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**Clean Water Coalition**

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**CWIC**

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**of Indian River County, Inc.**

August 8, 2019

(Via email)

City of Sebastian Council:

The Honorable Jim Hill, Mayor  
The Honorable Linda Kinchen, Vice Mayor  
The Honorable Ed Dodd  
The Honorable Albert Lovino  
The Honorable Bob McPartlan

(Via Email)

City of Sebastian P&Z Commission

Mr. Roth  
Mr. Simmons  
Mr. Carter  
Mr. Reyes  
Mr. Mauti  
Mr. Qizibash  
Mr. Alvarez  
Ms. Kautenburg  
Mr. Hughan

City Hall  
1225 Main Street  
Sebastian, FL 32958

**Re: Potential Graves Brothers Annexation into City of Sebastian**

Dear Sirs/Madams

On behalf of the organizations and individuals listed below, we are writing to express our major concerns about the Graves Bros. annexation application and land use concept plan now before the city council and the planning and zoning board. We are asking the city to delay your respective votes this month and work with the County and other interested organizations to come up with an environmentally sustainable development plan for this property that would be acceptable for all parties. Though the issues are numerous and complex, we are summarizing the major ones as follows:

1. The Graves Brothers Company is proposing annexing over 1,100 acres of their large land holdings south of County Road 510 into the City of Sebastian. Most, if not all, the land holdings lie outside the County's urban service area boundary and its future land use designation is for Agriculture. According to the county: "annexation would be an attempt to seek greater development density and/or less stringent rules than those permitted under traditional Agriculture land use entitlements. County regulations provide a mechanism for large scale rural

development to occur while minimizing sprawl-like characteristics.” That mechanism is the “New Town” regulations.

2. Most important, the annexation application calls for land use changes to be approved now. It is not clear at all from the staff report whether the property will maintain the County’s Land Use Classification or if Sebastian will process the applicant’s plan amendments currently with the annexation application. We insist: Sebastian absolutely cannot process the land use amendments. If you give the applicant the land use changes it is requesting in their application, the city will lose all ability to dictate development conditions for the annexed property. Rezoning is practically by-right, and the landowner could simply decline any conditions upon development in the future and demand to develop under existing zoning rights that are permitted under Sebastian’s respective land use classifications. This will be a major mistake by the city council; the city could lose all leverage ability to review and change the land uses in later reviews of this project.
3. We support the county in its efforts to work with the City of Sebastian to ensure that good development patterns occur over large rural areas. We are concerned, as is the county, that the landowner is “jurisdiction shopping” for the least resistance to requirements of good development regulations. Despite statements to the contrary in the June 26 2019 staff report Graves Bros Company has the minimum acreage requirements to meet the county’s New Town policies. Indian River County has experienced aggressive municipal annexations in the recent past and the County took a strong stance on behalf of good development rules, which included regulatory challenges to comprehensive plan amendments. We continue to support these efforts by the county.
4. Breakout from urban services area: This proposed annexation is a massive break-out from the Urban Services Area, in our view a potential catastrophe. The Graves Bros. Co. and Ryall own most of the C.R. 510 corridor. If not developed properly, we could be faced with another Vero Lake Estates as a potential development at the headwaters of the south prong of the St. Sebastian River. This move appears to be at odds with criteria and policies of the Sanitary Sewer element, Urban Services policies and New Cities provisions of the County’s Comprehensive Plan as well as the Wabasso Corridor Plan.
5. Sewer and water services from the county are not likely to be expanded to this project in the near or even distant future. The county has made it clear that it does not have the capacity in

water and sewer services for the project at this time. (County Administrator to City Manager, June 25, 2019 letter, date.) Stan Boling, the former County Community Development Director, has also expressed to the city that “County water and sewer service to annexation areas outside the Urban Service Area is not a given and that consistency with County policy as well as available capacity would be among County considerations.” If Sebastian refuses to mandate a development pattern similar to a New Town, as defined in the county’s comprehensive plan, then the County would have policy problems providing services.

- Given this unlikely expansion of county sewer and water services we are very concerned that the city would go ahead and approve a massive development that relies on individual septic systems to serve in excess of 3,000 residences and multiple commercial and industrial businesses. We are aware that city officials have told the county that they would not allow this project to develop using septic systems. We are also aware that there is no direct prohibition on a development of this size going on septic systems if the local government permits it and the Department of Health approves it under their minimal standards. With this in mind we need to get a binding written assurance from the city that they will not allow septic system in any development of this massive size. Such assurance would most likely have to be in the form of an agreement with the County.

6. With respect to the bigger water quality issue, we can ask: Why are communities along the 156 miles of Indian River Lagoon spending millions of dollars each year to restore the lagoon, only to have this lagoon restoration countered by new potential pollution sources from this and other large scale residential development in St. Sebastian and the IR lagoon watersheds? A portion of the property in question is the site of a proposed dispersed water management project being awarded by the St. Johns River Water Management District. This multi-year project will result in millions of dollars for the landowner because of the nexus between their property and the need for clean water flowing into the South Prong of the Sebastian River. The Graves Bros. property is a vital location in the basin for needed restoration to ensure clean water for the St. Sebastian River. The City of Sebastian should not allow large-scale development to occur without strong regulations to ensure resource protection. The County’s New Town regulations would require this project to provide over 390 acres as open space in the form of a greenbelt or large blocks of open space. That open space could be used for agriculture, passive recreation,

water supply and stormwater treatment areas. The City of Sebastian should require similar open space requirements, especially given the dispersed water management project on the property and the south prong.

7. Though capacity of an improved C.R. 510 would provide some traffic relief, we understand that the congestion problem would be with 82nd Avenue and internal road systems in Sebastian. As a condition of approval, Sebastian must require that Graves donate the road right-of-way to DOT for 82nd Avenue completion. Sebastian shouldn't give property entitlements that would skyrocket the cost of land acquisition for needed right-of-way, which would hurt all city and county taxpayers.
  - We also note that this development project would likely create additional traffic problems on Sebastian's north-south through routes such as Barber Street and Laconia.
8. According to the county it would be essential with any future development to extend and improve the grid road system, including 81st Street, 77th Street, and 73rd Street as well as accommodating/improving 74th Avenue and 82nd Avenue. Project approval should accommodate and provide for extension of 82nd Avenue, 74th Avenue, 81st Street, 77th Street, and 73rd Street, however, no extension should impact the south prong slough.
9. We can anticipate negative environmental impacts on the St. Sebastian south prong, affecting water quality, wildlife and loss of wetlands. Our principal concerns for the South Prong area are as follows: 1) potential loss of cypress sloughs south and north of CR510 through direct wetland fill; 2) potential loss of adequate buffer between upland development and South Prong wetlands; 3) potential surface and groundwater impacts related to developmental stormwater systems; and 4) potential surface and groundwater impacts related to septic systems, should they be installed. Numbers 1) & 2) could end long-range plans for the St. Sebastian River Greenway that were conceived of, and championed by IRLT, PIAS and FSSR, and that were adopted by Resolution of the County Commission. The Greenway Resolution requires conservation of the South Prong slough area and provides for any greenway trails/public access along the South Prong slough. The City cannot allow any development allowance (much less three units an acre) on the lands buffering south prong slough. That land must be set-aside for conservation.
10. What would development look like if proposed under the county's New Town rules? It would have over 550 acres of open space, at least 390 acres in the form of a greenbelt or large,

contiguous blocks of open space. It would have a town center, grid road network, dedications for schools and parks, residential development that addresses affordable housing, a maximum of 1650 residential units, and esthetic development standards. Former Community Development Director Stan Boiling sent an email on March 24, 2019 to Lisa Frazier, Sebastian Community Development Director, outlining the County's new-town policies, and encouraging the City to adopt many of those provisions. They included a greenbelt with substantial conservation, a cap of residential density at 1.5 units per acre, and a town center and clusters for commercial/industrial at major grid road intersections. These requirements must make it into any development agreement. That email included the following:

- *1. The County's land use plan for that area is agricultural up to 1 unit per 5 acres (AG-1) but also contemplates that area as a potential area for a new town development under IRC Future Land Use Element Policy 1.38 and also allows special mixed use/"new town" development if an applicant goes through the City's PUD process.*
  
- 2. Accommodates and provides for extension of 82nd Avenue, 74th Avenue, 81st Street, 77th Street, and 73rd Street. I realize that 81st Street may or may not cross the South Prong slough since that is an area that needs to be conserved.*
  
- 3. Requires conservation of the South Prong slough area and provides for any greenway trails/public access along the South Prong slough.*
  
- 4. Caps gross residential density at 1.5 units per acre or 2.0 units per acre with density transferred in from other agricultural areas but allows concentrations of denser areas within the overall project off-set by green open spaces.*
  
- 5. Requires a "town center" mixed use activity center and clusters commercial/industrial at major grid road intersections.*
  
- 6. Requires a greenbelt (agricultural area or open space/green recreation area) adjacent to agricultural/low density areas that lie outside the project.*

7. *Establishes aesthetic development standards as part of the PUD process.*
8. *Requires institutional/civic uses.*
9. *Requires dedication of City parkland and potential school site(s).*
10. *Addresses affordable/workforce housing through the PUD process.*

11. New Town regulations found in both the County's Comprehensive Future Land Use Plan and the Code of Ordinances would allow for a generous increase in density. Residential density alone would increase 650%, (from 0.2 units per acre under agriculture land use and zoning classifications to 1.5 units under New Town regulations.) However, to receive that increased density, the landowner would have to commit to certain development restrictions to ensure adequate protection of natural resources, compact development, and minimization of impacts on surrounding areas.
12. The plan should require dedications for school sites. A new high school and middle school may be needed, or at least major expansions of their capacity at existing schools. The City should communicate with the Indian River County School District to plan for the needed additional capacity before they follow through with the annexation and land use change.
13. Sebastian has not provided any details that we are aware of that deals with how this development would impact existing infrastructure for each of the concurrency categories including roads, water and sewer, open space such as parks, and libraries. In short, it is unclear how the proposed project would impact county and city level of services.

We believe that the proposed annexation is contrary to the requirements under Fla. Stat. §171.031. If Sebastian does not delay the annexation and work with the County and other interested organizations to come up with an environmentally sustainable development plan for this property, we are prepared to litigate this matter.

Sincerely,

Pelican Island Audubon Society

/S/ Richard Baker  
Richard Baker, Ph.D  
President

Clean Water Coalition of Indian River County

/S/ Paul Fafeita  
Paul Fafeita  
President

/S/ Donna Halleran  
Donna Halleran  
Sebastian Resident

/S/ Graham Cox  
Graham Cox, Ph.D.  
Sebastian Resident