state's regulations governing land use and urban growth. This is the third *Policy Profile* which addresses this topic.

The population of metropolitan Chicago is expected to reach approximately 9.3 million by the year 2020, a 12 percent increase over the nine-county area's population at the beginning of the century.¹ Six of the nine counties still have considerable quantities of very productive farmland, and all of them have county governments that are making some, if not strong, policy efforts to protect what is left. (See Table 1 on the next page.)

This edition of *Policy Profiles* describes those efforts and explores the reasons for them. At stake is the future of a significant sector of the region's economy.

The article's primary focus is on county governments because they have jurisdiction over the vast majority of the farmed acres that remain in the region. However, a key condition for their success is cooperation between county and municipal governments, since the

latters' annexation policies can ruin the best designed county planning and zoning efforts to protect farmland.

Table 1 indicates that six metro area counties – DeKalb, Grundy, Kane, Kendall, McHenry, and Will – all have more than 50 percent of their land being farmed. These six counties are the subjects of the study reported here. In non-rush hour times, their county seats are all within a 90-minute drive of Chicago's Loop and are even closer to the employment opportunities around O'Hare Airport and along the region's interstates. This closeness has contributed to pressures for residential development and conversion of farmland to other uses. Between the 1990 and 2000 censuses, the six counties' population increases ranged from 14 to 42 percent, and in the years 1987 to 1997 they each experienced a loss in farmland ranging between 25 and 56 square miles (Table 1).

¹The nine counties are Cook, DeKalb, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will. The increase, from six to nine, in the number of counties considered to be part of the Chicago Metropolitan Area is itself reflective of the outward expansion of the urban area's development, and the resulting loss of prime northeastern Illinois farmland.

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table one Population and land in farms in 9 Illinois counties of the Chicago Primary Metropolitan Statistical Area

County	2000 Population ¹	Projected 2020 Population ²	Percent of County's Total Land in Farms 1997 ³	Square Miles in Farms 1997 ⁴	Loss of Land in Farms 1987 to 1997 (Square Miles) ⁴	Total Market Value of Agricultural Production Sold ⁴
Cook	5,376,741	5,615,278	7%	62	12	\$21.4 M
DuPage	904,161	985,704	8	27	13	\$17.4 M
Lake	644,356	925,8401	18	80	49	\$32.2 M
Agriculturally More Important Counties						
DeKalb	88,969	103,291	89	575	25	\$183.4 M
Grundy	38,331	43,484	75	315	56	\$127.9 M
Kane	404,119	552,034	63	328	28	\$122.7 M
Kendall	54,544	66,626	81	262	30	\$58.8 M
McHenry	260,077	347,159	62	379	37	\$109.1 M
Will	502,266	738,046	54	459	55	\$107.1 M
Total	8,273,564	9,258,401				

¹US Census Bureau.

²For 2020 estimates for Cook, DuPage, Kane, Lake, McHenry, and Will counties, see the Northeastern Illinois Planning Commission's website http://www.nipc.cog.il.us/revised_2020.table.htm (accessed August 3, 2003). For estimates for DeKalb, Grundy, and Kendall, see the website, *Illinois Land-Use Clearinghouse--County Information*: <http://www.farmlandinfo.org/fic/states/il/il-co.html> (accessed August 3, 2003).

³Estimate for DeKalb is from DeKalb County Board, 2000. *DeKalb County Comprehensive Plan* (Sycamore, IL); for other counties, see the source for this table's footnote 4.

⁴Source: Oregon State University Libraries, *GovStats: Census of Agriculture: 1987, 1992, 1997*: <http://govinfo.kerr.orst.edu/php/agri/index.php> [accessed August 3, 2003].

Is the area's farmland worth preserving?

The counties' remaining farmland and productive capacity are still important. Each of the six had over 260 square miles of land in farming in 1997; and five of the six each produced more than a \$100 million in agricultural products that year while smaller Kendall County produced an estimated \$58.8 million (Table 1).

Moreover, their agricultural land tends to be particularly worthy of preservation: between 77 and 96 percent of all their farmed acres are estimated to be "prime" for agriculture. By contrast, 24 percent of the nation's total farmland has the "prime" designation.

Another long-term advantage enjoyed by farms in these counties is location. Many are close to their consumers and processors in the large Chicago-Gary-Kenosha Consolidated Metropolitan

Areas. Many also benefit from proximity to Chicago's thick railroad network and the barge transportation route down the Illinois and Mississippi rivers. Nearly two-thirds of the country's grain and soybean exports are shipped on those two rivers, and the six counties' farms are all within two hours by truck to loading facilities on the Illinois.

Why would counties want to stop land conversion to higher tax paying uses?

The reasons that motivate a county government to protect its farmland are often described in the county’s current comprehensive plan and zoning ordinance. Table 2 summarizes the rationale for farmland preservation set forth in the comprehensive plans and zoning ordinances of each of these six counties.

In three of the counties (DeKalb, Kane, and Kendall), farmland protection as a policy goal is justified in part because

the land is so unusually good for agriculture. DeKalb’s plan refers to it as “an irreplaceable resource,” while Kane’s plan boasts that the western part of the county “contains some of the most fertile farmland in the world.” And the areas designated for agricultural use by Kendall’s plan “include highly productive farmland.”

The current plans or ordinances for all six of the counties contain the objective of protecting the best farmland from urban encroachment. The plans of Grundy and Kendall include the goal of having “only less productive land to be used for urbanization.” An appendix to

McHenry’s plan contends that “for every acre of farmland developed, several more are ‘crippled’ for agricultural production, because of conflicts with neighboring subdivisions, crop damage, restrictions on farming practices and increased risk of nuisance lawsuits.”

DeKalb’s and McHenry’s plans add the rationale that keeping residential development out of productive agricultural areas, steering it instead towards municipalities, will economize on costs of public services, reducing the distances traveled by school buses and emergency services (police, fire, and medical), cutting rural road maintenance costs, and increasing the percentage of homes using central water and sewer services.

All six county governments justify farmland protection by citing agriculture’s contributions to the local economy. DeKalb’s plan notes that the county’s many farms “support a wide variety of retail businesses.” Grundy’s document emphasizes agriculture’s role as “one of the County’s major *export* industries,” producing goods that bring new money into the community.

The documents also present non-economic justifications for preserving farmland: protecting attractive scenery and other social amenities attributable to agriculture, and securing environmental benefits like the land’s capacity to store or slow storm water runoff and recharge aquifers. (Table 2).

How much farmland needs to be protected?

For these economic, fiscal, social, and environmental objectives to yield meaningful benefits, the amount of farmland protected needs to be very substantial.

table two Reasons for farmland protection as given in counties’ comprehensive plans and zoning ordinances

Reasons	Counties
The county has unusually fertile land that should be preserved for future farming.	DeKalb, Kane, Kendall
The land best suited for agriculture should be protected from urban encroachment or at least from “premature” conversion.	DeKalb, Grundy, Kane, Kendall, McHenry, Will
Preserving farmland is a means to the end of curbing scattered development and the related higher costs of public services.	DeKalb, McHenry
Agriculture makes valued contributions to the county’s economy, including employment both on farms and in businesses serving farmers.	All six counties
Agriculture provides important social amenities: attractive scenery, open space, a rural way of life	Kane, Kendall
Farmland provides valued environmental benefits, such as storing or slowing stormwater runoff, recharging groundwater through the land’s permeable surfaces.	DeKalb, Kane, Kendall

Main Sources: DeKalb County Board, 2000. *DeKalb County Comprehensive Plan* (Sycamore, IL). Grundy County Board, 1996. *Grundy County Land Use Plan, Year 2010 Update* (Morris, IL). Kane County Board, 1996. *2020 Land Resource Management Plan* (Geneva, IL). Kendall County Board, 2002. *Kendall County Land Resource Management Plan* (Yorkville, IL). McHenry County Board, 1993. *McHenry County Land Use Plan: Year 2010 Update* (Woodstock, IL). Will County Board, 2002. *Will County Land Resource Management Plan* (Joliet, IL).

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As of the time of the 1997 Census of Agriculture, all six counties still had from 262 to 575 square miles of land in farming. The planning maps for all six indicate the counties' intention that most of this land still be in agriculture at the end of the plan periods (e.g., 2010, 2020). And the plans also aimed to protect large amounts of contiguous land so that farming operations would be more efficient and less encumbered by the restrictions caused by nonfarm neighbors. Planners for the county with the largest quantity of farmland in 1997, DeKalb, predicted that its growth management policies would help keep 84 percent of the county's total land in farms in 2020, compared to 89 percent in 1999. And that plan presents agriculture as "a primary land use" for the foreseeable future.

Will County has the second largest amount of farmland. But its plan regards "agriculture . . . as a temporary use subject to eventual change." This difference in outlook derives in large part from much greater expected population growth in Will (Table 1). Another factor seems to be the absence in that county of political support for preserving a large agricultural sector. When asked about such a policy, a Will County planner could think of no rural township or sizeable parts of a township that had been identified for multi-decade protection.

By contrast, Kane County, also an area of high population growth (Table 1), is spending major sums of public revenue on perpetual agricultural conservation easements to supplement its long-established policy of restrictive agricultural zoning in its western townships.

tablethree Three major groups of policies for achieving farmland protection goals

1. Place technical and legal obstacles in the way of conversion.	
Work with municipalities to prevent the premature extension of sewer and water lines to agriculturally productive land.	DeKalb, Kane, Kendall, McHenry, Will
Use zoning powers to limit residential development on productive farmland.	All six counties
Make zoning restrictions politically palatable by permitting development on parcels in protection zones that are not conducive to profitable farming.	Grundy, Kane, Kendall, McHenry, Will
2. Reduce the perceived appeal or need for owners to sell land for conversion.	
Reduce the prices that land speculators are willing to offer to owners of land in areas designated for protection by implementing zoning policies that indicate growth is unlikely to be permitted there for many years.	DeKalb, Kane
Protect commercial farms from conflicts with nonfarm neighbors over agricultural odors, dust, sounds, and other perceived nuisances, by:	DeKalb, Grundy, Kane, Kendall, McHenry
a. Using zoning powers to minimize situations of nonfarm homes being built next to farms.	DeKalb, Kane, Will
b. Supporting "right-to-farm" measures.	Kane, Kendall, McHenry
c. Supporting Illinois' Agricultural Preservation Areas program.	Kane
d. Requiring new subdivisions to erect fences, berms, or vegetative buffers between themselves and farms.	DeKalb, Kane
Help increase the profitability of commercial farming in the county by:	Kane
a. Supporting local farmers' markets.	Kane, Will
b. Supporting agri-businesses that serve local farms.	Kane
c. Providing drainage facilities, bridges, roads, and other infrastructure that farms need.	DeKalb, Grundy, Kane
d. Shaping growth so that large contiguous tracts of good land are available for commercial farming.	
3. Enable owners to realize the development value of their land while retaining all or at least some of it in agricultural use.	
County establishes (or considers) programs of buying conservation easements (i.e., purchasing the development rights to farms).	Kane established; DeKalb considers.
Planned unit developments or "conservation subdivisions" in which new homes are clustered, allowing for preservation of half or more of the land for agricultural or other open-space uses.	McHenry, Will

What is being done to preserve farmland?

The policies being used by the six counties to stop or slow the process of converting farmland to other uses can be divided into the three categories listed in Table 3.

Following is a discussion of these three categories.

1. What kinds of obstacles protect farmland?

Land has a higher value when used for housing rather than farming, and the more dwelling units that can be built per acre, the more attractive the farm parcel is to developers. The most effective barriers, then, are those that greatly restrict the density of residential development, such as requiring a minimum of 20 or 40 acre plots for each residence. However, with public water and sewer services, five or more homes are possible per acre. Since municipalities normally provide both services, developers work with them to encourage the extension of these services into rural areas.

The comprehensive plans of the counties in this study include provisions encouraging county and municipal cooperation to prevent the premature extension of municipal services to agricultural areas designated for protection in the county plan. These areas are typically a distance from existing municipal boundaries, but cities have been known to annex far into the countryside, perhaps to pre-empt some other municipality. In the 1990s, for example, the Will County city of Joliet annexed aggressively past its northwestern neighbor, Plainfield, into a part of Kendall County that previously had seen very little nonfarm development.

Now Will County planners are meeting with their counterparts in municipal governments on a quarterly basis, hoping to promote agreement on boundary changes and other policies needed to achieve more orderly growth.

To protect farmland (among other land use goals), DeKalb County has gathered representatives of 13 of the county's 14 municipalities into a regional planning commission charged with developing a unified comprehensive plan for the county as a whole. The county hopes that such a plan would move the municipalities to coordinate their own comprehensive plans with the county plan, thereby producing a single plan for the whole county. The county has made funding available to help municipalities update their plans accordingly.

What about zoning?

Although important, such intergovernmental efforts are, by themselves, insufficient tools for preserving farmland. Enforceable zoning laws are also needed. Since elected officials traditionally find it difficult to turn down developers, especially those with proposals that would increase the tax base, zoning enforcement is critical to farmland preservation. Especially needed are policies to guard against excessive numbers of mini-estates on one-acre or larger parcels of productive farmland. To this end, all six counties use a set of four related zoning tools: (1) establishing zoning districts in which agricultural uses are expected to be dominant, (2) discouraging home construction in those districts through the requirement of a large minimum lot size, (3) further limiting the quantity of such homes by requiring a wide minimum road frontage per new building lot, and (4) imposing restrictions on rezoning land from agricultural to other uses.

As of mid-2003, the zoning ordinances for DeKalb, Kane, Kendall, and McHenry counties require that a building permit can not be issued for a residence in a primary agricultural use district unless the applicant's parcel is at least 40 acres. The minimum in Grundy is 20 acres while Will County requires 10 (Table 4 on the next page). The assumption is that most households seeking to enjoy country living will be deterred by the cost of 40 acres, if not for 20 or even 10 acres.

If, however, deep-pocketed buyers enter the market, the requirement of a wide road frontage at least limits the number of 40 acre home sites. Thus DeKalb County requires that all new homes built in one of its agricultural use zoning districts have at least 500 feet of frontage on a public road. Kendall County stipulates at least 400 feet; the corresponding values in the other four counties range from 250 to 330 feet (see Table 4).

With a 500 foot road frontage requirement and no intersecting streets, a maximum of about 10 homes will fit on a mile of road frontage. With 250 feet, 21 could be accommodated. Without such regulations, even the 40 acre minimum lot size would not deter a creative builder from designing lot parcels which result in much greater density.

Is zoning effective in preserving farmland?

Zoning enforcement is obviously critical to farmland preservation. If county boards are willing to rezone parcels out of the restrictive agricultural zone, and buyers are available, builders will pay the application and legal fees needed to

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tablefour Prescribed standards for agricultural zoning districts that protect farmland from conversion, by county

Type of Standard	DeKalb	Grundy	Kane	Kendall	McHenry	Will
Minimum parcel size for qualifying for a residential building permit	40 acres	20 acres	40 acres	40 acres	40 acres	10 acres
Minimum road frontage required for building permit	500 feet	250 feet	250 feet	400 feet	330 feet	300 feet

change the zoning classification. For example, a switch from A[griculture]-1 to A-2 in McHenry County means a decrease in minimum lot size from 40 to 1 acre and in the required road frontage from 330 feet to as few as 150 feet.

Of the six counties, DeKalb has both the strictest zoning provisions and a credible reputation for turning down rezoning requests. In contrast to the ordinances for the other five counties, DeKalb’s ordinance does *not* encourage petitions for more liberal zoning by listing conditions under which a change may be permitted. The ordinances in Kane and McHenry, for example, suggest that zoning boards of appeal may recommend rezoning if the subject parcel is small, has nonprime soils, steep slopes, or other barriers to economic farming, including adjacent land uses that might cause difficulties (such as nonfarm residences, perhaps with complaining inhabitants).

A difficult situation can occur when a farmer located next to a rural subdivision petitions to have his land treated

the same way his neighbor’s was, albeit some years previously. Earlier zoning variations, used as a precedent, makes rejection of future petitions both politically and legally more difficult.

By contrast, DeKalb’s plan specifically discourages adding on to residential islands that were approved in past years in districts that later became restrictive agricultural zones.

But do such aggressive zoning efforts succeed?

Both the current county planner and a knowledgeable DeKalb County Farm Bureau observer reported that the DeKalb County Board has held that, in areas zoned for protection, old subdivisions do not justify new developments. A similar pair of informed observers made the same observations about rezoning decisions taken by the Kendall County Board.

Other evidence of successful protection through zoning came from developers.

A DeKalb builder reported, “The only way to get approval for a new subdivision in a rural area of DeKalb County would be. . . [to] have it located in an area that is approved for development on the current county land use plan,” and either be close enough to a municipality to be annexed or be on a large enough parcel that the developer can provide his own sewage treatment facility.

Yet another indication of the success of DeKalb’s policy of strict zoning is the finding in a 1997 study that agriculturally zoned land with the 40-acre minimum sold for less than other parcels of farmland. *In other words, the real estate market took DeKalb County’s zoning seriously.*

2. How can farmers be discouraged from selling their land for conversion?

If the market prices are relatively low, or the net agricultural income from their land is good, farmers may be less likely to sell to speculators, developers, or builders. All six county governments currently have policies to protect or improve farm income. One policy tool being used is to protect farmers from nuisance complaints and lawsuits. “Right-to-farm” measures (see Table 3, category 2) include the promotion of formal statements attached to deeds or subdivision plats that warn potential buyers that they may be subject to nuisances such as livestock odors, dust, noise, and slow-moving farm vehicle traffic on roads.

A related tool is county use of the State of Illinois’ Agricultural Areas Program. Under it, farmers may voluntarily enroll their land in county-approved “Agricultural Areas” for 10 years, renewable

every eight years thereafter. Among other benefits for enrolled land is that it is “exempt from local laws that would unreasonably restrict normal farming practices.” As of the end of 2002, five of the six counties had approved Agricultural Areas (the exception being Grundy), with the largest number found in McHenry--nine separate areas covering a total of 20,796 acres.

The plans of several counties state the policy objective of improving the supply of farm inputs. DeKalb, Grundy, and Kane discuss the need to provide land in large, contiguous tracts. Kane and Will urge support to businesses that provide feed, seed, fertilizer, implements, and other essential farm supplies, while Kane’s plan recognizes the agricultural importance of adequate roads, bridges, and multi-mile drainage facilities. Kane’s plan also advocates help with the sales of farm products and farmers’ markets.

What else is needed to preserve farmland?

The support of local farm leaders is critical to the success of a planning and zoning approach to farmland protection. The directors of the DeKalb County Farm Bureau, for example, have passed resolutions in favor of keeping new development close to municipalities. The Kendall County Farm Bureau has opposed a proposed outer beltway, the “Prairie Parkway,” that, in connecting Interstates 88 and 80, would cut through the western part of Kendall that the county’s plan has reserved for agriculture. However, as development edges closer to the protection zones, both current owners and prospective buyers may marshal sufficient political clout to weaken the now dominant planning and zoning approach to farmland protection.

3. Can farmers profit from higher land values and still farm?

Yes. Kane County’s government recognized the need to enable farmers to realize the development value of their land while still farming when, in April, 2001, it adopted its Agricultural Conservation Easement and Farmland Protection Program. By September, 2003, the county had purchased perpetual “conservation easements” to 1,201 acres on nine different farms; had approved easements for another 915 acres, and had received applications for easements on 2,768 more acres of farmland (for a total of 4,884 acres). Under easement contracts, the land cannot be developed for nonagricultural purposes.

The U. S. Department of Agriculture’s Farm and Ranch Lands Protection Program currently provides about \$100 million a year to states, local governments, and nonprofit organizations that contract with owners of productive farmland under development pressure for the purpose of acquiring perpetual easements to preserve the land in agricultural use. The federal share of any purchase price can not exceed 50 percent. Current Illinois law does not permit local governments to sell bonds or use tax money for the other 50 percent. A group of conservationists has developed draft legislation, the “Illinois Farmland Protection Act,” that would enable the governing board of a county, municipality, or township to enter into easement agreements as well as to levy taxes and issue bonds (following voter approval) for the purpose of funding easement purchases. Kane County has been able to cover its share of the easement costs with

proceeds from river boat gambling. The easement agreements on which the county had closed as of September, 2003, all provided for payments to owners of \$5,000 per acre. In easement programs elsewhere in the country, the payments tend to be the difference between the land’s appraised value with the development rights intact minus its estimated value with those rights removed.

So what is the future outlook for farmland preservation?

In many or most of the agricultural portions of the six counties studied for this article, restrictive zoning alone may continue to be an adequate tool. However, threats to farmland preservation in the area continue. Coalitions of developers, builders, and farmland owners may form and persuade county boards to abandon or weaken their commitment to protecting productive farmland located a distance from existing municipal boundaries. Cities or villages using aggressive annexation may prematurely acquire jurisdiction or move so close that the development value of good farmland skyrockets. Another threat may be posed by transportation projects such as the proposed Prairie Parkway that can cut through good farming areas even if both county and municipal plans provide for preservation.

What is needed, therefore, are continuing efforts to achieve effective coordination among local governments as well as among them and state agencies. Only through such cooperation can Illinois’ treasure of prime farmland in the northeastern part of the state be preserved.

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