

CHAPTER 158: AGRICULTURAL AREAS CONSERVATION AND PROTECTIONS

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§ 158.01 TITLE.

This chapter shall be known as “Agricultural Areas Conservation and Protection”.

§ 158.02 DEFINITIONS.

The terms used in this chapter shall have the meanings ascribed to them through general use as to those terms specifically in Sections 1003.01 through 1003.08 of the Agricultural Areas Conservation and Protection Act, and as to those terms, the definitions provided herein shall control.

§ 158.03 COUNTY APPOINTING AUTHORITY.

There is hereby created a County Appointing Authority consisting of the County Board Chairperson, the County Agricultural Extension Advisor and the Chairperson of the County Soil and Water Conservation District.

§ 158.04 DUTIES OF COUNTY APPOINTING AUTHORITY.

It is the duty of the County Appointing Authority to appoint persons to serve on the County Agricultural Areas Committee and to perform such other duties as are prescribed by law.

§ 158.05 AGRICULTURAL AREAS COMMITTEE.

There is hereby created an Agricultural Areas Committee which shall consist of four active farmers, no more than two of whom shall be of the same major political party and a member of the County Board, all of whom shall be appointed by the County Appointing Authority.

§ 158.06 DUTIES AND AUTHORITY OF AGRICULTURAL AREAS COMMITTEE.

The County Agricultural Areas Committee shall perform such duties and be vested with such authority as is prescribed by law.

§ 158.07 PROPOSAL FOR CREATION OF AGRICULTURAL AREA.

Any owner or owners may submit a proposal for the creation of an agricultural area within the county. Such proposal, not to apply to less than 500 acres, shall be submitted to the County Zoning Administrator, and shall include a complete and correct legal description of the proposed area, including the boundaries thereof, as well as any other information requested by the County Zoning Administrator.

§ 158.08 DUTIES OF COUNTY ZONING ADMINISTRATOR.

Upon receipt of a proposal for creation of, modification of, petition for withdrawal or dissolution of an agricultural area, it shall be the duty of the County Zoning Administrator to perform the following acts:

- (A) Collect and transmit to the County Treasurer the appropriate application fee as provided herein;
- (B) Cause to be provided and published such notice as is required by law upon the receipt of such proposal or petition;

- (C) Cause to be transmitted to the Tri-County Regional Planning Commission, a copy of any required notice, proposal or petition;
- (D) Receive and review any proposals for modifications of a proposed agricultural area which may be submitted;
- (E) Refer any proposal for a proposed agricultural area, any proposed modifications and any petition for withdrawal or dissolution to the County Agricultural Areas Committee as provided by law;
- (F) Cause to be provided and published such notice as required by law prior to the holding of a public hearing by the Agricultural Areas Committee for the purpose of acting upon any such proposal or petition;
- (G) Supply to any affected municipality, township, state, or federal agency, adjacent property owner, and persons proposing an agricultural area the time, date and place of the public hearing/hearings;
- (H) Upon the creation of an agricultural area, file the description thereof with the County Clerk and the County Recorder of Deeds; and
- (I) Maintain accurate records as to the dates of creation of agricultural areas and timely notify the County Board in order that the Board may conduct any review as is required by law.

§ 158.09 APPLICATION FEES.

All persons, partnerships, corporations, associations, and any and all other entities submitting proposals for the creation of, modification to, petitions for withdrawal from, or dissolutions of an agricultural area shall submit therewith an application fee in an amount equal to \$.05 per acre with a minimum fee of \$5 for lands to be included in, added to, withdrawn from or dissolved as an agricultural area. The fee so submitted shall be nonrefundable without regard to the action taken upon any such proposal or petition.

§ 158.10 APPLICABLE LAW.

The provisions contained in this chapter are in addition to any other state law which may apply to agricultural areas, and as to any direct conflict between the provisions contained in this chapter and state law, state law shall apply.