



THE LAND USE BULLETIN

Winter 2007

A publication of 1000 Friends of Iowa

The Smart Growth Audit: Wind Behind our Sail for Change

On a snowy, subzero January night, over one hundred people gathered at the Des Moines Botanical Center to learn the results of the Des Moines Metropolitan Area Smart Growth Audit.

On a snowy day with subzero temperatures, over one hundred people braved the weather to attend a workshop and open house at the Des Moines Botanical Center to learn and discuss the results of the *Des Moines Metropolitan Area Smart Growth Audit*. The report was the culmination of a project led by 1000 Friends of Iowa and funded by the U.S. Environmental Protection Agency which examined the local codes of cities within the Des Moines Metropolitan Area and evaluated whether those codes allow for smart growth development practices. Gary Taylor, of Iowa State University Extension, and Graduate Extension Specialist Lucy Wilkinson completed the study and produced the final report.



Gary Taylor addresses the crowd at the Botanical Center

Attendees at the January 31st event, which was hosted by 1000 Friends of Iowa, represented a broad spectrum of stakeholders from the Des Moines area, including city and county staff, developers, staff from state and federal agencies, architects, elected officials, and citizens. The audience included leaders from Ames, Cedar Rapids, and other metropolitan areas as well. The afternoon workshop allowed for regional leaders to hear the presentation of the report directly from the authors, and to engage in discussions of the findings and smart growth generally.

The presentation was repeated again in the evening for a broader public audience, and included city presentations and discussion of local smart growth efforts. The factors that lead to current development patterns, challenges to smart growth, and success stories were all discussed.

With the completion of this report, we now have more information on how local codes can be an obstacle, can be a part of the solution, or sometimes don't play a part at all in the adoption of smart growth principles locally. As our members have learned, it's sometimes challenging to persuade decision-makers to change their development plans or policies to embrace smart growth. That doesn't mean that we give up, but it does mean we can try new methods of achieving our goals. This project provides new observations on the present situation, and highlights the need to address a fundamental starting point in promoting responsible development – ensuring local codes are smart growth-friendly. Each community has unique issues to address, and 1000 Friends of Iowa staff and members will continue working on ways to help communities implement steps to smart growth.



The response to the presentations and the report was positive, and people expressed a strong interest in discussing smart growth and the challenges faced in achieving it. It was the first time that 1000 Friends of Iowa had brought together this broad of an audience in the Des Moines area for a smart growth event. It helped us all take time out to examine and discuss the big picture.

As we've learned from watching ordinary citizens influence land use decisions, the credible information that is used in a citizen testimony can be the wind behind your sail to create change. We encourage you review the *Des Moines Metropolitan Area Smart Growth Audit* at www.kfoi.org and use information that is applicable in your community.

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1000 Friends of Iowa

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Dale McKinney, *Treasurer*
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LaVon Griffieon, *Secretary*
Ankeny

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Brett Lorenzen, *Executive Director*
Stephanie Weisenbach, *Program Coordinator*
Barbara Morrill, *Office Manager*

1000 Friends of Iowa promotes responsible development that conserves and protects our agricultural and natural resources; revitalizes our neighborhoods, towns and cities; and improves the quality of life for future generations.

3850 Merle Hay Road, Suite 309
Des Moines, Iowa 50310-1300
Main Office: 515/288-5364

Email: kfoi@1000friendsofiowa.org
Internet: www.1000friendsofiowa.org

LETTER from the PRESIDENT

Exciting Times

Since December, the 1000 Friends of Iowa office has been buzzing. Our new executive director Brett Lorenzen and program coordinator Stephanie Weisenbach finished our work on two grants while advocating for our legislative priorities and laying the groundwork for improvements to our programming and our website.

Brett is introducing himself to you in the letter that accompanies this bulletin. I won't go on about his credentials and relevant experience, but I do want to say on behalf of the board that we could not ask for more in terms of skills, commitment, and creative energy. Many of you already know Stephanie from work she has done for 1000 Friends in the past. We are so pleased to benefit from her talent and dedication again.

I hope you will have the chance to meet Brett or Stephanie soon, either in your community, at our upcoming Lobby Day, or at our annual meeting this summer.

In January, our staff organized a workshop and open house to make professionals and the broader public aware of the Des Moines Metropolitan Area Smart Growth Audit. Thanks to our members who braved the freezing cold to help make the event a success. The article on page 1 of this bulletin summarizes the event for those of you who could not attend, and the report itself can be found on our website.

Among the news briefs from around the state on pages 3 and 4, I want to highlight one item: the decision by the Polk County Supervisors to dissolve the Urban Renewal Area affecting more than 128,000 mostly rural acres. No one did more to raise awareness of this issue and advocate for this outcome than our board member LaVon Griffieon. Thanks to her efforts, aided by many Polk County residents she rallied, the land formerly in the Urban Renewal Area is no longer eligible to be designated a TIF district. It will be more difficult to condemn farmland in this area for industrial development.

Before I sign off, I want to welcome two new members of our board of directors: Stuart Huntington and Mary Brubaker. Many of our friends already know Stu or know of the research he has done as a professor in Iowa State University's Community and Regional Planning Department.

You may remember Mary from her work as a reporter, producer and talk show host for KCCI-TV in central Iowa, or you may be familiar with her volunteer work for so many good causes. Thanks to Stu and Mary for lending their expertise and energy to help us promote healthy rural and urban development that benefits whole communities.

Sincerely yours,
Laura Belin



CLAYTON COUNTY

River Bluff Development Facing AG Scrutiny

In McGregor, Concerned Citizens of Clayton County have been fighting the Highland Bluffs Resort (formerly River Bluffs Resort) along Highway 18 for more than four years. The 300-acre development is slated to include an 18-hole golf course, water park, hotel and condominiums. Project developers consistently avoided compliance with county rules, demanded changes in the county's zoning and its comprehensive plan, and requested an urban renewal district that would give the developer all of the district's tax increment financing (TIF) tax revenue—which prompted considerable community concern and led to the prolonged fight.

Once development began, run-off from the site began to regularly damage Sny Magill, a trout stream that borders the property. Concerned Citizens filed a series of actions against the developer, and after reviewing violations at the site the DNR is recommending the site to the Attorney General's office for further action. You can learn more about the issue at <http://www.alpinecom.net/~bloodyrun/>

JOHNSON COUNTY

Sensitive Areas Ordinance Advances to Planning and Zoning

It has been over a year since 1000 Friends of Iowa assisted citizens near the Coralville Reservoir in organizing to protect wetlands and natural areas from a proposed rural subdivision. Those citizens learned of a Johnson County Sensitive Areas Ordinance that was written, yet never passed, back in 1999. Since that time, the proposed rural subdivision has not been approved, the elections brought a change in political leaders, and the Johnson County Sensitive Areas Ordinance is now on the table for consideration. Stakeholders have been meeting with Johnson County staff and officials and the ordinance is soon expected to come before the Johnson County Planning and Zoning Commission for a vote.

If passed, the ordinance will: encourage higher density or clustering on non-sensitive areas of property to promote development that provides for open space; increase evaluation of sensitive areas prior to a proposal for a site plan; require more consultation with the Iowa DNR and naturalists, and wetland specialists; require a buffer zone of at least 50 feet from a prairie or prairie remnant; and provide more review to consider the effects of development on historic properties.

A member from the area says that she has high hopes that the ordinance will pass the P & Z and the supervisors. We'll keep our fingers crossed for Johnson County, as this could be a wonderful model for other counties in Iowa.

Iowa City Wal-Mart Update

In July, 2006, Wal-Mart backed out of purchasing 23 acres of city-owned land in Iowa City that the city council had rezoned for them in July 2005. Gary Sanders, chair of Iowa City Stop Wal-Mart, had filed two lawsuits against the city in July 2005 to stop the rezoning and sale of the land, and he was joined by 1000 Friends of Iowa.

After a year-long legal battle, the Iowa City Zoning Board of Adjustment made a crucial ruling in July 2006 to deny Wal-Mart a permit to build in the flood plain. Wal-Mart cancelled the purchase agreement a week later.

What now? Perhaps Wal-Mart is exploring purchasing private land near the city-owned land so they can still build their SuperCenter. But there is no way of knowing what their plans are. What we do know is that the lawsuits stopped Wal-Mart from purchasing public land that was in a floodplain. And if any new SuperCenter plan requires ANY governmental body to approve any part of it, more lawsuits will be filed.

Iowa City Stop Wal-Mart still needs donations. For more information contact Gary Sanders, IC Stop Wal-Mart, 831 Maggard, Iowa City 52240; 319/337-7739 or iowacitystopwalmart@yahoo.com.

North Liberty and Coralville—When the Annexation Moratorium Ends

Residents in rural Johnson County saw what happens when a ten year moratorium on annexations between Coralville and North Liberty expired this winter. Coralville immediately filed papers with the Iowa City Development Board for a flagpole annexation which used a narrow stretch of road to connect property that otherwise was not contiguous to the city.

Rural residents organized to maintain the quality of life they are accustomed to. The City of North Liberty immediately countered with a competing annexation request. Landowners then brought claim against Coralville, claiming the city didn't give proper notification to landowners as required under Iowa law. Landowners own the property to the middle of the road, even though the county owns the road easement. The residents claim they were entitled notification.

This claim is now being settled in the Johnson County District Courts. The City Development Board will hold action on any decision until the legal battle is settled. Meanwhile, both North Liberty and Coralville are preparing replacement proposals for larger annexations. Under Iowa law if annexation requests for a common area are received within 30 days, the requests will be considered together by the board. More information is available at: <http://www.citizensensibledevelopment.org>.

POLK COUNTY

1000 Friends Completes “Driving for Dollars” Project

Our “Driving the Dollars” project, funded by the Ben and Jerry’s Foundation, was completed in December. The grant addressed systemic problems in the Des Moines metropolitan area: transportation planning that leads to patterns of irresponsible land use, sprawl, and high cost highway projects that do not meet the needs of area residents. Driving the Dollars allowed 1000 Friends to become involved in many central Iowa land use issues.

City Development Board approves yet another annexation for Ankeny

Chapter 368.6 of The Iowa Code, created the City Development Board with the intent of the law to provide an annexation approval procedure which gives due consideration to the wishes of the residents of the territory to be annexed, and to the interests of the residents of all territories affected by an annexation. But it doesn’t seem to be working for folks in and near Ankeny. From 1997-2002 Ankeny has annexed 935 acres. From 2003-2007 since the adoption of their new comprehensive plan Ankeny has annexed 4202 acres—over 5000 acres in a decade. A 1998 ISU study showed 50% of the land inside Iowa’s city limits was undeveloped. While the Iowa Code makes numerous references to the “importance of preserving the state’s finite supply of agricultural land,” the CBD doesn’t feel the Code allows them the power to deny applications for annexation. Iowa’s laws need to be strengthened to empower bodies such as the City Development Board to be able to base their decisions on smart growth principles.

Alternative Transportation is offered to Towns in Polk County

Brad Miller of DART (Des Moines Area Regional Transit—previously called the MTA) has been making presentations to small towns in Polk County about a pilot program for a bus service that would be offered to residents one day a week to provide rides to Ankeny & possibly DM. It would cost the towns around \$2,000 through a tax levy Polk County has passed that allows cities to levy taxes to support alternative transportation if they desire the services. This service will allow seniors to get to appointments, dining or shopping without having to depend on a family member or friends to drive them. There are seven DART Regions with Polk City, Alleman, Ankeny, Elkhart, Sheldahl, Granger Grimes and Johnston comprising the area in northern Polk County. The pilot program may lead to commuter service in the future. Local governments are to be commended for their efforts to support alternative transportation options.

Elkhart City Council Adopts Comprehensive Plan & looks toward growing “smart”

The Elkhart City Council listened to citizen input on their comprehensive plan December 4th and changed the name of a proposed route on their map from NE Polk County Beltway to “transportation corridor”. Since adopting the plan Elkhart has asked that a TIF district be formed to allow them to build a new water tower to meet their water needs. They are looking at options for their expanding sewer needs and the threat of encroachment within their two-mile area by neighboring Ankeny. To learn more about the creation of Elkhart’s Comprehensive Plan: <http://www.design.iastate.edu/outreach2005.php>

Dissolution of 127,837 acre Urban Renewal Area in Polk County

Shortly before the elections in November, Polk County Supervisors voted unanimously to dissolve an urban renewal area (URA) they created a year earlier that consisted of 127,837 acres in unincorporated Polk County. Supervisors claimed that the creation of the district was to allow for urban renewal bonding to bring rural land owners cheaper water rates. However, the bonds were issued as general obligation bonds, disallowing the argument that the URA was needed for bonding. Land must be designated an URA to be eligible to become a TIF district. Continued citizen pressure, documentation and the looming election were all factors in the dissolution.

Neighborhood Group Nips Cement Batch Plant and Gravel Plant in the Bud

Nearly 70 rural residents voiced their disapproval for granting a variance to rezone ag land to be used as a gravel pit and cement batch plant at the Polk County Board of Adjustment in August. This land borders NW 26th Street near the Des Moines Water Works Saylorville Plant that is being constructed. The Polk Board of Supervisors, in October, approved a resolution to study NW 26th St. as an exit off I-80/35 interchange. Des Moines, Ankeny, Polk City, Johnston, Grimes and Urbandale requested the study, which has been approved and will be executed by the DM Metropolitan Planning Organization (MPO). Residents are going to have to stay organized and be vigilant to be aware of new developments on the proposed exit and road.

Due to the move to a summer Annual Meeting, the submission deadline for the 1000 Friends of Iowa Best Development Awards has been moved from February 2 to June 15. Nominations can be directed to our main office.

Supporting Main Street Iowa - Our Sustainable Economic Generator

For the past 21 years, Iowa's Main Street communities have made a commitment to the long term revitalization of their historic city centers. With impending changes in Iowa's leadership, 1000 Friends of Iowa went into this year's legislative session with the priority of increasing funding for Main Street Iowa. The Main Street Iowa program provides revitalization grants, technical assistance, and workshops for downtowns in small cities and neighborhood commercial districts. The program is administered out of the Downtown Resource Center at the Iowa Department of Economic Development.

In Governor Culver's budget proposal, he is asking the legislature to approve a \$1 million increase in Main Street Iowa support. Currently there is a \$500,000 increase for the program in an economic development appropriations bill.

Downtown Resource Center director Thom Guzman points out a vacant downtown can't pay its fair share of the community's tax burden and as a result residents end up compensating for that through increased property tax assessments. Studies show that \$250,000 is lost annually to a community for each 25' storefront that sits vacant. Eighty-seven percent of retail sales came from downtowns in 1957. By 1987 that figure had dropped to 14 percent. As interstate highways were built, women entered the workforce, and development patterns changed, downtowns failed to accommodate new shopping patterns by being open and accessible.

From 1980 to 1990 Iowa lost five percent of its population, but commercial space for retail doubled. From 1990 to 2000 Iowa gained back population, but we again doubled our commercial retail space. So we quadrupled our commercial/business space for the same population.



Laura Belin, John Proeller, Beth Erickson, and Program Coordinator Stephanie Weisenbach with the Main Street Iowa check for West Branch historic rehabilitation

Nationally, retail and commercial space increased from an average of 4 square feet per person in 1960 to 39 Square feet in 2005. The uncontrolled proliferation of strip centers and regional malls along highways on the edge of town has gutted Iowa's downtowns.



Senator Tom Harkin, Laura Belin, Stephanie Weisenbach and Governor Chet Culver at the Main Street Iowa grants award ceremony.

Ranging in population from 458 to 68,747, there are presently 37 active Main Street communities throughout Iowa. Since 1986, 49 of Iowa's 950 communities have participated in Main Street Iowa. Main Street Iowa isn't just a beautification program. It has become one of our best economic generators. From July 1986 through December 2006, the central business districts in these communities have experienced a net gain of 2,901 business starts, relocations and expansions with a net gain of 7,949 jobs. More than \$584,416,681 dollars and 1,388,420 volunteer hours has been invested in downtown properties in the same amount of time.

1000 Friends of Iowa believes that these are the types of investments Iowans want to make with their tax dollars to see their state grow. Main Street businesses, with owners living in the community, are the backbone of the local economy. Strong local economies will result in a strong, diverse, secure and attractive state economy. We are pleased with Senator Harkin's efforts to secure four HUD grants since 2001 resulting in \$2.5 million to be designated to Main Street communities. We are also pleased with Governor Culver's vocal support of this program and hope that you will share with your legislators the potential for this economic development program for Iowa.

Iowa Network for Local Control: A Catalyst for Legislative Action

The Iowa Network for Local Control is based in Dickinson County, home of the Iowa Great Lakes. INLC started as a local citizens group advocating for local control over the siting of Confined Animal Feeding Operations and has grown to be a statewide force for change.

INLC contacted 1000 Friends of Iowa to request assistance from our Program Coordinator, Stephanie Weisenbach, in organizing efforts during the 2007 legislative session. 1000 Friends of Iowa has helped other citizens groups to affect land-use decisions in their community and are pleased to partner with INLC in various efforts to educate them as they work to influence local decisions on CAFOs.

Building a coalition with expertise and resources from both of our organizations, we've worked hard this session

with our allies and citizens to keep the issue of local control alive. Currently the legislature is only considering changes to state-level standards for CAFOs and we are in the midst of a challenging legislative campaign to accomplish improvements to these state-level standards.

Ultimately, better state-level standards that involve community input and increased environmental protection are a step forward that can be a minimum level of protection. Iowa is so diverse with topography, geography, and hydrology, and some decisions are better made at the local level. The real safety net will ultimately be local-decision making in ways that protect the environment and residents above the level of state standards.

To learn more about the Iowa Network for Local Control, visit <http://www.iowanetwork.org>.

Proposed Lake Projects Hit Funding Snag

Residents opposing proposed lake projects in Clarke, Page and Madison Counties can breathe a small sigh of relief. These counties face proposals in various stages of planning that include water supply lakes. As the federal government continues to shuffle finances, PL-566 watershed project construction – which was to fund part of the projects – was not included in the Continuing Resolution that is funding the Federal Government for the remainder of FY2007.

The Watershed Protection and Flood Prevention Act (PL 83-566) authorized NRCS to cooperate with States and local agencies to carry out works of improvement for soil conservation and for other purposes including flood prevention; conservation, development, utilization and disposal of water; and conservation and proper utilization of land. Most PL-566 projects in Iowa focus on smaller gully control and flood water retention structures that have 2-10 acres pools. We generally feel this is a responsible

use of taxpayer money that is working in positive ways to conserve soil and improve water quality for all Iowans.

There is one operational PL-566 project in Iowa that includes a planned 565 acre lake for water supply, recreation, and flood control. This is the East Fork of the Grand Watershed. The site, referred to as Gooseberry Lake, is located near Mt. Ayr in Ringgold County in southern Iowa.

An economic review of the NRCS West Tarkio Creek Draft Watershed Plan and Environmental Impact Statement conducted by the Department of Economics, College of Agriculture at ISU is available online at <http://www.valuechains.org/>. A summary of the study is also available at http://www.valuechains.org/bewg/Documents/eth_sum0706.pdf. While the NRCS project was touted as an economic boon for Page County, the ISU study concludes that the regional economic benefits were likely to be negative.

We're updating the website!

1000 Friends of Iowa will be launching a new website later this Spring. The new effort will include expanded news coverage, enhanced program information and event calendars, monitoring of development "hot spots" around the state, and mailing lists for regional news and action alerts. Watch for updates and the new site at:

<http://www.1000friendsofiowa.org>

Is your contact information up-to-date?

We're upgrading our member database in an effort to improve member support. To ensure our data is as accurate as possible before the upgrade, we have included an update form and return envelope in the LUB mailing. We would appreciate it if members could review the form and return any updates or changes to us. The new system will help us to reduce costs with online renewals, and adding email addresses to member records, in particular, is a high priority.