



THE LAND USE BULLETIN

Fall, 2005 / Issue 62

Published Quarterly By 1000 Friends of Iowa

BEST DEVELOPMENT AWARDS

At our annual meeting in June, we gave out the annual Best Development Awards.

*These projects embody the values that 1000 Friends promotes:
responsible land use, smart growth, adaptive reuse, infill, and walkability.*

1000 Friends of Iowa salutes these Best Development Award winners:

NEW RESIDENTIAL (photo below)

Peninsula Neighborhood, Iowa City Peninsula Neighborhood Development Corp.

The Peninsula Neighborhood is mix of home types similar to the historic neighborhoods of cities in the Mississippi River region of the upper Midwest. Like those historic places we admire, this neighborhood is a walkable place with a mixture of home types and historic styles within a five-minute walk of places to shop, work, and recreate. Townhouses, single family

homes, condominium flats, and flex homes (living space over a store/office) create a rich visual environment while providing elegant places to live for people with a variety of household sizes and lifestyles.

The streets are narrower than most new suburban streets and lined with sidewalks and street trees. This slows automobiles down and makes streets easier to walk across. Sidewalks and street trees provide walkers with a safe, sheltered and beautiful path away from automobile traffic.

continued page 3



1000 Friends of Iowa

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*The mission of 1000 Friends of Iowa
is to promote
responsible development that:*

*•
conserves and protects our
agricultural and natural resources*

*•
revitalizes our
neighborhoods, towns and cities*

*•
improves the quality of life
for future generations*

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GROWIN' TIMES

Bright Futures

by Jonna Higgins-Freese



At 1000 Friends of Iowa, we're always on the move to promote responsible land use as strategically as possible. Recently, we decided that a physical move of our office space was in order.

The decision to move was not an easy one for the staff and board of 1000 Friends of Iowa. Our location in the walkable, mixed-use Highland Park neighborhood of Des Moines, at 6th Avenue and Euclid, embodied many of the values we support.

However, our occupancy costs for our office were more than \$1000 per month and the space no longer met our needs. Our staffing pattern is different now than it used to be: we have staff in locations across the state, rather than just in Des Moines, and don't have need for such a large central location.

In reviewing our finances, we felt strongly that our members' donations could be better used by increasing our spending on staff support for responsible land use across Iowa.

Two of our board members, **Laura Belin** and **Liz Holland**, stepped forward to offer to donate office space. We accepted Liz's offer of space at the Merle Hay Tower, attached to Merle Hay Mall, one of Iowa's oldest enclosed mall spaces. The cost savings should allow us to hire at least a part-time community organizer next year to work on land use issues in Des Moines. We felt this was a much better use of your contributions than maintaining a large office space, no matter how well located.

We'd be happy to show you our new home! Just give a call to make sure we'll be at the office, rather than out and about promoting responsible land use!

BEST DEVELOPMENT AWARDS *continued from page 1*



RENOVATED COMMERCIAL/CIVIC *(photo above)*

Strand Theater, Grinnell

Jim Ramsey, Strand

Originally built in 1916, the single-screen theater closed in 2002. The operators suggested it might be economically desirable to build a multiplex on the edge of town. A group of local investors (Strand LLC) were gifted the theatre by its owners, as well as an adjacent building shell (which had no roof following a 1998 snowstorm). They committed to creating a three-plex on the site of the theatre plus the adjacent lot.

A local fundraising campaign generated \$100,000 to restore the old 1916 façade. The total project exceeded \$1.5 million.

The building is a beautiful testament to Grinnell's commitment to maintaining its historic downtown and making efficient use of its existing infrastructure. The renovation is a delightful integration of historic elements with modern technology.



NEW COMMERCIAL/CIVIC *(depicted above)*

America's River Project, Dubuque

City of Dubuque

America's River at the Port of Dubuque is a major tourism and cultural attraction that nestles next to the Mississippi River and is thoroughly integrated with historic downtown Dubuque.



RENOVATED RESIDENTIAL *(photo above)*

Van Allen Building, Clinton

InVision Architecture

Vacant for several years and later placed on the National Register of Historic Places; this building was noticed by a not-for-profit developer interested in affordable housing. The plan was to maintain a retail commitment on the ground floor and convert the upper floors into mixed-income housing. Nineteen units were designed occupying the upper three floors of an open plan formerly used as retail space.

The building was renovated in a historically appropriate manner. It retains its original hardwood floors, window openings, and trim, and is decorated using many of the original paint colors.

Nominate a project

in your community

for a 2006

Best Development Award today!

Nomination instructions and criteria

are available at www.kfoi.org under

"Best Development Awards."

Thanks to these generous friends who contributed from June 15 through Oct. 15, 2005

We have made every effort
to ensure that our donor lists
are accurate and complete.

If we have made an error,
please let us know right away
and we'll correct it
in the next edition.

\$1000+

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\$1-49

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Your Hearts Desire

Planned Gifts to 1000 FRIENDS

*As you make plans for your estate,
please consider a planned gift to
1000 Friends of Iowa.*

We can accept gifts of cash,
appreciated stock, or real estate, either
for current operating expenses or for an
endowment to support the organization
into the future.

If you have already made plans for
1000 Friends of Iowa in your will,
please let us know so we can
acknowledge your contribution.

One member says... "Thanks to our
opposition, [a proposed road extension]
has been dropped from the city's plan.
I'm believing this is in some part due
to 1000 Friends and it is why I'm a
regular contributor. I've also provided
for them in my will."

Going... Going... Gone!

If your membership
has lapsed, you may
be in danger of no
longer receiving the
Land Use Bulletin.

Check the line just
under your address — if
your membership has
lapsed, it will read ...

"Please renew your
membership today to
continue to receive the
Land Use Bulletin"

Use the enclosed
donation envelope to
renew today so you don't
miss any news about
land use in Iowa!

MATCHING GRANT

Your contribution automatically increases!

Thanks to a generous matching grant from the Iowa Foundation for Education, Environment & the Arts, all contributions to 1000 Friends of Iowa will be matched on a 2:1 basis.

For example, for any contribution of \$100, the Foundation will contribute an additional \$50!

Says Laura Belin, President of the Foundation, "We feel that 1000 Friends' hard work on development issues will pay off in the long run . . . thanks for fighting the good fight!"

.....
Clip and mail with your tax deductible check, payable to: 1000 Friends of Iowa / 3524 6th Avenue / Des Moines, IA 50313

MEMBERSHIP

We are now over 1,000 members in 75 counties.

Our board has set a goal to reach 1000 Founding Friends in 2005.

Of course we gratefully accept annual members at \$20 and up as well.

FRIEND LEVELS

- ☐ Revitalizing Friend (\$5000 +)
- ☐ Sustaining Friend (\$1000-\$4999)
- ☐ Nurturing Friend (\$500-\$999)
- ☐ Supporting Friend (\$250-\$499)
- ☐ Renewing Friend (\$100-\$249)
Subsequent gift of \$100 +
- ☐ Founding Friend (\$100-\$249)
First gift of \$100 +

MEMBER LEVELS

- ☐ Friend (\$50-\$99)
- ☐ Student/Senior (\$20-\$49)
- ☐ Other \$ _____
- ☐ I would like to be listed anonymously.
- ☐ Monthly Contribution \$ _____
(See form below)
- ☐ Enclosed is my tax deductible check for \$ _____

Name _____

Address _____

City / State / Zip _____

Home Phone _____

Work Phone _____

FAX _____

E-mail _____

Automatic Monthly Contribution

.....
Please return the completed form with a voided check to: 1000 Friends of Iowa / 3524 6th Avenue / Des Moines, IA 50313

Name _____

Address _____

City / State / Zip _____

Signature _____

Phone Number (Day) _____

Phone (Evening/Weekend) _____

E-mail _____

Start Date: _____ / _____ / _____
Month Day (1st or 15th) Year

Amount per month (\$8.34 minimum)* \$ _____

Total annual gift (\$100.00 minimum)* \$ _____

* Because we are charged a fee for each automatic payment, this option is only available for **Founding / Renewing Friends** level and above.

LEGAL BRIEFS:

Supreme Court Decision Impacts Local Land Use

In June, the U.S. Supreme Court handed down a long-awaited ruling in the case of *Kelo v. City of New London* (No. 04-108). The case was brought by Susette Kelo, a homeowner in New London, Connecticut. Ms. Kelo lives in the Fort Trumbull neighborhood of New London. In 1998, the Pfizer corporation purchased land adjoining this neighborhood to build a major new research center. Seeing an opportunity for economic redevelopment, the city rejuvenated its New London Development Corporation, which created a plan for a resort hotel and conference center, a new state park, 80–100 new residences, and various research, office, and retail spaces. The Development Corporation offered to buy property at fair market value from the 115 existing landowners. When fifteen refused to sell, the city directed the development corporation to condemn the properties through use of eminent domain.

Homeowner Susette Kelo, along with the other homeowners, sued the city, claiming that eminent domain can only be used for public purposes (not private development). After years in various courts, the Supreme Court ruled 5-4 in favor of the city, on the grounds that local governments should be allowed wide latitude in land use decisions, particularly when a carefully crafted development plan is in place. Justice Kennedy's concurring opinion also indicated that the court found that the plan was primarily designed to benefit the community rather than a particular developer — and that if a developer had been the primary beneficiary, the decision would have been different.

From 1000 Friends' perspective, this is a complex decision. On the one hand, the court affirmed the importance of local control of land use decisions and wide participation in them. Eminent domain, when used carefully, can be an important tool for redeveloping blighted inner-city areas, which we promote. On the other hand, there is potential for abuse based on this decision, as developers often have much more say in the development of local land use plans than ordinary citizens, the poor, and people of color who may be most impacted. See further details under "Legislative Agenda."

1000 Friends of Iowa Intervenes in Lawsuit against Iowa City Council and Board of Adjustment

In September, 1000 Friends of Iowa joined a citizen lawsuit against the Iowa City Council and the Board of Adjustment. Last spring, the City agreed to sell land to Wal-Mart to build a new Supercenter. The City then rezoned 54 acres, including the land sold to Wal-Mart, in order to allow the supercenter to be built.

The suit claims that the rezoning was illegal, arbitrary and capricious, unreasonable, and an abuse of discretion for several reasons. First, because the city sold the land, it had a vested financial interest in approving the rezoning, so the rezoning was not approved on the basis proper zoning considerations. Second, the Iowa City zoning ordinance, and zoning law in general, requires a governing body like the Defendant to make zoning decisions that promote the public health, safety, order, convenience, prosperity and general welfare of the community. The information presented to the City during the public comment period showed overwhelmingly that Wal-Mart has a detrimental effect on the welfare of the community. In fact, Mayor Ernie Lehman said when voting in favor of the sale of the property to Wal-Mart:

"You know, in my opinion, there probably are very few communities in Iowa or anyplace else, that wouldn't have been better off [without] Wal-Mart, and I certainly do not advocate what they should do, but any harm caused to a community is miniscule in comparison to cities and governments telling businesses where they can and cannot locate."

However, the very purpose of zoning laws is to tell businesses, especially businesses as bad as Mayor Lehman says Wal-Mart is, where they should locate.

1000 Friends of Iowa joined the suit because our mission promotes responsible land use, particularly as this is supported by the use of zoning to ensure the public good. Throughout the state, we see examples of communities rezoning to benefit a particular developer rather than the community as a whole, and our purpose in intervening in this lawsuit is to ensure that zoning laws serve their function in the community.

The suits request that the rezoning decisions be overturned. Hearings should be set sometime within the next six months?

LEGISLATIVE AGENDA

Our legislative agenda for 2006 includes three priority items:

- 1.** Monitor legislation in response to the Kelo decision on the use of eminent domain for private development. We want to make sure that eminent domain remains a tool that can be used to re-develop areas that have legitimately experienced blight, while at the same time limiting its use for the benefit of private developers or in greenfield areas.
- 2.** Expand the Community Main Street program to promote downtown revitalization. Community Main Street is the Department of Economic Development's most successful program – it returns \$64 in private investment for every public dollar spent. Because of current funding restrictions, only 34 communities are currently enrolled, and only 2-3 new communities can join each year. We are exploring the feasibility of working with partner communities to expand the program to include up to 10 new communities each year. Please contact us if your community is interested in joining this program.
- 3.** Monitor other legislation as it arises to ensure that responsible land use is a priority.

Wal-Mart Watch and Higher Expectations Week

On November 13-19, over 400 organizations from across the country—from small business owners and women's rights groups to environmentalists and labor unions—are coming together to stand up to Wal-Mart.

1000 Friends is supporting and participating in these activities because of Wal-Mart's contributions to low-density development on the fringe of communities and its adverse impact on local businesses.

You can get a complete, up-to-date list of Higher Expectations Week activities in Iowa by going to www.walmartwatch.com. Enter your ZIP code in the "Higher Expectations Week" box to locate an event near you.

For those in the **Waterloo** area, Jonna will be speaking at 'Higher Expectations for Iowa's Working Families,' a town hall meeting to be held on Tuesday, Nov. 15, from 7:00-8:30 PM at the Waterloo Center for the Arts, 22 Commercial Street. Other speakers will include David Osterberg of the Iowa Policy Project; and trade/labor activist Jim Jontz, former US Congressman from Indiana.

New Partners for SMART GROWTH Conference

January 26–28, 2006
Denver, Colorado

If you want to learn more about Smart Growth, this is the place for you. 1000 Friends of Iowa is trying to gather enough interested people to send one or two carloads of Iowa participants.

The program will include a dynamic mix of keynotes, plenaries, interactive breakout sessions, "hands-on" implementation workshops, and opportunities for participants and speakers to network with each other.

It will also feature several optional sessions, including pre- and post-conference tours of local model projects, preconference seminars, and evening salon sessions.

Please consider attending yourself or inviting your local elected officials, planning and zoning commissioners and staff, traffic engineers, or developers.

For more information and to register, contact Jonna or go to www.newpartners.org.

Protect Farmland from Development *Forever*

Lisa Hein, Iowa Natural Heritage Foundation

In Iowa, the Farm and Ranchland Protection Program is a little used funding source for permanent land protection. This program provides funding to a "sponsoring agency" to acquire conservation easements to limit development on prime, statewide or locally significant soils. It can also be used to protect archaeological sites.

The program provides 50% of the easement purchase price. The landowner can provide 25% in the form of land value and the project sponsor must provide the remaining 25% plus the costs of appraisals, legal fees, staff time etc.

The Iowa Natural Heritage Foundation has been the only organization using these funds over the last few years. Our focus has been to protect agricultural soils that adjoin natural resource areas or public lands. We are currently using the funds to protect land along the Upper Iowa River, Mississippi Blufflands and the Loess Hills. For example, we worked

with Seed Savers Exchange to acquire a conservation easement on the 720-acre Twin Valley Farms.

The biggest issue with the program is finding the matching funds. However, public agencies wanting to protect critical natural resource areas or open space could acquire conservation easements for 25–50% of the cost by using this program.

FRPP funds generally become available once a year when the NRCS issues a "request for proposals." At that time an agency has 45 days to submit an application, which requires a letter of intent from the landowner (but not final commitment). Therefore, it is important to have a specific project area where the agency has already been working with landowners to use the FRPP funding tool.

If you have further questions please contact:

Lisa Hein
Iowa Natural Heritage Foundation
515-288-1846

Farmland Protection

*Every year Iowa returns
over \$1 million in potential
federal Farmland Protection
matching funds to
Washington, D.C.
for lack of local match funds.
If you or someone you know
is interested in protecting
your farmland
from development forever,
please let us know by calling
515-288-5364
or emailing jonna@kfoi.org.
We need to let
our legislators know that
Iowans think farmland
protection is important.*



In Memory of Minette Doderer



1000 Friends of Iowa mourns the passing of Advisory Board member Minnette Doderer.

Ms. Doderer was a strong supporter of responsible land use. Her obituary sums up her amazing accomplishments well:

"As a state legislator, she was recognized not only in our state but throughout the country as a lawmaker advocating women's rights, equal rights

amendments, juvenile justice, child care and many other issues. She attained the highest position ever held by a woman in the State Senate, which is President Pro Tempore. She was one of the founding members of the Iowa Women's Political Caucus and Co-chair of the International Women's Year coordinating committee. Minnette was inducted into the Iowa Women's

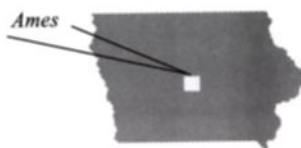
Hall of Fame in 1979. She received numerous awards and recognitions throughout her distinguished career and in retirement."

As Louise R. Noun wrote in *More Strong-Minded Women*, "Minnette Doderer, tough-minded and outspoken, is the leading feminist in the Iowa Legislature... Doderer's efforts on behalf of women are unflagging."



Iowa City: ZONING CODE VOTE

The City Council will soon vote on a proposed new zoning code, which was recommended by the Planning and Zoning Commission. The new code would promote infill and higher density development. Friends are encouraged to attend the public meetings and contact their elected officials in support of responsible land use, as there has been significant opposition to the code from home-builders, developers, and realtors. For further information, see: <http://www.icgov.org/pcd/urbanplanning/zoningcode/mythsandreality.pdf>.



Ames: MALL UPDATE

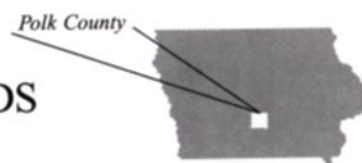
Early in the morning of day the city council was to vote on rezoning land for the proposed new mall, an adjoining landowner claimed he owned 20% of the adjoining land and was therefore entitled to protest the annexation. This would have forced the council to achieve a supermajority, or five votes out of six, in order to approve the rezoning. The developer therefore requested that the motion be tabled.

The developer has withdrawn the request for rezoning and will submit a new request joining two parcels of land which are currently being considered separately. Once this is done the protesting owner will no longer own 20% of the adjoining land. Once the new request is submitted, it will have to go through the Planning & Zoning Commission again.



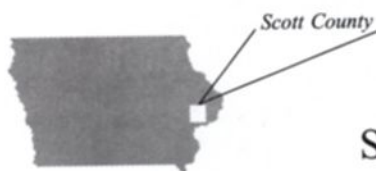
Audubon: ANNEXATION

On July 13, the City Development Board approved an involuntary annexation of 300 acres north of Audubon. Local residents within the annexation area opposed it on the basis that the city has been losing population for a number of years, and the cost to taxpayers to provide the required services to the new territory would be too high. City officials argued that the annexation is necessary to allow further development in the area. However, most of the area is already developed, and there are a number of vacant lots suitable for development within the current city limits. A vote has been scheduled for November 8, and a group of citizens is working to educate fellow residents about the costs of the annexation.



Polk County: BELTWAY FUNDS EARMARKED

The federal transportation bill passed by Congress this summer contained a \$500,000 earmark to fund the studies required under the National Environmental Policy Act (NEPA). In this process, Polk County will evaluate the human and environmental impacts of several proposed routes for the Northeast Polk County Beltway. An Environmental Impact Statement will be created, and citizens will have several opportunities to give input into the process. The EIS will contain detailed information that citizens can use to evaluate the project. The process should take 1-2 years.



Scott County: TRACTORS STAGE PROTEST

Citizens west of Davenport were concerned about a proposed rezoning of agricultural land to residential. A number of neighbors drove their tractors to the county courthouse for a Planning & Zoning Commission meeting and spoke against the rezoning based on the detrimental effect it would have on their agricultural operations. Although several county supervisors noted that the plan did not sound like a good idea and there were many issues and concerns, the plan did conform to the Future Growth Plan, and it was approved unanimously.



1000 Friends of Iowa

1000 Friends of Iowa

3850 Merle Hay Road, #309

Des Moines, IA 50310-1300

RETURN SERVICE REQUESTED

WE'VE MOVED!

Our new address is:

3850 Merle Hay Road

Suite 309

Des Moines, IA 50310-1300

Direct Line: 319/558-6267

Main Office: 515-288-5364

Fax: 515-288-6362

Email kfoi@kfoi.org / www.kfoi.org

INSIDE THIS ISSUE:

Best Development Awards	Pages 1 & 3
Growin' Times	Page 2
Meet More Friends	Page 4
Legal Briefs	Pages 6
2006 Lobby Day	Page 7
Democracy Under Siege Conference	Page 7
Smart Growth Conference	Page 7
Protect Farmland Forever	Page 8
In Memoriam, Minette Doderer	Page 8
News from Friends Across Iowa	Page 10