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April 12, 2020

(Via email and US Mail)

The Honorable Susan Adams, Chairman

The Honorable Joseph Fleshcer, Vice-Chairman

The Honorable Peter O'Bryan

The Honorable Bob Solari

The Honorable Tim Zorc

1801 27th St.

Vero Beach, FL 32960

**Re: Possible St. Johns Improvement District Incorporation**

Dear Indian River County Commissioners:

It has come to the attention of the Pelican Island Audubon Society that the St. Johns Improvement District ("SJID") is looking into the possibility of incorporating into a new city here in Indian River County. The action is directly related to the desire of landowners within the SJID to avoid the current regulations applying to development in the County's Agriculture designated lands.

Prior to 2012, the only method to create a new city in Florida was to get approval from the legislature. An incorporation of a new city required at least 5,000 residents and a density of no less than 1.5 persons per acre within the area proposed to be incorporated. These requirements made sense because you wouldn't want incorporation without standards simply because landowners no longer wanted to follow county growth regulations.

Unfortunately, but predictably, the 2012 legislature passed a law designed to assist a well-connected landowner incorporate into a new city in Palm Beach County because the county and surrounding cities opposed this landowner's request to provide maximum development rights that it had sought. Thus, the City of Westlake was formed. The law that enabled the formation of Westlake was a law that allowed special improvement districts to incorporate without having to comply with established requirements for incorporation.

The SJID now looks to possibly incorporate exploiting the same law that the developers of Westlake utilized. Although Indian River County's growth management plan classifies the SJID lands with an

Agriculture designation, the plan does allow for generous development density if landowners are willing to comply with certain standards.

Under the County's new town development regulations, "new towns" requiring a minimum of 4,000 acres in size are permitted within the SJID which would allow upwards of two residential units per acre of development, along with substantial commercial and industrial allowances. Two units per acre from the currently allowed one unit per ten acres represents a 950% increase in development rights just for residential uses.

The SJID incorporating into a new city is not about obtaining density increases, but rather avoiding having to do good planning. With the new town provisions permitting generous density increases come standards for open space, development patterns, road dedication, network grids, and requirements of job creation. Developing is easy; good planning is challenging. The impacts from bad development flows far beyond municipal boundaries.

If the SJID moves forward with incorporation, then the county should cut off all services to the new city. It is not fair to Indian River County residents that a handful of landowners can create their own growth regulations while continuing to receive services from the county. If the SJID wants to be a city, then they should be required to provide all the services of city. This would include law enforcement, fire rescue, ambulance services, road maintenance, water, sewer, etc.

The Indian River County Board of County Commissioners should make clear to the landowners within the SJID that if they move forward with incorporation, they need to calculate the full costs of providing their own services immediately upon incorporation, not just when they turn dirt. That way, the landowners can decide based upon the true costs of their actions, not just the benefits.

Sound economic principles of good governing practice would assert that development should not just enjoy the monetary benefits from their endeavors, they should also be required to internalize the costs from those endeavors. If the SJID creates a new city to enjoy the benefits of dictating its own development regulations, they should be required to internalize the costs to the greatest extent allowed.

This is a very important decision affecting every resident in the county and the Pelican Island Audubon Society looks forward to continuing this conversation with the county commissioners.

Working together for our environment,

Pelican Island Audubon Society

/s/ Richard Baker

Richard Baker, Ph.D.

President

cc. Jason Brown

Phil Matson

Larry Reisman

*Our Mission: To preserve and protect the animals, plants, and natural communities in Indian River County through advocacy, education, and public awareness.*