

Indiana Land Resource Council
Tuesday, April 17, 2018
1:30 p.m. – 3:30 p.m.
One North Capitol
1 North Capitol Ave., Suite 600
Indianapolis, IN 46204

Members Present:

Tom Slater
Matt Williams
Steve Eberly
Beth Tharp
Jeff Page

1. Meeting called to order at 1:30 p.m.
2. Welcome and Introductions
3. Remarks from ISDA Director
 - a. Important work for our agency and the State
 - b. Thank you for representing your constituency
4. Minutes
 - a. Steve and Beth seconded
5. Executive Director's Report, Jeff Cummins
 - a. Session update
 - i. Senate Enrolled Act 105
 - ii. Senate Enrolled Act 331
 - iii. Items to be addressed in a special session, do not affect our agency
 - iv. Special session will probably be May 14-15, one day for technical corrections and then one or two days for the other bills to go through.
 - v. HEA 1065: infrastructure for broadband, Office of Community and Rural Affairs
 - vi. Water issues were high on the list for legislators and we think that will come back next year. HEA 1089. St Joseph River Basin Commission
 - vii. HEA 1227, Adding waterhemp, marestail, Palmer amaranth, Powell amaranth, smooth pigweed, rough pigweed and poison hemlock to the noxious weeds list
 - viii. We noticed that bills touching animal issues, we are on the uptick. The bills didn't move but the first step was to get someone to file them. We will keep an eye on those moving forward.
6. Katie Nelson – Model Zoning Presentation

- a. Met with individual councilors to get feedback on meetings, projects, answering questions
 - i. There were common questions that came from councilors including
 1. How was the project chosen?
 2. Should we expand model ordinances?
 3. ILRC mission?
 - ii. We'll address some of those here
- b. Council's Purpose is to collect information, provide assistance to local units of government
- c. Question on terms: see slide
- d. Current project
 - i. Listening sessions began in April 2016 ran to April 2017: see slide
 - ii. Budget comes from ISDA
- e. Model Zoning Ordinances
 - i. Livestock focused which is an issue some of you have raised
 1. Three public listening sessions then council voted to go forward with project
 2. Three models present three approaches
 3. Meant to address land use not regulatory functions of IDEM, OISC, ISDH
 4. ILRC serves as a resource
 5. Does not intend to preempt local authority
 - ii. Multiple Ag Districts
 1. Intensive v. general use
 2. In a general use district you would find non-permitted facilities
 3. Intensive would be designed to cover CFO/CAFO activity
 - iii. Site Scoring System
 1. Objective and consistent criteria
 2. Is case by case but still provides consistency for land users
 - iv. Limited Use w/ Development Standards
 1. Intended to keep things out of BZA processes
 2. Still an objective approach within the ordinance itself
 - v. You can use more than one model ordinance: See example slide
- f. Bruce: has anyone seen this used well or have any experience here?
 - i. Eberly: I've seen where they have not been used and I think we could revisit how these could work in other areas.
- g. Bruce: Which of the other areas represented on the Council do you feel you would like to know more about? You understand your own area, but if there are areas you need to know more about what would that be?
 - i. Beth: Personally, housing development.
 - ii. Eberly: probably builders but depending on proximity to agriculture it doesn't matter. If they're removed they're going to need to know modern practices.
 - iii. Matt: Residential impacts.
- h. Bruce: are there parts of the ordinances that impact your area differently?
 - i. Matt: Water quality is the side of the ledger we spend the most time on.

- ii. Page: Residential housing development would be an area I'd like to know more about.
 - iii. Tom: Being in the building business as a supplier, there's no more land being made. The most important thing we need to know on building and economic development side we need to work together. The boards I sit on are very concerned about misuse of land. We've got to get the relationship between ag and our industry improved.
 - i. Bruce; what would be helpful for doing that?
 - i. Tom: People need more education and meet people in other industries to discuss land uses. People want food on the plate and a roof over their head and we supply it.
 - ii. Page: We see the correlation between housing and our industry doing well.
 - iii. Bruce: We might have David Kovich or someone from that industry come and talk to the council. We can tap into those folks to link up the education piece.
 - iv. Tom: I think the Builders would work with this council to help us find ways to work together.
 - j. Katie: Update on Comp Plan Project.
 - i. Draft documents will be available to you by April 20 and will be due May 31st including content feedback. We'll have reviewers go over it once feedback is received. Kara wants to discuss the project rollout at the next meeting.
 - ii. The July meeting will be a forestry tour and a meeting and we're coordinating with DNR.
 - iii. Beth: What is our specific responsibility for the project?
 - 1. Katie: we'll need you to review the project from your constituencies' perspective.
 - iv. Beth: Will there be a legal review?
 - 1. Jeff: We can look into that. Make sure your review is substantive. You're not here to just check a box.
 - v. Katie: Kara would like to have them back by the end of May.
 - 1. Melissa: It would need to be an outside source on the legal review.
7. Lindsay Purcell Presentation: Comprehensive Planning for Urban Forestry
 - a. Excited to be on the project because I've been involved with this type of issue through teaching and through community involvement.
 - b. In the last 20 years we've been able to quantify the benefits of the ecosystem services that urban forest provide. It's a capital asset that generates economic development, increases property value, sound barriers, remove air pollutants and filter water, etc.
 - c. Air and water quality are a major issue and we're looking at ways to get involved with communities on storm water management.
 - d. Current trends: urban trees provide \$100M in value. The green industry is a billion dollar industry in Indiana alone. 80% of our population lives in an urban forest. Projected to lose 250,000 acres due to urbanization.
 - e. Indiana Urban Forest Inventory (2008)
 - f. Very diverse species but at risk (Maple – longhorn Asian beetle and Ash – Emerald Ash Borer)

- g. Stocking level – 52%
- h. Some imbalance in our urban forests where some are mature or over-mature and others are very juvenile which can be traced to a lack of planting over 30-40 years.
- i. Bruce: Are more developments requiring trees?
- j. Lindsay: Yes I've provided some information on regulatory tools that could be used to improve land.
- k. Challenges include development and making it friendlier to our urban canopy and climate change. These are changing our landscape and hindering our ability to make improvements to tree health. I probably hear most about air and water quality and I've seen rankings that put us in the 40s. Invasive plants and pests are increasing the pressure on our trees and natural ecosystems.
- l. Funding, administrative priorities and attitudes and education are also challenges. Many communities don't have the resources to hire an urban forester so this project is really timely in terms of helping communities understand what they need to know. Each community will have a different perspective on their infrastructure and where trees, as a capital asset, fit into that perspective.
- m. Our Objectives
 - i. Identify constraints; environmental and physical. Our urban infrastructure isn't great for growing urban trees. Degraded soils, impervious concrete and climate extremes.
 - ii. Recognize social and environmental needs. Working with engineers and public works and environmental justice and low income groups. Green spaces can reduce crime.
 - iii. Create safe spaces for people; enhance the canopy.
 - iv. Sustainable landscapes. We'll need to shift our attitude toward helping trees to live longer. The average lifespan for an urban tree is about 25 years.
- n. The Process
 - i. Created a strategic planning model.
 - ii. Inventory – Management Plan – Ordinance
 - iii. The ordinance deals with protecting trees from unmonitored and uncontrolled development. Management tools are key. Conservation tools include low-impact strategies and land use decisions. Regulatory Tools: tree ordinance, specifications, species lists that work best in urban areas.
- o. Bruce: how did some of these invasives (Bradford Pear) get to Indiana?
 - i. Lindsay: They were originally brought for their flowering look but they produce many seeds and deposit them everywhere. We're trying to work with nurseries to avoid selling them.
- p. Bruce: There are other species as well and USDA or others are making these decisions.
 - i. Lindsay: We often don't know that they'll be invasive when they arrive. Johnson Grass is controlled in Texas but not here. So many species being sold without folks knowing they're invasive.
- q. Jeff: Do we have any tree ordinances?
 - i. Lindsay: To become a tree city you need an ordinance and an urban forester and so this tool will help these communities learn these processes.

- r. Bruce: What's the best way to get these types of initiatives going in communities?
 - i. Lindsay: I think we've got to find a way to make a big splash with this project and with what Purdue can do currently. We're a well-kept secret on this kind of thing.

8. Discussion:

- a. Beth: Where do we go from here?
 - i. Jeff - Up to you. Brainstorming and planning committees
- b. Beth: Let's plan a working session before the May 31st deadline.
 - i. Jeff: Doodle poll before the end of the week.
- c. Other discussion?
 - i. Tom: Things seems to be working well. Moving forward in the right direction moving forward.
 - ii. Matt: I think Katie had a list of other topics this group could look at. How do we get some of those other topics investigated?
 - 1. Jeff: Can do it internally at ISDA or if you want to do research and present we can do that as well.
- d. Bruce: Let's boil those things down to what makes sense.
 - i. Jeff: What are you hearing that we can tackle?
 - 1. Page: private property rights have been a big issue for my constituency. The intersection of ordinances and private property rights.
 - 2. Katie: wind came up in all our meetings so we could examine something there.
 - 3. Beth: Do you think there's a need for additional ordinances?
 - 4. Jeff: There's probably always room for additional resources. WE don't hear the need as much as others but I'm sure it's there so the focus is the question mark.
 - 5. Steve: There can be differences as far as what's best for the land and the landowner. In Indiana we rely on prevailing government rules and regulations that tends to be how we leave it. We believe those are science based so we have to figure out how to combat fake science. That can be applied to wind or solar but I think we need to maintain the broader scope.
 - 6. Page: I agree with that. The focus should be a broader topic.
 - 7. Jeff: We'll do a summary on prior topics.
 - ii. Steve: I think we should look at what's being taught in K-12. If there's something there to check in with what's being taught in schools. What land use and water quality subjects are being taught?
 - 1. Matt: We don't have anything in the educational arena but we'd be very interested.
 - 2. Beth: From the ag side, Farm Bureau has ag in the classroom which is a good program. It's very easy to get scientists to say whatever is way too easy and this council needs to be a source of truth.
 - 3. Jeff Page: Project Learning Tree (division of Forestry collaboration). Education over regulation would be a valuable tool.

9. Audience Comments

a. None

10. Meeting adjourned at 3:10pm

Model Zoning Ordinances

KATIE NELSON

A solid green horizontal bar at the bottom of the slide.

Individual Meetings

- How was the current project chosen?
- We should consider expanding the model zoning ordinances beyond agriculture.
- “Land resources” is diverse, it is larger than agriculture.
- We should consider looking at wind, solar, power, sewer, water quality.
- BZA meetings can be contentious and unproductive.
- What is ILRC’s mission?
- Should we look at annexation?
- I would like to get to know fellow council members better.

Purpose of Council

- “Helping neighbors be good neighbors”
- Created in state law – I.C. 15-12-5
- “The purpose of the council is to collect information and provide educational assistance, technical assistance and advice to local governments regarding land use strategies and issues across the state.” (I.C. 15-12-5-5)
- Composed of representatives from county and municipal governments, home building and land development, business, environmental interests, soil and water conservation districts, farming and a land use expert.

Members

County Government	Steve Eberly	December 2019
Municipal Government	Mayor Michael Pavey	May 2017*
Farm Owners	Beth Tharp	August 2020
Home Building and Development	David Kovich	April 2020
Business	Tom Slater	September 2020
Environment	Matt Williams	December 2019
Academia	Kara Salazar	December 2019
Soil and Water Conservation Districts	Jeff Healy	December 2019
Forestry	Jeff Page	August 2020

*Names have been submitted to the Governor for the Municipal Government seat and are now awaiting an appointment.

Current Project

- Listening sessions to spark ideas and choose projects
 - April 2016 – Purdue CFO Study
 - August 2016 – Commodity Groups, American Planning Association, TNC
 - November 2016 – Purdue Land Use Team
 - April 2017 – Embankment Dam Hazards, Low Head Dams, Indiana Land Improvement Contractors Assoc., Amy Cornell, Bose McKinney and Evans on Economic Development
- Budget
 - ISDA provides the funds for the Council's work

A Guide for Local Land Use Planning: Model Agricultural Zoning Ordinances

Purpose:

- Provide guidance to counties on how to update their zoning ordinances to provide for strategic growth of agricultural production while minimizing conflicting land uses.

Process:

- Researched Indiana counties and counties in other states to see how they developed their ordinances to minimize conflicting uses and ensure that agriculture remains a strong component of the county's economy.
- Conducted an analysis of university research on ag production practices and odor assessment tools
- After discussion and three public listening sessions, ILRC voted to recommend the three sets of model regulations included in this document.
- Updated in 2014

Comments, Conditions and Limitations

- The three models represent three different approaches, though it may make sense to use a combination of two of them.
- A county may use the models and change the setback numbers
- These models are intended to address LAND USE issues. They are not intended to address other issues handled by IDEM, OISC, ISDH.
- The measurement and regulation of odors is a developing science
- All stakeholders are better off with a system that provides certainty about what is and is not allowed than with a system in which land use and the extent of regulation of that use evolves from case-by-case negotiations.
- The ILRC is a resource to assist Indiana counties, not to preempt local power and duty.

Multiple Agricultural Districts

Land currently zoned agricultural is divided to reflect different types of modern agriculture

Advantages:

- County proactively makes determinations of the growth pattern of the county and establishes the best sites for agricultural uses.
- It also minimizes conflicting uses by delineating certain areas for agriculture and areas for rural residential development.

Disadvantage:

- Requires a comprehensive assessment of the entire county, which entails substantial time and resources.

Multiple Agricultural Districts

General Agricultural District

- Intent is to provide and protect substantial areas for a broad variety of agricultural uses where little or no urbanization has occurred or is planned to occur.
- Permitted uses include row crop, livestock production not requiring an IDEM permit, grain elevator, farm equipment dealer etc.
- Includes special exception uses

A-2 Intensive Agricultural District

- Intent is to provide areas within the county for agricultural related industries and confined feeding operations
- Permitted uses include those in the general ag district as well as CFO, CAFO, Meat Processing, Sawmill, Timber Processing.
- CFO or CAFO shall have a setback of 750 feet to 850 from a residentially zoned area and shall be measured from the property line

Multiple Agricultural Districts

Rural Estate District

- Intent is to provide for a variety of less intensive agricultural uses, while accommodating some low density single family dwellings and subdivisions in appropriate locations in the county.
- Permitted uses include farm residence, residential subdivision and row crop.
- Special exception uses include agricultural buildings, livestock production not requiring an IDEM permit, and farm supply stores.

Site Scoring System

Mechanism to approve local application for a new livestock facility through achievement of a predetermined score based on a series of science-based criteria.

Advantages:

- Clear, objective criteria that provide for efficient decision making for local plan departments.
- Provides an applicant with a clear sense of what is expected to receive a local permit.
- Recognizes the difference in farms by providing many options to meet the minimum score.

Disadvantages:

- Is a case-by-case analysis versus a proactive designation of certain zones for livestock production.

Site Scoring System

Example: 8000 head swine finishing facility

- 1000 feet from nearest non-farm residence = 45 points
- 2640 feet from nearest public use area = 25 points
- 2640 feet from nearest school = 35 points
- Odor abatement measures (covered manure storage / shelterbelt) = 50 points
- Inject manure = 30 points
- Adequate truck turnaround = 25 points
- Feeding and watering system to reduce water use = 20 points
- Additional property taxes = 15 points

Total Possible Points = 400

Total for Proposed Facility = 245 points

The proposed site must obtain a minimum overall score of 240-260 to be approved.

Limited Use with Development Standards

Follows an objective approach by setting forth clear development standards within the ordinance itself versus having an applicant go through a special exception process.

- Specifications for Improvement Location Permit
- CFO and CAFO setbacks
 - Maximum required separation distance for a CFO/CAFO will be 1,000 feet from a residential district and 900 feet to 1,000 feet from an existing residence, except for a residence related to the farm operation.
- Tier 1 and Tier 2 Separation Distance Reductions for implementing certain odor control technologies.
- Other standards

Using Two Model Ordinances

Multiple Ag Districts and Site Scoring

- CFO/CAFOs are a special exception in the General Ag zone.
 - CFO/CAFO in General Ag if site plan obtains minimum overall score.

Questions?

Update on Comprehensive Planning Project

- Draft documents will be available for review by April 20
 - Please send Kara feedback via email by May 31
- Feedback on content and additional resources is most helpful
- Two external reviewers will provide feedback by end of May
- Documents will then go to Purdue Agricultural Communications for copy editing and design
- Target date to complete and release final document is September
- Website to host materials
- Preliminary discussion on 2019 symposium at July meeting.



Comprehensive Planning for Economic Development

A Guide for Local Government

Urban forests provide Ecosystem Services

- Environment/Climate Modifications
- Improve Living Conditions
- Water Filter
- Air Filter
- Sound Barriers
- Remove Air Pollutants
- Aesthetics
- Recreational Usage
- Increase Property Values
- Social Factors
- Economic Generators



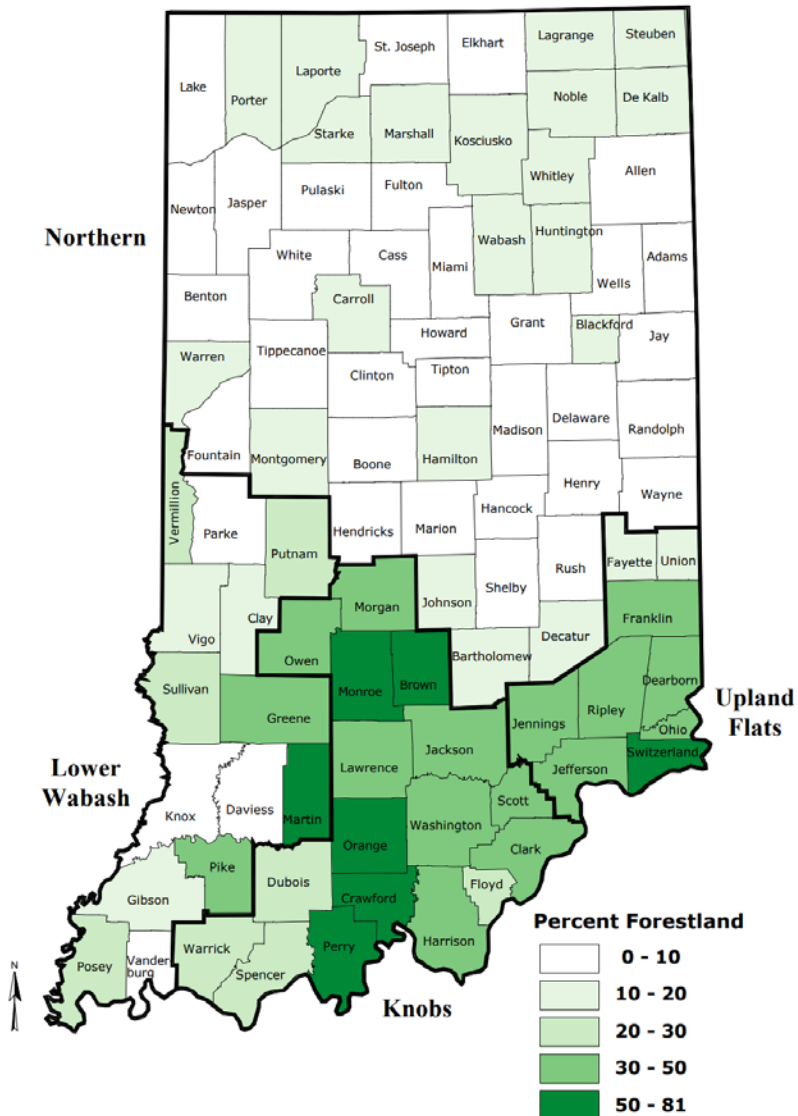
Current Trends in Urban Forestry

- In Indiana, urban trees provide over 100 million dollars in ecosystem services annually.
- Nearly 80% of our population lives in the urban forest.
- Nationally, Urbanization is currently at 54% and estimated to be at 66% by 2040.
- By 2050, projected to lose nearly 10% of “non-urban forest” or over 250,000 acres.



Indiana Urban Forest Inventory (2008)

- 243 species
- 35- 42 % Maple species
- 8- 14% Ash species
- 58% in good functional condition, prior to EAB
- Stocking Level- 52%
- ~20% Urban Tree Canopy.
- Nearly all urban forests inventoried are mature to over-mature



“Our” Challenges

- Development
- Climate change
- Air/ water quality
- Invasive plants / pests
- Funding/ Resources
- Administration
- Attitude and



Our objectives...

1

Identify constraints;
Environmental and physical limitations.

2

Recognize social and environmental needs.

3

Create safe spaces for people;
enhance the canopy.

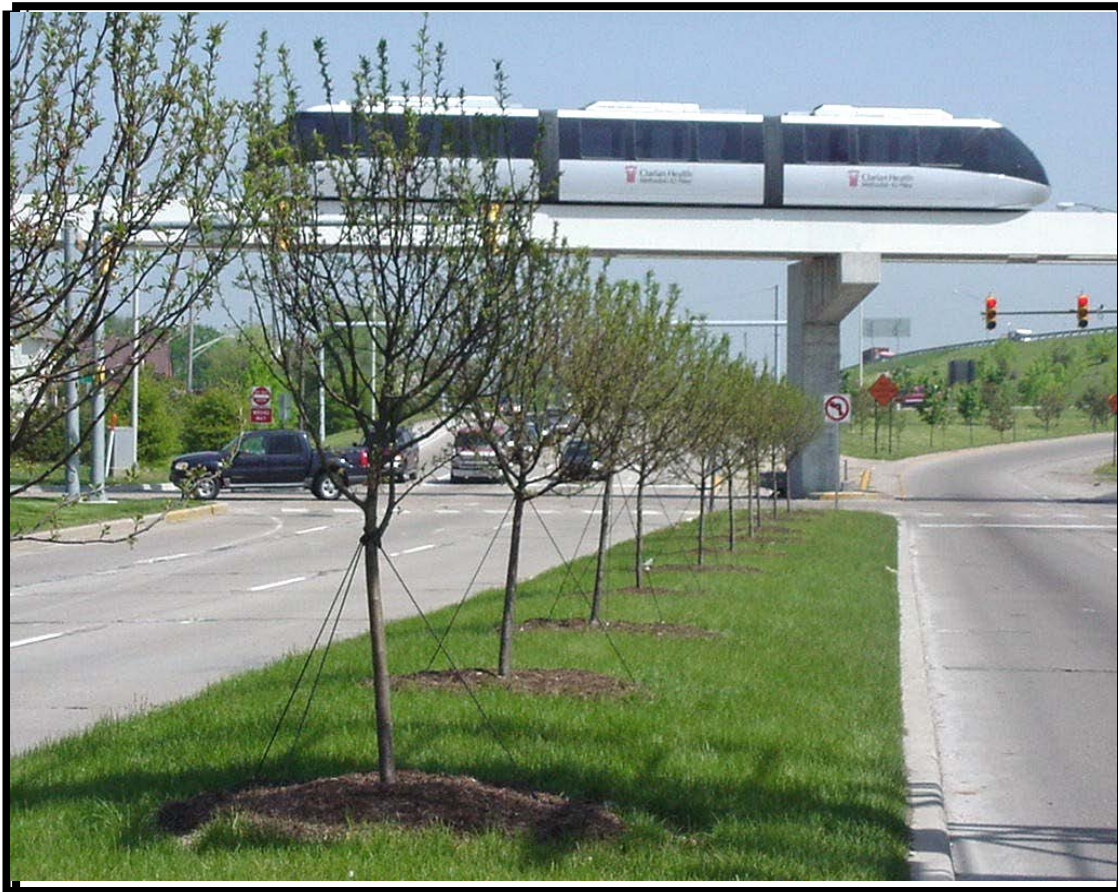
4

Sustainable landscapes.

The Process



The basic requirements for a healthy, sustainable urban forest is an inventory, management plan and an ordinance. These are critical attributes to the overall urban forestry management plan. It's as simple as measuring existing trees, creating a plan to manage those trees and an ordinance to protect those assets.



Urban Forestry Planning Tools

- **Management tools**
 - Urban Forestry Management Plan
 - Canopy Coverage Policy
- **Conservation tools**
 - Low-impact strategies
 - Land use decisions
- **Regulatory tools**
 - Tree ordinance
 - Specifications
 - Species lists

Thank you.

