

**BEFORE THE COUNTY COMMISSION
BREVARD COUNTY, FLORIDA**

IN RE: A Petition to Establish the Sun Terra Lakes)
 Community Development District)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

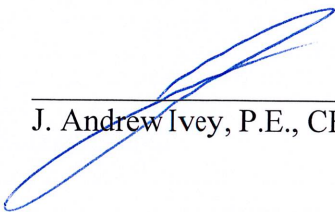
STATE OF FLORIDA
COUNTY OF ORANGE

I, J. Andrew Ivey ("Affiant"), being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is J. Andrew Ivey and I am a project manager with Poulos & Bennett, LLC, and a Florida Professional Engineer.
3. The prepared written, pre-filed testimony consisting of eight (8) pages submitted under my name to the County Commission of Brevard County relating to the Petition to Establish ("Petition") the Sun Terra Lakes Community Development District ("District") and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the District establishment hearing, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning land development and the construction of public infrastructure as a professional engineer and related matters are accurately set forth in my pre-filed testimony.
6. No corrections or amendments to my pre-filed testimony are required.

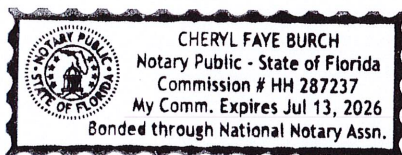
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 7 day of July 2025.



J. Andrew Ivey, P.E., CFM

SWORN TO and SUBSCRIBED before me by means of ☐ physical presence or ☐ online notarization, this 7th day of July 2025 by the Affiant.



[notary seal]

Cheryl Burch

(Official Notary Signature)
Name: Cheryl Burch
Personally Known X
OR Produced Identification _____
Type of Identification _____

1 **TESTIMONY OF J. ANDREW IVEY, P.E., CFM, FOR ESTABLISHMENT OF**
2 **SUN TERRA LAKES COMMUNITY DEVELOPMENT DISTRICT**
3

4 **1. Please state your name and business address.**
5

6 My name is J. Andrew Ivey, P.E., CFM, and my business address is 2602 E. Livingston
7 Street, Orlando, Florida 32803.
8

9 **2. By whom are you employed and in what capacity?**
10

11 I am employed by Poulos & Bennett, LLC, as a project manager.
12

13 **3. How long have you held that position?**
14

15 I have held that position for approximately three (3) years.
16

17 **4. Please give your educational background, with degrees earned, major areas of study**
18 **and institutions attended.**
19

20 I graduated in 2012 from the University of Central Florida with a Bachelor of Science in
21 Environmental Engineering.
22

23 **5. Do you have any professional licenses, registrations, or certifications?**
24

25 Yes. I am a licensed professional engineer in the State of Florida. My license number is
26 86607. I am also a Certified Floodplain Manager, certified by the American Society of
27 Floodplain Managers, certificate number US-17-10066.
28

29 **6. Are you a member of any professional associations?**
30

31 I am a member of the American Society of Floodplain Managers.
32

33 **7. Have you been involved in any developments of the type and nature contemplated**
34 **within the proposed Sun Terra Lakes Community Development District (“District”)?**
35

36 Yes.
37

38 **8. Are you familiar with the Petition to Establish the Sun Terra Lakes Community**
39 **Development District (“Petition”) filed by Jen Florida 48, LLC (“Petitioner”), seeking**
40 **the establishment of the proposed District?**
41

42 Yes, I have reviewed the Petition and exhibits.
43

44 **9. Are you generally familiar with the geographical area, type, and scope of development**
45 **and the available services and facilities in the vicinity of the proposed District?**

1
2 Yes, I am.
3

4 **10. Which documents did you prepare or have others prepared under your supervision?**

5 Exhibits 1, 2, 4, 5, and 6 attached to the Petition.
6
7

8 **11. Do any of those exhibits require any change or correction?**

9 No.
10
11

12 **12. Are Exhibits 1, 2, 4, 5, and 6 to the Petition true and correct?**

13 Yes, to the best of my knowledge.
14
15

16 **13. In general, what do Exhibits 1, 2, 4, 5, and 6 to the Petition demonstrate?**

17 Exhibit 1 is a map showing the general location in which the Proposed District is located.
18
19

20 Exhibit 2 is a sketch and metes and bounds description of the boundaries of the Proposed
21 District.
22

23 Exhibit 4 contains a map depicting the future general distribution, location and extent of
24 the public and private land uses within the proposed District by the future land use plan
25 element.
26

27 Exhibit 5 is a map showing existing and proposed water, sewer, and drainage serving the
28 lands within and around the proposed District.
29

30 Exhibit 6 provides a list of facilities the proposed District anticipates it will provide,
31 identifying the estimated costs for constructing the facilities and the anticipated owner and
32 entity responsible for ultimate maintenance.
33

34 **14. What capital facilities are presently expected to be provided by the District?**

35 Based on information provided by Petitioner and as more fully described in Petition Exhibit
36 6, it is presently expected that the District will construct or acquire stormwater management
37 system, roadways, water, wastewater, and reuse systems, undergrounding of conduit,
38 landscape, hardscape, and irrigation, recreational amenities, conservation areas, and offsite
39 improvements.
40
41

42 **15. Based upon your training and experience as an engineer, do you have an opinion as**
43 **to whether the proposed District is of sufficient size, compactness, and sufficient**
44 **contiguity to be developed as a functional interrelated community?**

1
2 Yes, based on my experience, the proposed District is of sufficient size, compactness and
3 contiguity to be developed as one functional interrelated community.
4

5 **16. What is the basis for your opinion?**
6

7 For many reasons the proposed District facilities can be provided in an efficient, functional
8 and integrated manner.
9

10 First, there are sufficient, significant infrastructure needs for the area within the proposed
11 District to allow development as a functionally interrelated community.
12

13 Second, the specific design of the community allows infrastructure to be provided in a cost-
14 effective manner. The land included within the proposed District area is sufficiently
15 contiguous, which facilitates an efficient and effective planned development.
16

17 Third, the provision of services and facilities through the use of one development plan
18 provides a contiguous and homogenous method of providing services to lands throughout
19 the District.
20

21 **17. In your opinion, you said the proposed District is sufficiently compact and contiguous**
22 **to be developable as a functionally interrelated community. Would you please explain**
23 **what you mean when stating that the proposed District is of sufficient compactness?**
24

25 The District will encompass approximately 1,082.242 acres and will provide a range of
26 residential and residential-support land uses that require the necessary elements of
27 infrastructure including stormwater management system, roadways, water, wastewater,
28 and reuse systems, undergrounding of conduit, landscape, hardscape, and irrigation,
29 recreational amenities, conservation areas, offsite improvements, and other improvements
30 described in the Petition. The proposed District will have sufficient overall residential
31 density to require all the above-mentioned necessary elements of infrastructure of a
32 comprehensive community. These facilities and services require adequate planning,
33 design, financing, construction, and maintenance to provide the community with
34 appropriate infrastructure. The preferred method of developing land, especially for higher
35 density residential uses, is for the development to be spatially compact. This augments the
36 District's ability to construct and maintain improvements, and provide services, in a cost-
37 efficient manner.
38

39 **18. As a professional engineer, do you have an opinion as to whether the Proposed District**
40 **is the best alternative to provide the proposed community development services and**
41 **facilities to the area that will be served?**
42

43 Yes.
44

45 **19. What is your opinion?**

1
2 It is my opinion that the proposed District is the best alternative to provide the proposed
3 services and facilities within the proposed District.
4

5 **20. What is the basis of your opinion?**
6

7 The proposed District is a long-term, stable, perpetual entity capable of funding,
8 constructing and, in some cases, maintaining the facilities over the lifetime of the facilities
9 because the proposed District has the advantage of being a unit of local government, which
10 has access to the tax-exempt bond market. Neither a property owners' nor homeowners'
11 association (POA/HOA) has the ability to finance infrastructure of the nature and scope
12 contemplated here, or manage the construction, acquisition or maintenance of the public
13 infrastructure. Neither is authorized to place a first lien on property if the owner does not
14 pay its maintenance assessments. Overall, the proposed District would be a more timely,
15 reliable and cost-efficient mechanism to deliver and maintain the needed community
16 improvements.
17

18 **21. Can you provide an example of a service or facility and explain why a community**
19 **development district is a preferred alternative for long-term operation and**
20 **maintenance?**
21

22 Yes. An example would be a stormwater management system. By statute, CDDs and
23 property owners' associations are permitted to operate and maintain these systems.
24 However, homeowners' associations are generally required by typical water management
25 district rules to provide significantly more information and documentation before they are
26 authorized to operate and maintain a stormwater management system. Such documentation
27 generally must (i) indicate that the association has the required financial capabilities, (ii)
28 mandate that the association will operate and maintain such systems and (iii) provide that
29 the association cannot be dissolved until another entity is found to maintain the system.
30

31 A CDD, which is generally considered to be a more secure financial, legal and
32 administrative entity, generally must simply provide a letter to the water management
33 district committing that the district will accept operation and maintenance responsibility.
34 All things being equal, a CDD is preferred over a homeowners' or property owners'
35 association for operation and maintenance of a stormwater management system.
36

37 **22. Based on your experience, do you have an opinion as to whether the services and**
38 **facilities to be provided by the proposed District will be incompatible with the**
39 **capacities and uses of existing local and regional community facilities and services?**
40

41 Yes. It is my opinion that the proposed services and facilities of the proposed District will
42 not be incompatible with the capacity and uses of existing local or regional community
43 development services and facilities.
44

1 **23. What is the basis for your opinion?**
2

3 Currently, none of the planned infrastructure improvements that the proposed District plans
4 to provide exist on the subject property in a manner that is useful to the proposed
5 development. Each of the elements of infrastructure for the necessary services and
6 facilities will connect into the County's existing, surrounding systems according to criteria,
7 review and approval of the County; there will be no incompatibility issue.
8

9 **24. Based on your experience, do you have an opinion as to whether the area to be**
10 **included within the proposed District is amenable to being served by a separate**
11 **special district government?**
12

13 Yes. In my opinion, and to the best of my knowledge, the area identified in the petition is
14 amenable to being served by a separate special district government.
15

16 **25. What is the basis for your opinion?**
17

18 The proposed District is limited in purpose and the infrastructure improvements to be
19 provided by the proposed District are limited in scope. This infrastructure is expected to
20 directly benefit the development and may be adequately served by a special district
21 government. In addition, special district governance provides a mechanism whereby long-
22 term maintenance obligations can be satisfied by the persons primarily using the facilities
23 and services.
24

25 **26. In the course of your work in Florida, have you had an opportunity to work with the**
26 **State Comprehensive Plan found in Chapter 187, *Florida Statutes*?**
27

28 Yes, I have often referred to the State Comprehensive Plan in rendering consultation to
29 clients.
30

31 **27. In the course of your work in Florida, have you had an opportunity to review local**
32 **government comprehensive plans?**
33

34 Yes.
35

36 **28. What types of land development projects have you worked on that involved analyzing**
37 **consistency with the state and local comprehensive plans?**
38

39 All commercial, industrial and residential projects my firm is involved with must be
40 consistent with the State and Local Comprehensive Plans prior to design and permitting.
41

42 **29. Do you have an opinion, as someone familiar with the State Comprehensive Plan, as**
43 **to whether the establishment of the proposed District is inconsistent with any**
44 **applicable element or portion of the state comprehensive plan?**
45

1 Yes.

2
3 **30. What is that opinion?**
4

5 It is my opinion that the establishment of the District is not inconsistent with any applicable
6 element or portion of the state comprehensive plan.
7

8 **31. What is the basis for that opinion?**
9

10 I have reviewed, from a planning perspective, applicable portions of the State
11 Comprehensive Plan that relate to the establishment of a community development district.
12

13 The State of Florida Comprehensive Plan, (Chapter 187, F.S.), "provides long-range policy
14 guidance for the orderly social, economic, and physical growth of the state." The State
15 Plan sets forth 25 subjects, goals, and numerous policies. Three subjects are particularly
16 relevant, from a planning perspective, to the establishment of the District: No. 15- Land
17 Use, No. 20- Governmental Efficiency, and No. 25- Plan Implementation.
18

19 **32. What is Subject 15 and why is it relevant?**
20

21 Subject 15 recognizes the importance of locating development in areas that have the fiscal
22 abilities and service capacity to accommodate growth. It is relevant because community
23 development districts are designed to provide infrastructure services and facilities in a
24 fiscally responsible manner to the areas that can accommodate development. The proposed
25 District is not inconsistent with this goal because the District will have the fiscal capability
26 to provide the specified services and facilities in this growth area. In particular, Policy 1
27 promotes efficient development activities in areas that will have the capacity to service
28 new populations and commerce. The proposed District will be a vehicle to provide a high
29 quality of infrastructure facilities and services in an efficient and focused manner at
30 sustained levels over the long-term life of the community.
31

32 **33. What is Subject 20 and why is it relevant?**
33

34 This goal recognizes the importance of Florida governments economically and efficiently
35 providing the amount and quality of services required by the public. The establishment of
36 the proposed district would economically and efficiently provide the infrastructure,
37 facilities and services necessary for community development within its boundaries.
38

39 **34. You also mentioned Subject 25. What is this and why is it relevant?**
40

41 This subject calls for systematic planning capabilities to be integrated into all levels of
42 government throughout the state, with particular emphasis on improving inter-
43 governmental coordination and maximizing citizen involvement. The proposed District
44 will be able to finance and construct (and in some cases operate and maintain) the

1 contemplated infrastructure improvements as authorized under Chapter 190, F.S., subject
2 to and not inconsistent with the local government comprehensive plan and land
3 development regulations. Citizen involvement is maximized since District Board meetings
4 are publicly advertised, open to the public and all District property owners and residents
5 can be involved in the provision of the improvements. Additionally, establishment of the
6 District will enhance governmental coordination since Section 189.08, F.S., requires the
7 District to file public facilities reports with the County, and to annually update such reports
8 to the extent there are any changes, which reports and updates the County may rely upon
9 in any revisions to its local comprehensive plan.

10
11 **35. Are there any other subjects within the State Comprehensive Plan which are**
12 **relevant?**

13
14 Yes. Subject 17, which addresses public facilities, is also relevant. The goal of Subject 17
15 is to finance new facilities in a timely, orderly and efficient manner. In particular, Policy
16 3 states that the cost of new public facilities should be allocated to existing and future
17 residents on the basis of the benefits received. Policy 6 also encourages the identification
18 and implementation of innovative but fiscally sound and cost-effective techniques for
19 financing public facilities. Establishment of the proposed district will further this goal and
20 related policies.

21
22 **36. Do you have an opinion as to whether the District will be inconsistent with any portion**
23 **or element of the Brevard County Comprehensive Plan adopted pursuant to Chapter**
24 **163, Florida Statutes?**

25
26 Yes, I do.

27
28 **37. What is your opinion?**

29
30 It is my opinion that the District will not be inconsistent with any applicable element or
31 portion of the Brevard County Comprehensive Plan.

32
33 **38. What is the basis for your opinion?**

34
35 My opinion is based upon years of experience reviewing comprehensive plans (including
36 for purposes of this project the current Brevard County Comprehensive Plan) and there not
37 being any provisions that would render a CDD inconsistent. Furthermore, Chapter 190,
38 *Florida Statutes*, prohibits any CDD from acting in a way that is inconsistent with the local
39 government's comprehensive plan, the exercising of any power must be done with the
40 comprehensive plan in mind.

41
42 It is my opinion, therefore, that with respect to the establishment of the proposed District,
43 the proposed District will not be inconsistent with any applicable element or portion of the
44 Brevard County Comprehensive Plan.
45

1 **39. Does this conclude your testimony?**

2

3 Yes.