



**STAFF REPORT  
COLLIER COUNTY PLANNING COMMISSION**

**TO:** COLLIER COUNTY PLANNING COMMISSION

**FROM:** COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION, COMPREHENSIVE PLANNING DEPARTMENT

**HEARING DATE:** OCTOBER 19, 2009

**PETITION:** **CP-2009-1**, DADE-COLLIER CYPRESS RECREATION AREA DISTRICT GROWTH MANAGEMENT PLAN [*TRANSMITTAL HEARING*] Coordinator: Thomas Greenwood, AICP, Principal Planner

**AGENT/APPLICANT:**

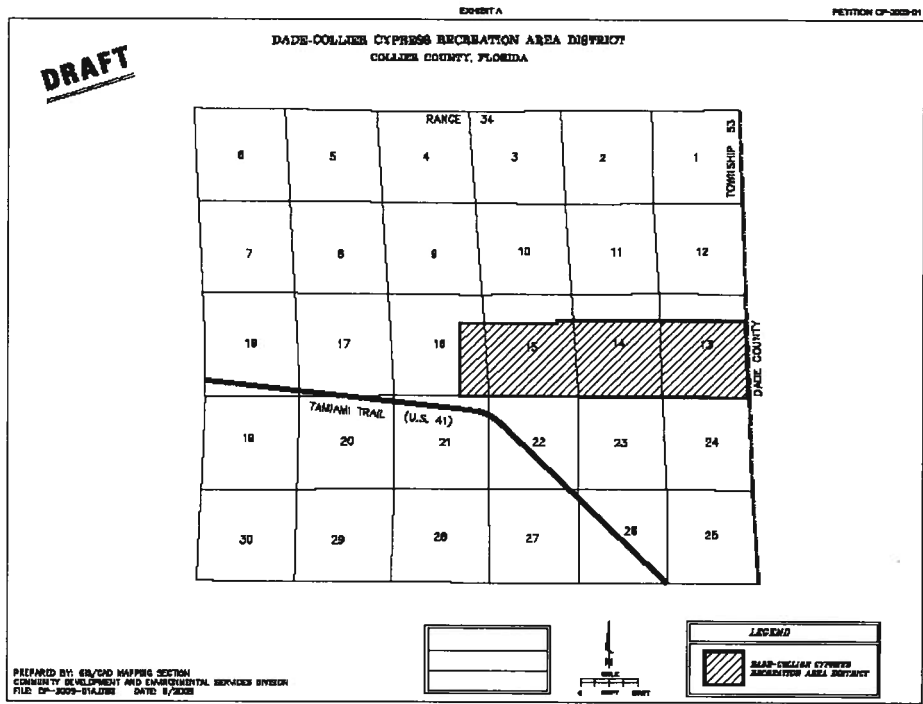
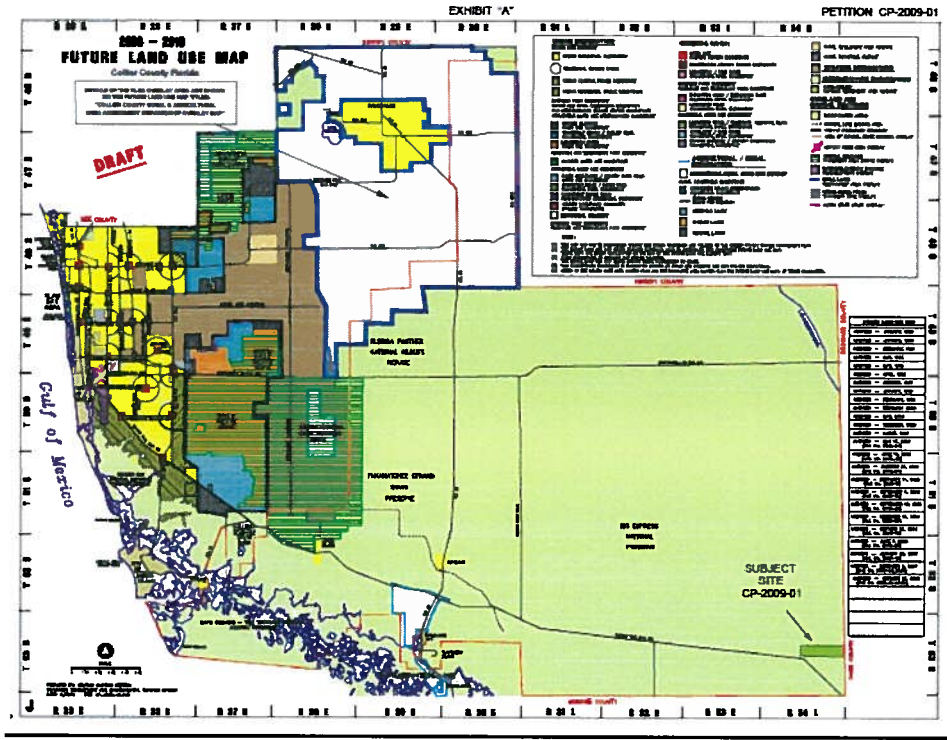
**Agent:** James A. (Andy) McCall, Park Planner  
Miami-Dade County Park and Recreation Department  
275 NW 2<sup>nd</sup> Street, 4<sup>th</sup> Floor  
Miami, Fl. 33128

**Applicant/Owner:** Miami-Dade County  
111 NW 1<sup>st</sup> Street, 29<sup>th</sup> Floor  
Miami, Fl. 33128

**GEOGRAPHIC LOCATION:**

The property contains approximately 1,608 acres of land located within Sections 13, 14, 15, and 16 of Township 53 South, Range 34 East. It adjoins the Miami-Dade/Collier County line north of U.S. Highway 41 and south of the runway of the Dade-Collier Training and Transition (TNT) Airport and is within the Big Cypress Area of Critical State Concern (ACSC) as illustrated below. This site comprises a portion of the 24,000 acres owned by Miami-Dade County, inclusive of the TNT Airport. The following maps illustrate the location and the proposed amendment to the Future Land Use Map [FLUM].

**DRAFT EXHIBIT A [FLUM AMENDMENT]**



**REQUESTED ACTION:**

The subject property is designated Conservation, and is in the ACSC Overlay, on the Countywide FLUM of the Collier County Growth Management Plan (GMP). Presently, there are no Districts or Subdistricts in this designation.

This petition seeks to amend the Future Land Use Element (FLUE) and the FLUM of the GMP to create the "Dade-Collier Cypress Recreation Area District" within the Conservation Designation to allow for a variety of outdoor recreation activities, including trails for the operation of off-highway vehicles (OHVs)\*.

\* An OHV is defined in Section 261.03(6) of Florida Statutes as any all terrain vehicle (ATV), or off highway motorcycle (OHM) that is used off the roads or highways of this state and that is not registered and licensed for highway use under Chapter 320 of the Florida Statutes.

ATV is defined by Section 261.03 (2), F.S. as follows:

*(2) "ATV" means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 1,200 pounds or less, designed to travel on three or more non-highway tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator with no passenger.";* and

OHM is defined in Section 261.03(5), F.S. as follows:

*(5) "OHM" or "off-highway motorcycle" means any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped."*

*In addition to the FLUM amendment shown on the previous page, the proposed text amendments, shown in strike-through/underline format, are as follows: (Single underlined text is added, as proposed by the applicant. Row of asterisks denotes break in text.)*

**Policy 1.4:**

[FLUE page 12]

The CONSERVATION Future Land Use Designation shall include a Future Land Use District.

**A. DADE-COLLIER CYPRESS RECREATION AREA DISTRICT**

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**IV. CONSERVATION DESIGNATION**

**A. Dade-Collier Cypress Recreation Area District**

[FLUE page 87]

The Dade-Collier Cypress Recreation Area District encompasses approximately 1,608 acres of land located within Sections 13, 14, 15, and 16 of Township 53 South, Range 34 East, adjoining the Miami-Dade/Collier County line north of U.S. Highway 41 and south of the runway of the Dade-Collier Training and Transition Airport, and within the Big Cypress Area of Area of Critical State Concern (ACSC). All lands within this District are

entirely owned by Miami-Dade County and includes wetlands, cypress and hardwood forests, and five man-made lakes.

The primary purpose of this District is to enhance the existing natural resources while providing for an appropriate level of recreational uses beneficial to the county and the region.

The uses allowed within this District, with limitations specific to this District, are as follows:

- a. Visitors' center building – for administrative offices, orientation area, meeting room, and restrooms - not to exceed 2,400 square feet;
- b. Parking lot limited to a capacity of 80 passenger vehicles and associated trailers;
- c. Primitive Camping;
- d. Recreational vehicle camping;
- e. Fishing piers and docks;
- f. Multi-use trails for pedestrians and bicycles;
- g. Wildlife viewing platforms and overlooks;
- h. Archery range;
- i. Off highway vehicles (OHV) trails; and
- j. Other uses as allowed in the Conservation Designation.

Development within this District, except for trails, may be concentrated on already disturbed area along the western portions of the site, primarily in Section 16.

The drainage and storm water management systems for this District may be designed to be compatible with environmental site assessments, development and mitigation strategies, environmental enhancements and regulatory requirements. Site development may restore/realign existing trails previously created by swamp buggies that traverse the site primarily in an east/west direction. Lake edges may be improved with a shallow littoral zone where determined appropriate.

At the time of rezoning, an adaptive comprehensive management plan shall be provided that includes:

1. OHV uses as defined in F.S. 261.03 and 261.20 for operation of OHVs on public land. These specifications may address vehicle and tire size, noise control, prohibition of certain OHV types (e.g. tracked vehicles), prohibition of devices affixed to tires (e.g. tire chains).
2. An OHV inspection program and vehicle registration program.
3. Provisions to demarcate site boundaries.
4. Definitive location of all proposed uses – campsites, parking areas, archery range, OHV trails and trail access points, pedestrian and bicycle trails, etc.
5. Development intensity limitations – maximum number of RV and primitive camping sites, cap on number of OHV users daily, etc.
6. Monitoring provisions to ensure OHV compliance.

- 7. Enforcement program for compliance with all site/park restrictions and limitations.
- 8. Specification of periods of operation, especially for OHVs – daily hours of operation, periods of closure (e.g. high water, fire threat, hurricane threat), seasonal restrictions or closure.
- 9. Monitoring for detrimental impacts upon listed species.
- 10. Restoration plan for presently disturbed portions of the site not to be utilized (e.g. most of the existing OHV trails), and creation of littoral zones for all lakes.
- 11. Demonstration of compliance with the ACSC limitations (e.g. maximum site alteration of 10%).
- 12. Deviation to request disturbance to areas impacted by development in the ACSC where unavoidable up to a maximum of 10% of the subject site.

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**FUTURE LAND USE MAP SERIES**

[FLUE page 124]

Future Lands Use Map

Mixed Use and Interchange Activity Center Maps

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Livingston Road Commercial Infill Subdistrict Map

Dade-Collier Cypress Recreation Area District Map

**BACKGROUND AND PROJECT DESCRIPTION:**

This site was recommended in the Miami-Dade County Park and Recreation Department’s August, 2007 study entitled, “Off-Highway Vehicle Trails Feasibility Study” [Appendix V.D.5b.1]. This Study evaluated 23 sites for potential future OHV usage and selected five sites, including the subject site for further investigation. The Study found the land surrounding the TNT Airport as the most viable long-term option of the five sites – in part because it is already owned by Miami-Dade County. Additionally, Collier County Resolution No. 09-144 [Appendix V.D.5b.14] was approved by the Collier County Board of County Commissioners on June 9, 2009. This Resolution directs the County Manager or his Designee to “support” the establishment of this 1,608-acre recreation area; identify the applicable planning and development approvals necessary for the development of this recreation area; and assist with coordinating input from the applicable regulatory agencies.

The applicant is requesting approval to establish the “Dade-Collier Cypress Recreation Area District” (District) as a new District in the Conservation Designation of the FLUE and to show this District on the FLUM so as to allow for the development of the District. The applicant proposes the following uses within the proposed new District:

- visitors’ center building – for administrative offices, orientation area, meeting room, and restrooms - not to exceed 2,400 square feet;
- parking lot limited to a capacity of 80 passenger vehicles and associated trailers;

- primitive camping (3 to 10 acres);
- recreational vehicle camping (5 to 10 acres);
- fishing and piers and docks (100 to 300 acres);
- multi-use trails for pedestrians and bicycles; wildlife viewing platforms and overlooks (30 to 45 acres and approximately 10 miles of trails);
- archery range (2 to 10 acres);
- OHV usage and trails (5 to 15 acres and approximately 15 miles in trail length); and
- other uses as allowed in the Conservation Designation (1218 to 1463 acres).

The existing Conservation Designation allows all of the above listed uses – in context as a passive recreational use or as a component of a conservation or habitat preservation use - with the exception of the proposed OHV usage. The context is critical. For example, if an owner of 40 acres designated Conservation requested approval to allow development of a campground, the request would be rejected. Contrast this with Collier – Seminole State Park, also designated Conservation, which does allow camping and is deemed consistent with the Conservation designation.

**STAFF ANALYSIS:**

Please refer to the document titled “Standard Language for GMPA Staff Reports” located behind the “GMPA Standard Language” tab. This document addresses some items common to all petitions in this cycle – statutory data and analysis, the GMP vision, and HB 697 – and one item common to the six petitions seeking amendments to the GGAMP.

**Existing Land Use, Zoning, and Future Land Use Designation:**

**Subject Site:**

*Existing land uses on the subject site.* The existing land use on the subject property is vacant or undeveloped with the site fenced on all sides, with the exception of a portion of the east boundary of the site which does not have a continuous fence. The application indicates that five man-made lakes exist which were developed in 1968 (borrow pits as part of the construction of the adjoining Dade-Collier Training and Transition Airport to the immediate north and access road to U.S. Highway 41); approximately 27 miles of unsupervised hiking/bicycling/wildlife trails; and approximately 22 miles of unsupervised OHV/swamp buggy trails. The site is generally not open to the public, except for self-described Gladesmen who operate unpermitted legacy campsites within the property, OHV riders who trespass on the property, and permitted Eco-Adventure tours operated by the Miami-Dade Park and Recreation Department.

*Existing zoning of the subject site:* “Conservation with Area of Critical State Concern/Special Treatment Overlay”(CON-ACSC/ST). As such, all development on the subject site will be required to comply with the Area of Critical State Concern/Special Treatment Overlay of the LDC, including standards specific to site alternation, drainage, transportation, and structure installation.

*Existing future land use designation of the subject site:* “Conservation with Area of Critical State Concern Overlay”. As such, all development on the subject site will be

required to comply with the Conservation and Area of Critical State Concern Overlay of the FLUE, including standards specific to site alternation, drainage, transportation, and structure installation. These same standards are found in the statutory ACSC designation.

Surrounding Lands:

North: Dade-Collier Training and Transition Airport; zoned “CON-ACSC/ST” and a FLUM designation of “Conservation with ACSC Overlay”.

East: Vacant lands in Miami-Dade County within the ACSC.

South: Vacant lands; zoned “CON-ACSC/ST” and a FLUM designation of “Conservation with ACSC Overlay”.

West: Vacant lands; zoned “CON-ACSC/ST” and a FLUM designation of “Conservation with ACSC Overlay”.

**Comprehensive Plan Amendment data and analysis requirement**

Chapter 9J-5, Florida Administrative Code, “Minimum Criteria for Review of Local Government Comprehensive Plans and Plan Amendments, Evaluation and Appraisal Reports, Land Development Regulations and Determinations of Compliance” sets forth the minimum data and analysis requirement for comprehensive plan amendments. More specifically, Section 9J-5.005 “General Requirements” delineates criteria for plan amendments in sub-section 9J-5.005 (2) “Data and Analysis Requirements.”

Sub-section 9J-5.005(2) of the Florida Administrative Code states (*in italics*) that “*All goals, objectives, standards, findings and conclusions within the comprehensive plan and its support documents, and within plan amendments and its support documents, shall be based upon relevant and appropriate data and analysis applicable to each element. To be based upon data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue. The Department will review each comprehensive plan [amendment] for the purpose of determining whether the plan [amendment] is based on data and analyses described in this Chapter and whether data were collected and applied in a professionally acceptable manner.*”

It is incumbent upon all applicants requesting comprehensive plan amendments to provide supporting data and analyses in conjunction with any relevant support documents. It is not the responsibility of Collier County staff to generate data and analysis for the applicant, rather it is staff’s responsibility to review and analyze the petitioner’s data and analysis for accuracy, applicability, professional acceptability, sound methodology, etc. Any outstanding deficiencies or other issues with respect to data and analyses that may remain at the time of any requisite public hearing are the responsibility of the applicant. **A detailed synopsis of the adequacy of the data and analysis for the subject plan amendment is set forth below with specificity.**

**Considerations and Appropriateness of Change:****OHV usage ...existing and proposed**

*Existing OHVs limitations within the Conservation Designation.* Generally, recreational use of OHVs is presently *not* allowed in the Conservation Designation *except on lands established for conservation/preservation purposes* (e.g. state and federal parks, preserves and refuges) for which a management plan has been prepared, and publicly vetted, that includes OHV use as a component. An example would be the Big Cypress National Preserve, which allows all terrain vehicles (ATVs), swamp buggies and airboats within certain areas of the Preserve and subject to restrictions.

*Proposed OHVs usage within the proposed "Dade-Collier Cypress Recreation Area District" of the Conservation Designation.* This application proposes that OHVs would be allowed as a recreational use on the subject site as outlined in Appendix V.D.5b of the application entitled, "Data and Analysis for the Proposed Uses". Reaching this site would involve an approximate 1 to 2 hour drive for most residents in Lee and Collier Counties as well as from other counties on the East Coast of Florida. Geographically, the proposed District is:

- within and surrounded by environmentally sensitive areas of Collier County designated Conservation on the FLUM and located within the ACSC;
- within and surrounded by the Big Cypress National Preserve;
- approximately 50 miles from the Collier County coastal Urban Designation of the FLUM; and
- approximately 50 miles from the Miami-Dade County and Broward County urbanized areas.

A majority of users of the subject site could be expected to come from these urbanized areas, as well as from the Golden Gate Estates and Rural Fringe areas.

Other existing or proposed OHV facilities. In addition to the proposed new District, the following is a current status of some of the other existing or proposed OHV facilities in South Florida:

- (1) *Proposed Lake Trafford de-mucking site.* This approximate 640-acre site is located in the northwest corner of the Immokalee Urban Designated Area. Reaching this site is an approximate 30 to 45 minute drive time for most Lee and Collier County residents. The site is designated Low Residential Subdistrict in the Immokalee Area Master Plan. The proposed use of this site for OHVs has been publicly vetted. The site was filled in 2005 and 2006 with dredge spoils removed from Lake Trafford. South Florida Water Management District (SFWMD) is the current owner. However, under a 2003 agreement between Collier County and SFWMD, Collier County would become the owner of the site for future use as an OHV park. Recent soil tests have shown that the Lake Trafford dredge material is contaminated with arsenic and the site may not be economically feasible for the intended OHV use due to the environmental clean-up costs. At this time Collier County and SFWMD are attempting to resolve this problem and Collier County is looking at other options to satisfy the OHV park demand. Collier County recently voted to sue the SFWMD over issues related to the availability of this 640 acres.



- (2) *Existing Redneck Yacht Club in Charlotte County.* This 800-acre privately-owned site is located in Punta Gorda and opened to the public in January, 2009 as a ATV park. A July 26, 2009, Naples Daily News article indicated that this site drew approximately 15,000 guests during Memorial Day weekend. In addition to ATVs, this site also accommodates hundreds of tents, pop-up campers, and recreational vehicles, providing for multi-day guest visits. According to its website, this is “Florida’s Largest Off Road Park” and is for use by swamp buggies, ATV’s, trucks and Jeeps. It is open on weekends only. This site is estimated to be an approximate 45 minute drive from the Collier-Lee County line at I-75. Staff acknowledges that this site, which appears to be for purely recreational use only (no apparent conservation component), is not used or operated as typically occurs for County Parks. The newspaper article noted that beer consumption by spectators and participants occurs, and a weapons search is conducted at the site entrance.
- (3) *Existing and Proposed National Park Service OHV use in the Big Cypress National Preserve (BCNP).* A National Park Service (NPS) Off Road Vehicle (ORV) proposal for the BCNP Addition (147,000 acres of land added to BCNP in 1988) is related to CP-2009-09 in that the BCNP lands surround the subject project site. This NPS General Management Plan would introduce *up to 140 miles* of ORV trails into the BCNP addition lands, which trails also would be available for hiking, bicycling, and horseback riding. The maximum of *140 additional miles* of proposed ORV trails is in addition to the *400 miles of existing trails* within the original BCNP lands. This General Management Plan must be approved by Congress before it becomes effective. For further information, the “Big Cypress National Preserve Addition, Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement”, which was prepared by the NPS, may be viewed in its entirety at the following web site:

<http://parkplanning.nps.gov/document.cfm?parkID=352&projectId=11164&documentID=27329>

Finally, there has historically been unauthorized “free range” ATV use on lands now owned by the State of Florida and known as Picayune Strand State Forest. Such use was prohibited and halted after acquisition by the State. The intent of providing an ATV park facility in Collier County is to provide a legal opportunity for OHV owners to enjoy the use of their vehicles in a safe, managed facility.

#### **Consistency with the Conservation Designation of the FLUE**

A portion of the Conservation Designation of the FLUE is provided below (*in italics*) with staff analysis immediately following.

*“The overall purpose of the Conservation Designation is to conserve and maintain the natural resources of Collier County and their associated environmental, and recreational and economic benefits. All native habitats possess ecological and physical characteristics that justify attempts to maintain these important natural resources. Barrier Islands, coastal bays, wetlands, and habitat for listed species deserve particular*

*attention because of their ecological value and their sensitivity to perturbation. It is because of this that all proposals for development in the Conservation Designation must be subject to rigorous review to ensure that the impacts of the development do not destroy or unacceptably degrade the inherent functional values.*

*The Conservation Designation is intended to protect certain vital natural resource areas of the County, which are primarily owned by the public, although private in-holdings and privately owned conservation areas do exist. This Designation includes such areas as Everglades National Park, Big Cypress National Preserve, Florida Panther National Wildlife Refuge, Fakahatchee Strand State Preserve, Collier-Seminole State Park, Rookery Bay National Estuarine Research Reserve, Delnor-Wiggins Pass State Recreation Area, and the National Audubon Society’s Corkscrew Swamp Sanctuary (privately owned). The boundaries of the Conservation Designation may periodically change as properties are acquired by public entities or private land management or conservation groups.*

*Natural resource protection strategies and standards for development in the Conservation Designation are found in the Conservation and Coastal Management Element and the County's Land Development Regulations. The Conservation Designation will accommodate limited residential development and future non-residential uses. The following uses are authorized in this Designation.*

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*f. **Passive parks, and other passive recreational uses;***

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Land Development Code (LDC), Section 1.08.02, defines “Passive Recreation” as follows:

*“**Passive Recreation:** Activities characterized by a natural resource emphasis and **non-motorized activities**. These activities are deemed to have minimal negative impacts on natural resources; or are consistent with preservation, enhancement, restoration and maintenance goals for the purpose of habitat conservation. Examples of passive recreation include, but are not limited to, bird watching and nature study, swimming, picnicking, hiking, fishing and hunting, where appropriate.”*

Staff places emphasis upon the words “**non-motorized activities**” as the expressed intent of the Conservation Designation is to limit recreational activities to passive non-motorized recreational activities.

The proposed OHV use on the subject 1,608-acre site is a *departure* from the intent of the Conservation Designation. Further, the U.S. Fish and Wildlife Service’s National Wetlands Inventory classifies this site as “Freshwater Forested/Shrub Wetlands”. The intent of the Conservation Designation is to, “*conserve and maintain the natural resources of Collier County and their associated environmental, and recreational and economic benefits.*” The proposed OHV usage is unlikely to lead to the conservation and maintenance of the natural resources of Collier County.

The Conservation Designation includes private in-holdings and privately owned conservation areas, in addition to the publicly owned lands. The establishment of the “Dade-Collier Cypress Recreation Area District” and related OHV usage may lead to other future private or public petitions for the establishment of other similar uses within the Conservation Designation.

Based upon application materials, there is no question the site has been impacted from past and present activities. Borrow pits exist on the site from past excavation activities related to the construction of the adjacent runway and access road; the runway, access road and U.S. 41 have, in some way, impacted natural drainage on the site; and, unauthorized ORV use on the site has created trails across the site. However, despite these impacts, the site remains a viable, functioning wetland (93% of site is wetlands). Ceasing unauthorized ORV use on the site through education and/or enforcement will allow the trail areas to naturally, over time, become re-established with wetland vegetation. The petitioner suggests, in part, that these trails impacts are the reason this petition should be approved.

In summary, the introduction of OHV uses into this 1,608-acres site within the Conservation Designation will result in the following:

- a significant increase of site-specific traffic, both from licensed passenger vehicles and OHVs, and related environmental costs;
- extended travel times from population centers and related environmental impacts to reach this site; and
- environmental impacts upon these “Freshwater Forested/Shrub Wetlands”.

Accordingly, this petition is found to be contrary to the intent of the existing Conservation Designation and may be found inconsistent with that Designation.

**Consistency with 2008 Legislation - HB 697 [Greenhouse Gas Emissions – “GHG”]**

This legislation, which pertains to energy conservation and efficiency, went into effect on July 1, 2008. Some key phrases in the legislation include: “discouragement of urban sprawl”; “greenhouse gas reduction strategies”; “transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.” Among other things, it requires certain amendments to the Growth Management Plan (future land use element and map, housing element, transportation element, conservation and coastal management element) which would be initiated by Collier County. However, in the interim (and perhaps beyond), each GMP amendment petition should include data and analysis to demonstrate how it discourages urban sprawl and reduces greenhouse gas emissions. DCA (Florida Department of Community Affairs) will be reviewing GMP amendments for compliance with this legislation.

Below are excerpts from “The Role of Local Land Use and Transportation Planning in Reducing GHG,” a PowerPoint presentation on HB 697 from DCA Secretary Tom Pelham, Esq., AICP. This helps to explain the rationale for the legislation and what DCA expects in reviewing GMP amendments.

I. Introduction: The Problem

- A. About 36% of carbon dioxide emissions in Florida are produced by the Transportation Sector.
  - B. Of these emissions, about 83% come from vehicular travel.
  - C. A key factor is the extent of the vehicle miles traveled (VMT).
  - D. DOT projects that by 2050 VMT will increase 173% based on current trends.
  - E. We must reduce VMT in order to reduce GHG from the Transportation Sector.
  - F. Local Land Use and Transportation Planning will play a critical role in reducing VMT.
- II. HB 697: Enhanced Local Planning to Reduce VMT and GHG
- A. HB 697 Amended Ch. 163, F.S., to Establish New Local Planning Requirements.
  - B. Future Land Use Element – based on data and studies that demonstrate:
    - 1. Discouragement of urban sprawl;
    - 2. Energy efficient land use patterns that account for existing and future electric power generation and transmission systems;
    - 3. Greenhouse gas reduction strategies.
- III. When Must Governments Comply with the New Requirements?
- A. The New Requirements Went into Effect on July 1, 2008, when HB 697 Became Law.
  - B. DCA will apply the New Requirements to Plan Amendments Transmitted After July 1, 2008, for ORC Review as follows:
    - 1. FLUM Amendments must be Supported by Data and Analysis Relating to Urban Sprawl, Energy Efficient Land Use Patterns and GHG Reduction Strategies.
    - 2. FLUE Text Amendments with Significant Potential to Impact Development Patterns Must Comply with the New Data and Analysis Requirements.
    - 3. Major Textual Amendments to Transportation/Traffic Elements and Large FLUM Amendments must Address new GHG Reduction Requirements.
  - C. Local Governments must comply with all New Requirements NO Later Than DUE DATE of EAR-Based Amendments.
- IV. What Major Planning Strategies Can Local Governments Use to Reduce VMT and GHG?  
[a list was provided of a dozen resources]
- V. This literature discusses transportation and land use planning strategies to reduce VMT and GHG.
- A. Planning for Fewer and Shorter Automobile Trips (Getting People Out of Their Cars).
  - B. Planning for Alternative Modes of Travel – Walking, bicycling and transit.
  - C. Planning for More Compact Mixed-Use Development
    - 1. A mix of residential, commercial, and recreational uses in close proximity to Employment Centers.
    - 2. Encourages Walking and Bicycling.

3. Supports Transit.
  4. Reduces Number and Length of Automobile Trips.
- D. Planning for Higher Densities in Appropriate Places
1. Higher Density Development has Smaller Carbon Footprint.
  2. A Blended Average Density of 7 units/acre is Sufficient.
  3. Transit-Oriented Development – Cluster Higher Density Around Transit Stops.

Staff advised the applicant of the need to provide data and analysis regarding the quantification of the amount of GHG emissions which would result from the development of this proposed park site. The applicant, in a July 10, 2009 letter immediately following the application cover letter, has addressed Florida House Bill 697 as it would relate to CP-2009-01. The applicant did not quantify the amount of GHG emissions which might occur because of this project. Rather, the applicant states that the site's location and the limited number of annual visitors will result in a small impact on the creation of GHG and that the GHG emissions impact within and near the subject site will be largely offset by the number of lives that are saved by the reduction in the use of dangerous, illegal, and unmanaged recreation sites. No data and analysis was provided to demonstrate how this project discourages urban sprawl and reduces GHG emissions. Accordingly, the DCA may well raise issues regarding this requirement within the Objections, Recommendations, and Comments Report if this project is transmitted to the DCA with the current applicant response to HB 697.

**Consistency with the “T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act” (Act)**

This Act was signed into law in 2002 with the intent to “*create new opportunities for OHV users (specifically ATV and OHM users) while safeguarding the integrity of Florida’s natural resources*”.

This Act is referenced on page 22 of Appendix V.D.5b.1 of this application entitled Park and Recreation Department Off-Highway Vehicle Trails Feasibility Study for Miami-Dade County; August, 2007 (Study). Page 20 of this Study states that, “*The other sites [other than the subject site] offer potential opportunities for permanent OHV facilities. The Lands East of the Homestead Speedway and the FRS Holdings sites, both located in south Miami-Dade County, share many physical characteristics with the preceding [the subject site] while having fewer environmental constraints, but are less suitable overall because of their ownership composition.*” Based upon staff review of this application and this Study, there is insufficient evidence presented to document that the proposed project will “safeguard the integrity of Florida’s natural resources” as is the intent of the Act. Further, this site is the most environmentally sensitive site of the top contending sites analyzed within this Study.

Staff concludes that the on-going site specific environmental impacts associated with the OHV use of the subject 1,608-acre site, as well as environmental impacts associated with motorized travel to the subject site by potential OHV users, will be greater than the alternative use of either the Homestead Speedway or FRS Holdings site for OHV use

located in Miami-Dade County. In summary, the proposed OHV site may not be consistent with the intent of the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act in that this site's use for OHV activities may fail to "*safeguard the integrity of Florida's natural resources*" by introducing this more intensive active recreational activity into the Conservation Designation. However, an August 26, 2009 letter to Miami-Dade County Parks and Recreation Department staff from the Florida Department of Agriculture and Consumer Services finds, "Petition Number CP 2009-01 to be consistent with the intent of the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act." [see Exhibit V.D.5b/15]

**Consistency with Policy 1.1.1 of the Recreation and Open Space Element (ROSE) of the GMP**

Policy 1.1.1 of the ROSE is shown in its entirety in *italics* below.

***"Policy 1.1.1:***

*Collier County hereby adopts the following level of service standards for facilities and land owned by the County or available to the general public:*

***LEVEL OF SERVICE STANDARD:***

- A. *1.2882 acres of community park land/1,000 population (unincorporated)*
- B. *2.9412 acres of regional park land/1,000 population*
- C. *Recreation facilities – Facilities in place, which have a value (as (X) defined) of at least \$270.00 per capita of population. A Construction Cost Index (CCI) adjustment will be used to determine the construction cost of facilities planned. The CCI that will be used will be the prior year of the County's fiscal year budget.*
  - 1. *Value will be arrived at using the per unit values for each facility type available in the County, as set forth in the Annual Update and Inventory Report (AUIR), applying the values to the number of each facility type, adding up all values and dividing the total by the County population.*
  - 2. *Where recreation facilities provided by other governmental bodies or the private sector are available through arrangement with the County to the public on a convenient basis, they shall be considered in measuring in-place facility value."*

In as much as the "Dade-Collier Cypress Recreation Area District" would be open to public use, it may augment existing recreational lands and facilities owned by Collier County and help support the County's efforts to meet its adopted LOSS for regional park land, irrespective of the approximate 50-mile drive from the Collier County Urban Designated Area. However, the application indicates that the facility will be closed during peak wet season and peak dry season in conformance with an adaptive comprehensive management plan to be approved at the time of rezone. IF the subject site

would count toward attaining the LOSS for regional park land during these limited times of the year, this project may be found consistent and supportive of Policy 1.1.1 of the ROSE.

**Consistency with Policy 1.1.4 of the ROSE of the GMP**

Policy 1.1.4 of the ROSE is shown in its entirety in *italics* below.

***“Policy 1.1.4:***

*“Acquire suitable lands for new park sites in areas where major population growth is expected.”*

Although Collier County is not acquiring a park site as part of this project, Collier County Resolution 2009-144 (Appendix V.D.5b.14 of this application) states that Collier County “supports” the establishment of the “Dade-Collier Cypress Recreation Area Recreation District”. With respect to Policy 1.1.4 of the ROSE of the GMP, this site was acquired by Miami-Dade County in the early 1960s for airport purposes. Its location is not in an area where major population growth is expected, due to the development limitations inherent in the surrounding Federal and State land ownerships and the limitations on development placed by the Conservation Designation. To the extent that Policy 1.1.4 applies to this project, this project may be found inconsistent with Policy 1.1.4 of the ROSE.

**Consistency with Policy 1.4.2 of the ROSE of the GMP**

An excerpt of Policy 1.4.2 of the ROSE is shown in *italics* below.

***“Policy 1.4.2***

*“Continue to develop and implement a formal program for coordinating County programs with other government agencies. Collier County shall continue to coordinate the provision of recreational facilities and activities with other governmental jurisdictions that own or operate such facilities and activities within, or adjacent to, Collier County. Said governmental entities shall include, but not necessarily be limited to:*

- U.S. Department of Commerce, The National Oceanic and Atmospheric Administration*
- U.S. Department of the Interior, The National Park Service*
- The Florida Department of Environmental Protection, Division of Recreation and Parks*
- Florida Department of Agriculture and Consumer Services, Division of Forestry*
- Lee County, Florida*
- Hendry County, Florida*
- Broward County, Florida*
- Dade County, Florida*

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To the extent that this application involves coordination between Miami-Dade County and Collier County in the development of the recreational activities and facilities envisioned in the proposed “Dade-Collier Cypress Recreation Area District”, it may be found consistent with and supportive of Policy 1.4.2 of the ROSE.

**Consistency with Policy 1.8 of the Economic Element of the GMP**

Policy 1.8 of the Economic Element is shown in its entirety in *italics* below.

*“Policy 1.8: Collier County will encourage the preservation of sensitive natural resources, including beaches, wetlands, estuaries, clean air and water, historic resources, scenic vistas and other unique natural resources.”*

The establishment of the proposed 1,608-acre “Dade-Collier Cypress Recreation Area District” would result in the introduction of a significant increase in annual visitors and OHV enthusiasts into this area. This is in contrast to the existing limited number of unauthorized trespassers who currently occasionally use this area for OHV use and other uses. The projected environmental impact is detailed in the “Environmental Impacts” section of this report which follows. Accordingly, the development of this environmentally sensitive site as a formal OHV park may be found inconsistent with Policy 1.8 of the Economic Element of the GMP due to the negative environmental impacts.

**Consistency with Objective 7 of the Future Land Use Element of the GMP**

Objective 7 of the Future Land Use Element of the GMP is shown in its entirety in *italics* below.

***“OBJECTIVE 7***

*In an effort to support the Dover, Kohl & Partners publication, Toward Better Places: The Community Character Plan for Collier County, Florida, promote smart growth policies, and adhere to the existing development character of Collier County, the following policies shall be implemented for new development and redevelopment projects, where applicable.”*

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The intent of Objective 7 is ensure “smart growth” during the development and redevelopment of specific urban portions of Collier County. No Policies exist under Objective 7 relating to the development of the proposed 1,608-acre Dade-Collier Cypress Recreation Area. However, within the “Natural Lands” section of the Dover, Kohl & Partners publication, the following is stated in reference to the Big Cypress National Preserve and other publicly owned preserves which, in their entirety, comprise approximately 66% of the area of Collier County:

*“The parks and wildlife refuges were designated to restore the Everglades ecosystem, protect water quality and aquifer recharge, and protect listed species, such as the Florida panther (*Felis concolor coryi*), Florida black bear (*Ursus americanus floridanus*), and other species, which utilize this region for their migrations and home ranges.”*

Because the development of the proposed Dade-Collier Cypress Recreation Area will cause a substantial increase in the number of on-road and off-road motor vehicles within this relatively small environmentally sensitive area, Staff concludes that such proposed usage is not consistent with the conservation purposes of the publicly owned preserves located in Collier County.



**Consistency with Level of Services Standards (LOSS) contained in the Annual Update and Inventory Report**

The proposed project will not be able to comply with and meet certain LOSS standards, as contained in the Annual Update and Inventory Report (AUIR) related to public safety in the use of this site as an OHV facility specifically, as described specifically as follows:

- a. **Emergency Management Services (EMS)** (Appendix V.E.3). This project is located approximately 50 miles from the closest EMS Station 61, located at 201 Buckner Avenue in Everglades City. Due to the increased potential for serious injury involving the use of OHVs and other active recreational activities proposed on this site, excellent EMS is crucial to the safe operation of this site as an active recreational facility. The EMS LOSS specified in the 2008 AUIR is 12 minutes of travel time for rural areas 90% of the time, requiring 1 unit per 16,400 people. The travel time to the project site would be approximately 50 minutes by vehicle and a lesser amount if a helicopter is used and would far exceed the adopted EMS LOSS and is inconsistent with the AUIR. However, the applicant verified the availability of a helipad at the adjoining TNT Airport Facility for the landing of emergency medical responders to the site when needed. The applicant verified that wired and internet service capabilities exist at the adjoining TNT Airport Facility, but also acknowledges that cell phone reception is marginal, and is mainly dependent on the reception availability of each network. Due to the proposed concentration of OHV usage on this site, the applicant should verify that suitable wireless services are available from the project site to summon EMS for emergency services in a potential life-saving timely manner.
- b. **Fire Protection.** (Appendix V.E.3) This project is located within the Ochopee Fire District Boundary and approximately 50 miles from the Ochopee Fire Station No. 60, located at 201 Buckner Avenue in Everglades City. The Ochopee Fire Department LOSS specified in the 2008 AUIR is 4 minutes per 1.5 mile radius from the fire station. The travel time to the project site would be approximately 50 minutes and would far exceed the Fire Protection LOSS and is inconsistent with the AUIR. The applicant verified that wired and internet service capabilities exist at the adjoining TNT Airport Facility, but also acknowledges that cell phone reception is marginal, and is mainly dependent on the reception availability of each network. Due to the proposed concentration of OHV usage on this site, the applicant should verify that suitable wireless services are available from the project site to summon fire protection services in a potential life-saving timely manner.
- c. **Law Enforcement.** (Appendix V.E.3) This project site is located within the Collier County Sheriff's Office District 7 service area (Everglades) approximately 43 miles from its 32020 East Tamiami Trail location, which is east of Ochopee and near the intersection of East Tamiami Trail with SR-29. The LOSS standard for Law Enforcement in the AUIR is based upon 1.96 officers/1,000 population and not based upon response time. The applicant verified that wired and internet service capabilities exist at the adjoining TNT Airport Facility, but also acknowledges that cell phone reception is marginal, and is mainly dependent on the reception availability of each network. Due to the proposed concentration of OHV usage on this site, the applicant should verify that suitable wireless services

are available from the project site to summon law enforcement services in a potential life-saving timely manner.

**Environmental Impacts:**

Staff requested a detailed desktop analysis of non-tidal ACSC lands within the Conservation designation as shown on the Future Land Use map as a comparison for why this site is the most feasible for the proposed use and how this site is different from other Conservation designated in order to clearly show that the proposed use is appropriate. The applicant has declined to provide staff with this data and analysis.

The environmental report prepared by Miller Legg and submitted with this petition, dated July 2009, indicates the following:

- The project site includes mixed wetlands hardwood; dwarf cypress; cypress; cypress/mixed hardwoods; wetland scrub; freshwater marsh, disturbed; exposed rock with marsh grasses; borrow areas; and fill areas. Besides the borrow pits and fill areas, which account for approximately 7 percent of the site, the entire site is wetlands.
- The summary table of listed species known to inhabit the site, or similar habitats as found on site, indicates that there are thirteen potential state and federal listed animal species and eight potential protected plant species that could be found on or utilizing the site. The site lies within primary panther habitat and the far most western portion lies within primary bear habitat with the remainder of the site lying in secondary bear habitat. A detailed listed species survey will be required at the time of the rezone.

The project site shows disturbance in the form of numerous unpermitted OHV trails which cross the property in all directions and also unpermitted camp sites. No information has been submitted as to the frequency of their use. Appendix V.D.5b indicates that approximately 27 miles of hiking/bicycling/wildlife trails and 22 miles of OHV trails exist on the subject site. The applicant proposes to keep or create 10 miles hiking/bicycling/wildlife trails and 15 miles of OHV trails. The 15 miles of proposed "hardened" OHV trails would be 5' – 12' in width with the remaining 7 miles of existing OHV trails to be restored to their natural condition.

Some of the proposed trails may be realigned to restore natural sheet flow to the area. However, the drainage plan indicates the perimeter of the property would be graded, potentially limiting sheet flow across the site from surrounding areas. This plan also indicates the existing borrow pits may be used for storm water management, which would require underground piping and dry retention for pretreatment resulting in further wetland impacts. The stormwater management system will be finalized before the final development plans are approved.

*A hydrologist with Big Cypress National Park has indicated the site is flooded most of the year. Approximately the western third and the north half of the site, which is*

*predominately dwarf cypress, is flooded from June through January and the rest of the site is flooded from June through March.*

The Florida Fish and Wildlife Commission (FWC) maintains a Wildlife Management Area on and surrounding the site and has submitted preliminary informal comments that have been attached to this staff report (see **Attachment 1**).

The petitioner has not submitted adequate data to support the proposed uses. Therefore the Engineering and Environmental Services Department staff cannot support the petition and recommends that this application not be transmitted to the Department of Community Affairs.

IF the petition is forwarded with a recommendation to transmit, the Engineering and Environmental Services Department staff recommends changes to the originally proposed language in the application as shown in **Attachment 3**.

**Historical and Archaeological Impacts:**

The Collier County Historic and/or Archeological Sites Probability file indicates no historical/archeological sites on the subject property (Appendix V.C.3a). Further, the Florida Master Site File lists no previously recorded cultural resources on the subject site (Appendix V.C.3b). However, one previously recorded site lies in the west portion of Section 16 which is outside the subject property. Further, several identified archaeological sites lie outside of and generally south of the subject property.

**Traffic Capacity/Traffic Circulation Analysis and Impacts:**

**Transportation Element:**

Transportation Planning Department staff has reviewed the applicant's Traffic Impact Statement (TIS) and has determined that the roadway network has sufficient capacity to accommodate this project within the 5 year planning period. Therefore, the subject application can be deemed consistent with Policy 5.1 of the Transportation Element of the Growth Management Plan (GMP).

**US-41 (Tamiami Trail East) Impacts:**

The first concurrency link that is impacted by this project is Link 97, Tamiami Trail East, between SR-29 and the Dade-Collier County line. The project generates 11 PM peak hour, peak direction trips on this link, which represents a 1.26% (insignificant) impact on this roadway. This segment of Tamiami Trail East currently has a remaining capacity of 631 trips, and is currently shown at LOS "B" in the 2008 AUIR.

No subsequent links of Tamiami Trail East are significantly impacted; as such, the 2%-2%-3% analysis was terminated at the first concurrency segment.

Please note that peak event operational traffic has not been analyzed for this project, rather only a capacity-related review was performed as part of the required Transportation Element Policy 5.1 review. The peak event traffic will be necessary to review at the time of initial SDP approval for operational requirements, such as turn lanes

at the project entrance. Staff recommends that an SDP, SIP, or other appropriate submittal type be made a stipulation of Staff's recommendation of approval for this GMP Amendment.

**Public Facilities Impacts:**

Regarding communications capabilities to the subject project site, the airport has an FAA-certified telecommunications, data, electronics, and navigation system on site. Wired telephone and internet services have been verified as existing in the airport's control room. Accordingly, *wired communications* to the project site are feasible. However, in a letter dated July 8, 2009 from Milian, Swain & Associates, Inc. to the Comprehensive Planning Department staff, it was stated that, "It is true that *cell phone reception is marginal*, and is mainly dependent on the reception availability of each network." Accordingly, any emergency responses to events within the 1,608-acre project site would be severely hampered IF cell phone service is limited or non-existent.

The applicant prepared public facility impact analyses as part of this petition. Below is a summary of these analyses along with staff comments.

- **Potable Water.** (Appendix V.E.1a). The subject site is located approximately 43 miles east of the existing and future area serviced by Collier County Public Utilities Division; will not be served by the Collier County Public Utilities Division; will not impact the capacity of the existing public water distribution/transmission and treatment system; and, thus, is exempt from the LOSS of the Capital Improvements Element of the GMP. The applicant indicates that potable water and site fire protection for the development may consist of on-site well(s) with approved purification system(s) designed, permitted, constructed, monitored and maintained in conformance with county/state health department standards, the National Fire Protection Association and South Florida Water Management District Water Use Permit(s). This project will have no impact on the Collier County Public Utilities Division.
- **Sanitary Sewer.** (Appendix V.E.1b). The subject site is located approximately 43 miles east of the existing and future area serviced by Collier County Public Utilities Division; will not be served by the Collier County Public Utilities Division; will not impact the capacity of the existing public/transmission/pumping and treatment system; and, thus, is exempt from the LOSS requirements of the Capital Improvements Element of the GMP. The applicant indicates that the sanitary sewer system for the new development may consist of an on-site septic tank/drain field system(s) strategically located within the proposed development and designed per F.A.C. requirements, considering required setbacks from potable water wells and environmentally sensitive (wetlands) areas. This project will have no impact on the Collier County Public Utilities Division.
- **Drainage.** (Appendix V.E.1d). The subject property is in a semi-natural state which includes wetlands, cypress and hardwoods. However, five man-made quarry lakes were excavated in 1968 to provide fill for the construction of the airport and access road from U.S. Highway 41. The project is located in the Collier County – Gator Hook Strand Basin and within the Big Cypress Watershed Basin. The drainage Level

of Service for the project must comply with the goals, objectives and policies of Chapter 6 of the Land Development Code and the GMP (Future Land Use, Public Facilities Element-Drainage Sub-element and the Conservation and Coastal Management Elements). Additionally, the project is located within the Big Cypress ACSC and, thus, subject to review by the Florida Department of Community Affairs. Further, as the project is greater than 40 acres in area and impacts existing wetlands with the Big Cypress Watershed Basis, the Big Cypress Basin Board and the South Florida Water Management District will have jurisdiction over review and approval of the design, permitting and implementation of drainage/storm water management systems at this site. This project will require documentation of compliance with all applicable laws and regulations at the time of any rezone and/or site development plan review.

- **Solid Waste.** (Appendix V.E.1e). This project is projected to generate approximately 184 pounds of solid waste/day or 36 tons per year and is located well outside of the Collier County Solid Waste Management Department waste collection area. The applicant anticipates that collection and disposal of solid waste and recyclables generated from proposed development activities will be conducted by a private solid waste hauler under contract with the property owner with the closest solid waste recycling facility to the project site located at the Carnestown Recycling Center in Everglades City. The applicant indicates that Center does not have the capacity to service the project site and that the Collier County Landfill and the Immokalee Transfer Station were identified for alternative solid waste disposal sites. This project will require documentation of compliance with all applicable laws and regulations at the time of any re-zone and/or site development plan review.
- **Parks.** A June 2, 2009, letter from the Collier County Parks and Recreation Department to the Miami-Dade County Parks and Recreation Department (see Appendix V.D.5b.2) indicates that Collier County has been actively searching for suitable park land to offer recreation and OHV activities, including the 640-acre South Florida Water Management District site at Lake Trafford, and references the Collier County Board of County Commissioners' (BCC) Resolution No 2009-144 (Appendix V.D.5b.14) which supports the development of the subject project on the 1,608-acre site owned by Miami-Dade County. According to the Collier County Parks and Recreation Department, Collier County's current role with Miami-Dade County will be limited to support of this GMPA as outlined in Resolution 2009-144. A future Cooperative Agreement between Collier County and Miami-Dade County may be developed and may include, but not be limited to, the encouragement and support of the usage of the Dade-Collier Cypress Recreation Area by Collier County residents as well as other cooperative commitments as approved by the BCC.

#### **FINDINGS AND CONCLUSIONS:**

The subject 1,608-acre project site is part of the approximate 66% of Collier County under public ownership and earmarked for public conservation and preservation purposes. The following are findings and conclusions as a result of the reviews and analyses of this GMPA request:

1. Impact on environmentally sensitive area. This proposed project is located within the Conservation Designation, the Big Cypress Area of Critical State Concern, and the Big Cypress National Preserve. The U.S. Fish and Wildlife Service's FWS National Wetlands Inventory classifies this site as "Freshwater Forested/Shrub Wetlands". A hydrologist with Big Cypress National Park has indicated the site is flooded most of the year. The applicant's FLUCCS data indicates 93% of the site is wetland habitat. This project will cause negative environmental impacts upon this site and surrounding areas due to substantial increases in visitors, RVs, OHVs and other motorized vehicles associated with the organized expansion and use of this site for both passive and active (OHVs) recreational pursuits.
  
2. Impacts of other alternative sites for OHV usage. This application does not address other competing alternative sites for OHV usage, both existing and planned. Thus, this application has failed to show a compelling need to introduce OHVs and related RV and motorized passenger traffic into the subject environmentally sensitive site. The following OHV facilities are located in less environmentally sensitive areas: the *existing* privately owned and operated Redneck Yacht Club in Punta Gorda in Charlotte County; the *proposed* Lake Trafford de-mucking site in Collier County; and the NPS - *proposed* 140 miles of OHV trails within the "addition lands" of the BCNP off I-75 and SR 29 in addition to the *existing* 400 miles of OHV trails located in the original BCNP.

Additionally, in Miami-Dade County, the Lands East of Homestead Speedway and the FRS Holdings sites were identified in the Park and Recreation Department Off-Highway Vehicle Trails Feasibility Study for Miami-Dade County; August, 2007 (Study) as potential OHV sites. These sites, along with the 1,608-acre subject site in Collier County, were referred to in this Study as follows: "*The other sites [other than the subject 1,608-acre site] offer potential opportunities for permanent OHV facilities. The Lands East of the Homestead Speedway and the FRS Holdings sites, both located in south Miami-Dade County, share many physical characteristics with the preceding [the subject site] while having fewer environmental constraints, but are less suitable overall because of their ownership composition.*" Further, the subject site is the most environmentally sensitive site of the top contending sites analyzed within this Study. There is insufficient evidence presented in this GMPA application documenting that the proposed project will "safeguard the integrity of Florida's natural resources" which is the stated intent of the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act.

3. Inconsistency with the existing Conservation Designation prohibition of recreational uses involving motorized vehicles. The LDC defines "passive recreation" as recreational uses not involving the use of motorized vehicles. This project would introduce a yet-to-be-determined additional number of OHVs into this proposed 1,608-acre park. Accordingly, the proposed OHV usage may be found inconsistent with the existing Conservation Designation.

4. House Bill 697. This application does not quantify and address greenhouse gas emissions (required by HB 697) which would occur as a result of this project.
5. Inconsistency with Policy 1.1.4 of the ROSE of the GMP. This project could be found inconsistent with this Policy in that this remote site is located in an area where major population growth is neither expected nor permitted.
6. Inconsistency with Policy 1.8 of the Economic Element of the GMP. This project may be found inconsistent with this Policy in that this project will have a negative impact on the environment.
7. Inconsistency with Dover, Kohl & Partners publication, Toward Better Places: The Community Character Plan for Collier County, Florida. This proposed GMPA and resulting 1,608-acre project is in conflict with the following passage of this publication in which reference is made to the approximate 66% of Collier County set aside for conservation and preservation purposes through public ownership or permanent land use limitations:  
*“The parks and wildlife refuges were designated to restore the Everglades ecosystem, protect water quality and aquifer recharge, and protect listed species, such as the Florida panther (*Felis concolor coryi*), Florida black bear (*Ursus americanus floridanus*), and other species, which utilize this region for their migrations and home ranges.”*  
The introduction of large numbers of motorized vehicles, both OHVs and highway permitted vehicles (i.e. RVs, automobiles, and small trucks), and related park users are indicators that this project would not carry out the conservation and preservation purposes as stated above.
8. Inconsistency with established emergency response times levels of service. Documentation within this GMPA application and staff analysis clearly establishes that emergency response times of 30 minutes or more to the subject site by Collier emergency responders could be expected. This response time substantially exceeds the Level of Service for these emergency services. Response times could be further lengthened due to documented marginal cell phone service, resulting in further possible delays in initial contacts with emergency responders.
9. Future similar GMPA applications. A substantial demand for OHV usage in all of South Florida is established within the application documents. The approval of this GMPA request could lead to requests for future similar GMPAs on other private and publicly owned environmentally sensitive lands within Conservation Designation. The approval of this GMPA and other possible similar future GMPAs could, collectively, diminish the intent and purpose of the Conservation Designation in Collier County.

**NEIGHBORHOOD INFORMATION MEETING (NIM) NOTES:**

The NIM, as required by LDC Section 10.03.05, was conducted on August 3, 2009 at the Oasis Visitors' Center – Big Cypress National Preserve located north of Mile Marker 55 on U.S. Highway 41/Tamiami Trail after the agent/applicant duly noticed and advertised the meeting. A total of 13 people attended this NIM and the following is a synopsis of this NIM:

*[Synopsis prepared by Thomas Greenwood, AICP, Principal Planner]*

- **Remarks, concerns, and questions vetted:**
  1. The question of being able to access adequate medical attention was responded to by stating that the availability of cell phones, 800 mhz radios and medical kits on-site will allow timely access to medical attention. It was stated that the Ochopee fire station response time to the subject site is approximately 30 minutes.
- **Major issues/contentions:** none
- **Positive comments/approvals:**
  1. The location of this park and its remoteness from emergency services is superior to being in the middle of the Big Cypress National Preserve.
  2. A person stated that he is not an "OHV guy" but supports the other proposed uses of the site.
- **Agent/applicant/developer statements of commitment:**
  1. OHVs will be limited to ATVs and motocross. Swamp buggies will not be allowed.
  2. The park will be closed during dry and wet seasons.
  3. Approximately one half of the existing OHV trails will be removed and the remaining trails will be hardened for use for OHVs, hikers, and bicyclists and only about 1/10 of 1% of the 1,608-acre site will be devoted to trails.
  4. Collier County and Miami-Dade County have each approved resolutions indicating an interest in developing this site as a park for OHV use in order to reduce the amount of OHV trespassing, loss of life, wildfires and damage to natural and agricultural areas and as a functional replacement for the 2005 closure of the Picayune Strand which was previously used by OHV riders.
  5. Users of the OHV trails will need to show proof of OHV registration with the State of Florida and pay a fee.
  6. The old trails, not proposed for use, will be removed before the OHV trails are open for public use.

**Conclusion time of NIM:** Approximately 7:55 P.M.

**ENVIRONMENTAL ADVISORY COUNCIL RECOMMENDATION:**

The Environmental Advisory Council heard and vetted this application on September 2, 2009 for approximately two hours. Entered into the record were emails and letters shown as **Attachment 2**, which express opposition and cautionary concerns relative to this application for a GMPA.

A series of letters and memos in support of the application and project were entered into the EAC record and are included within Exhibit V.D.5b.15 of the application. Wayne



Jenkins was the only public speaker, and introduced himself as the President of the Collier County Sportsman and Conservation Club and a member of the BCNP advisory committee for OHVs. Mr. Jenkins spoke *personally* in support of this GMPA, stating that there is an increasing need for OHV facilities; that there are very few places set aside for legal use of OHVs; that the BCNP limits OHV permits to 2,000 per year; that there is a need for a managed facility; and that the subject site has already been disturbed and that OHV use has occurred there since the 1950's.

By a 3-2 vote, the EAC recommended to the Planning Commission and the Board of County Commissioners to transmit this GMPA application to the DCA with some modification to the proposed FLUE text language, as shown in **Attachment 3**.

EAC members voting with the majority cited the following in support of their positions:

- There is a need for additional legally operated OHV facilities in Collier County and there is currently no publicly owned site within the County.
- The operation of the subject site as an OHV facility would likely reduce the illegal use of OHVs on other properties, including environmentally sensitive lands and farmlands.
- The Lake Trafford property and Pepper Ranch properties in Collier County are not likely locations for OHV usage.
- The benefits provided by OHV usage on the subject site outweigh the negative impacts.
- If OHV use on the subject site has been done illegally over the past 50 years, the approval of this GMPA would make the use legal and allow for a managed site for OHV usage.

EAC members voting in opposition to the majority cited the following in support of their positions:

- The site is located in the ACSC and has a Conservation Designation on the FLUM and intended to be preserved in its present natural state.
- The intent of the Conservation Designation is to limit recreational uses to passive recreational activities. Motorized vehicles for recreational uses are strictly prohibited.
- Ninety-three percent (93%) of the site has been designated wetlands. The dry and wet seasons prohibition of use of the site (according to the applicant) would likely result in the site being closed more than half the year.
- Data and analysis provided was insufficient to show the impact on endangered and threatened species and green house gases. Data and analysis to show how this site is different from nearby non-tidal ACSC lands within the Conservation Designation on the FLUM was not provided (as requested by staff).
- The applicant failed to address emissions generated by long drives from the Florida East Coast to access the site.
- The application and the resulting project would not safeguard natural resources.

#### **LEGAL CONSIDERATIONS:**

This staff report has been reviewed and approved by the Office of the County Attorney.

**STAFF RECOMMENDATION:**

Staff recommends that the Collier County Planning Commission forward Petition No. CP-2009-1 to the Board of County Commissioners with a recommendation **not** to Transmit this application to the Florida Department of Community Affairs.

**IF the CCPC chooses to recommend transmittal, staff recommends the following revisions to the applicant’s proposed District text language** (for proper code language, format, clarity, etc.):

**Note:** Single underline text is new text proposed by the applicant; double underline text is staff-proposed additional text and double ~~strike through~~ is staff-proposed deleted text.

**IV. CONSERVATION DESIGNATION**

[FLUE page 86]

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[3<sup>rd</sup> paragraph]

Natural resource protection strategies and standards for development in the Conservation Designation are found in the Conservation and Coastal Management Element and the County's Land Development Regulations. The Conservation Designation will accommodate limited residential development and future non-residential uses. The following uses are authorized in this Designation: , but may not be permitted in all Districts, and may be subject to specific criteria, conditions, and development standards than those listed below.

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**A. Dade-Collier Cypress Recreation Area District**

[FLUE page 87]

The Dade-Collier Cypress Recreation Area District encompasses approximately 1,608 acres of land located within Sections 13, 14, 15, and 16 of Township 53 South, Range 34 East, adjoining the Miami-Dade/Collier County line north of U.S. Highway 41 and south of the runway of the Dade-Collier Training and Transition Airport, and within the Big Cypress Area of Critical State Concern (ACSC). All lands within this District are entirely owned by Miami-Dade County and ~~includes~~ include wetlands, cypress and hardwood forests, and five man-made lakes.

The primary purpose of this District is to enhance the existing natural resources while providing for an appropriate level of recreational uses beneficial to the county and the region.

The uses allowed within this District, with limitations specific to this District, provided there is a prohibition from operation during the peak wet season and the peak dry season in conformance with an approved adaptive comprehensive management plan as set forth herein to be approved at the time of rezone, are as follows:

- a. Visitors’ center building – for administrative offices, orientation area, meeting room, and restrooms - not to exceed 2,400 square feet;

- b. Parking lot ~~limited to a capacity~~ - not to exceed ~~of~~ 80 passenger vehicles and associated trailers;
- c. Primitive Camping - not to exceed 10 acres;
- d. Recreational vehicle camping - not to exceed 10 acres;
- e. Fishing piers and docks - not to exceed 300 acres;
- f. Multi-use trails for pedestrians and bicycles, wildlife viewing platforms and overlooks – not to exceed 45 acres and 10 miles of trails;
- ~~g. Wildlife viewing platforms and overlooks;~~
- g. Archery range – not to exceed 10 acres);
- h. Off highway vehicles (OHV) – not to exceed 15 acres and 15 miles of trail length and limited to use on improved trails; and
- i. Other uses as allowed in the Conservation Designation.

Development within this District, except for trails, ~~may~~ shall be concentrated ~~on~~ within already disturbed areas ~~along~~ within the western portions of the site, primarily in Section 16. All development shall comply with the Area of Critical State Concern Overlay standards, except for section 1. Site Alteration, standard d, which prohibits destruction or alternation of mangrove trees, salt march grasses, and all wetland plants listed by the Florida Department of Environmental Regulation in Chapter 17-301, Florida Administrative Code, as amended.

The drainage and storm water management systems for this District ~~may~~ shall be designed to be compatible with environmental site assessments, development and mitigation strategies, environmental enhancements and regulatory requirements. Site development ~~may~~ shall restore/realign existing trails previously created by swamp buggies that traverse the site primarily in an east/west direction. Lake edges ~~may~~ shall be improved with a shallow littoral zone where determined appropriate.

At the time of rezoning, an adaptive comprehensive management plan shall be provided that includes:

1. OHV uses as defined in F.S. 261.03 and 261.20 for operation of OHVs on public land. These specifications ~~may~~ shall address vehicle and tire size, noise control, prohibition of certain OHV types (e.g. tracked vehicles), prohibition of devices affixed to tires (e.g. tire chains). OHVs for this site shall be limited to ATVs and motocross vehicles. Swamp buggies are prohibited.
2. An OHV inspection program and vehicle registration program.
3. Provisions to demarcate site boundaries.
4. Definitive location of all proposed uses – campsites, parking areas, archery range, OHV trails and trail access points, pedestrian and bicycle trails, etc.
5. Development intensity limitations – maximum number of RV and primitive camping sites, cap on number of OHV users daily, etc.
6. Monitoring provisions to ensure OHV compliance.
7. Enforcement program for compliance with all site/park restrictions and limitations.

8. Specification of periods of operation, especially for OHVs – daily hours of operation, periods of closure (e.g. high water, fire threat, hurricane threat), seasonal restrictions or closure.
9. Monitoring for detrimental impacts upon listed species.
10. Restoration plan for presently disturbed portions of the site not to be utilized (e.g. most of the existing OHV trails), and creation of littoral zones for all lakes where deemed appropriate.
11. Demonstration of compliance with the ACSC limitations (e.g. maximum site alteration of 10%), except for Section 1.d., as provided above.
12. ~~Deviation to request disturbance to areas impacted by development in the ACSC where unavoidable up to a maximum of 10% of the subject site.~~

PREPARED BY:



DATE: 9-29-09

THOMAS GREENWOOD, AICP, PRINCIPAL PLANNER  
COMPREHENSIVE PLANNING DEPARTMENT


REVIEWED BY:



DATE: 9-29-09

DAVID WEEKS, AICP, PLANNING MANAGER  
COMPREHENSIVE PLANNING DEPARTMENT

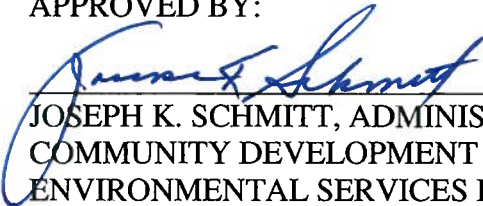
REVIEWED BY:



DATE: 9-29-09

RANDY COHEN, AICP, DIRECTOR  
COMPREHENSIVE PLANNING DEPARTMENT

APPROVED BY:

  
JOSEPH K. SCHMITT, ADMINISTRATOR  
COMMUNITY DEVELOPMENT AND  
ENVIRONMENTAL SERVICES DIVISION

DATE: 9/30/09

**PETITION NO. CP-2009-01**

Staff Report for the October 19, 2009, CCPC Meeting.

NOTE: This petition has been scheduled for the January 19, 2010, BCC Meeting.

COLLIER COUNTY PLANNING COMMISSION:

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**MARK P. STRAIN, CHAIRMAN**

## ATTACHMENT 1

### **Email from Tad Bartareau, Florida Fish and Wildlife Conservation Commission**

Please note that FFWCC is a partner with property owner and Jetport Conservation and Recreation Club, and we support both historical and future appropriate recreation and conservation of the Jetport area.

Please note that at this time we are interested in what is proposed, and can provide specific comment(s) when more information becomes available. In the interim, some potential issues fish, wildlife and recreation might include:

PLEASE NOTE THAT THESE ARE ONLY PRELIMINARY THOUGHTS AND NOT FORMAL COMMENTS

- Traditionally, hunting within the proposed recreation area was limited and occurred mainly north of the airport, but impacts to recreational hunting and wildlife habitat might occur from increased disturbance (i.e. vehicle/human activity) in the project area. In particular, deer and snipe hunting, as well as wading bird, black bear and panther foraging.
- Soils in the Jetport area are very shallow/sensitive to disturbance, and the stability of proposed trail system is of concern due to potential for increased erosion and loss of wildlife habitat.
- Our office partners with the Jetport Conservation and Recreation Club on a number of natural resource management projects such as exotic plant control, and there is concern that increased activity in the area might increase the spread of exotic plants and animals in the area.
- The Jetport area is a remote location with numerous existing trails north of the proposed recreation area without gates or fences restricting access, and there is concern that people will not stay within designated areas.
- Big Cypress Preserve issue permits to use off-road vehicles within the area, and there is concern that people will enter BCP without appropriate authorization.

Please keep our office in mind during further outreach and consultation.

Thanks,  
Tad Bartareau,  
Fisheries and Wildlife Biologist II  
Florida Fish and Wildlife Conservation Commission  
566 Commercial Blvd.  
Naples, FL 34104-1709  
Phone: (239) 643-4220  
Cell: (239) 253-5752  
Fax: (239) 643-0385  
[Tad.Bartareau@MyFWC.com](mailto:Tad.Bartareau@MyFWC.com)

**ATTACHMENT 2**

**Page 1**

**EMAILS RECEIVED INDICATING CONCERNS OR OPPOSITION TO THE APPROVAL OF  
CP 2009-01 ["DADE-COLLIER CYPRESS RECREATION AREA"]**

**-IN COLLIER COUNTY FLORIDA-**

- **ENVIRONMENTAL ADVISORY COUNCIL MEETING: SEPTEMBER 2, 2009**
- **COLLIER COUNTY PLANNING COMMISSION TRANSMITTAL HEARING:  
OCTOBER 19, 2009**
- **COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS TRANSMITTAL  
HEARING: JANUARY 19/FEBRUARY 2, 2010**

**JULY 30, 2009 EMAIL FROM TED BARTAUREAU TO LAUR ROYS OF THE ENGINEERING  
AND ENVIRONMENTAL SERVICES DEPARTMENT**

**From:** Bartareau, Tad [mailto:tad.bartareau@MyFWC.com]

**Sent:** Thursday, July 30, 2009 1:02 PM

**To:** RoysLaura

**Cc:** GreenwoodThomas

**Subject:** RE: Dade-Collier Cypress Recreation Area District

Hi Laura,

The Big Cypress Wildlife Management Area is outside the fenced airport area, and includes all of the proposed recreation district. The attached regulations for current hunt season illustrate the WMA management units and outline hunting and recreation regulations.

Please note that FFWCC is a partner with property owner and Jetport Conservation and Recreation Club, and we support both historical and future appropriate recreation and conservation of the Jetport area.

Please note that at this time we are interested in what is proposed, and can provide specific comment(s) when more information becomes available. In the interim, some potential issues fish, wildlife and recreation might include:

PLEASE NOTE THAT THESE ARE ONLY PRELIMINARY THOUGHTS AND NOT FORMAL COMMENTS

- Traditionally, hunting within the proposed recreation area was limited and occurred mainly north of the airport, but impacts to recreational hunting and wildlife habitat might occur from increased disturbance (i.e. vehicle/human activity) in the project area. In particular, deer and snipe hunting, as well as wading bird, black bear and panther foraging.
- Soils in the Jetport area are very shallow/sensitive to disturbance, and the stability of proposed trail system is of concern due to potential for increased erosion and loss of wildlife habitat.
- Our office partner with the Jetport Conservation and Recreation Club on a number of natural resource management projects such as exotic plant control, and there is concern that increased activity in the area might increase the spread of exotic plants and animals in the area.
- The Jetport area is a remote location with numerous existing trails north of the proposed recreation area without gates or fences restricting access, and there is concern that people will not stay within designated areas.
- Big Cypress Preserve issue permits to use off-road vehicles within the area, and there is concern that people will enter BCP without appropriate authorization.

**Attachment 2, page 2**

Please keep our office in mind during further outreach and consultation.

Thanks,

TB

**August 13, 2009 EMAIL FROM BRAD CORNELL TO TOM GREENWOOD,  
COMPREHENSIVE PLANNING DEPARTMENT**

**From:** Brad Cornell [mailto:millercornell@mindspring.com]

**Sent:** Thursday, August 13, 2009 1:11 PM

**To:** GreenwoodThomas

**Subject:** GMPA CP-2009-01 Dade-Collier Cypress Recreation Area

Hi Tom,

I wonder if you could share with me the details of this GMPA and any staff report drafts that have been prepared for committee reviews. I have serious concerns about the compatibility of this proposed land use with the surrounding conservation lands.

Thanks,  
Brad

\*\*\*\*\*

**August 20, 2009 EMAIL FROM JULIE HUNAN TO TOM GREENWOOD,  
COMPREHENSIVE PLANNING DEPARTMENT**

I am vehemently opposed to the creation of a recreation area in panther habitat. We, as humans, have ENOUGH areas to recreate. Contrast this fact to the complete lack of habitat the panthers have currently. It is unthinkable to take away even more from the panthers. This would be completely immoral.

Sincerely,  
Julie Hanan  
Lutz, FL

\*\*\*\*\*

**August 20, 2009 EMAIL FROM CAROLE BASKIN TO TOM GREENWOOD,  
COMPREHENSIVE PLANNING DEPARTMENT**

**From:** Carole Baskin [mailto:savethebigcats@gmail.com]

**Sent:** Thursday, August 20, 2009 1:23 PM

**To:** GreenwoodThomas

**Subject:** No motorized vehicles

Dear Thomas Greenwood,

Big Cat Rescue represents more than 70,000 animal loving supporters and we oppose ANY further development within Florida Panther habitat. We strongly oppose the use of motorized vehicles in our parks as well. Such use destroys not only the habitat for the animals who call our wild areas home, but also destroys the enjoyment of visitors who have come to experience nature.

For the cats,



**Attachment 2, page 3**

Carole Baskin, CEO of Big Cat Rescue  
an Educational Sanctuary home  
to more than 100 big cats  
12802 Easy Street Tampa, FL 33625  
813.493.4564 fax 885.4457

**August 20, 2009 EMAIL FROM CHRISTI PORCH TO TOM GREENWOOD, COMPREHENSIVE PLANNING DEPARTMENT**

Hello Mr. Greenwood

I am contacting you to implore you to reconsider creating yet another recreation area within Big Cypress National Preserve. Too many of our **endangered Florida panthers** live in this area. These animals do not have enough land as it is and what land is there is keeps being encroached on by human development. I have lived in Florida all my life (45 years) and it is really disgusting how the state has been continually decimated with development and urban sprawl. People do not have a right to destroy all of the state's natural areas. Motorized vehicles traipsing through the woods in sensitive areas like the Big Cypress National Preserve where these animals live does not help preserve the species. It is a disgrace.

Please do not destroy more land to build another recreation area in the "Jetport" region of Big Cypress National Preserve. Have a heart for the panthers that still remain. Don't they deserve a place to live too? They were here first.

Christi R. Porch  
Director of Sales  
Hampton Inn & Suites Tampa North  
Ph (813) 903-6007 Fx (813) 977-3343  
[www.tampanorthsuites.hamptoninn.com](http://www.tampanorthsuites.hamptoninn.com)

\*\*\*\*\*

**AUGUST 20, 2009 EMAIL FROM ALYCE MCCATHRAN TO TOM GREENWOOD IN COMPREHENSIVE PLANNING DEPARTMENT**

Dear Sir:

As a permanent Florida resident, I am writing to voice my concerns over destroying more of our wildlife's habitat for unnecessary use by humans. We have enough recreational areas, etc., which cost money to build and then to maintain. With every area of our State and local governments crying poor-mouth and cutting budgets, why would we plan to spend money on such a frivolity? The Florida panther is already close to being an endangered specie, and the Everglades are even becoming endangered.

I would urge you to not approve this plan.

Thank you for your consideration.

Alyce McCathran

**Attachment 2, page 4**

6513 Bimini Court  
Apollo Beach, Fl. 33572  
(813) 645-5141

\*\*\*\*\*

**AUGUST 20, 2009 EMAIL FROM M. LUBEL TO TOM GREENWOOD,  
COMPREHENSIVE PLANNING DEPARTMENT**

Thanks for your incisive analysis and comment on this ill-advised application. While I will not be able to appear for comment at the September 2nd meeting, I would like to provide my thoughts for decision makers. Is there a way to do that by e-mail, phone or in writing? I will also be contacting Miami-Dade County Parks to voice my concerns.

\*\*\*\*\*

**AUGUST 20, 2009 EMAIL FROM JAMAKA N. PETZAK TO TOM  
GREENWOOD, COMPREHENSIVE PLANNING DEPARTMENT**

Dear Mr. Greenwood:

As a lifelong advocate for felidae of all species, I wish to add my voice to those opposing any and all development within the habitat of the last remaining populations of extremely rare and endangered Florida Panthers. There is simply no valid reason why development should take place within this environment.

Extinction is forever. The last numbers of these magnificent cats stand on the brink, and are being lost to human encroachment as I write. Development simply cannot take precedence over these beautiful and unique felines.

Sincerely,  
Jamaka N Petzak  
[jmuhjacat@att.net](mailto:jmuhjacat@att.net)

\*\*\*\*\*

**AUGUST 20, 2009 EMAIL FROM PAMELA RODRIGUEZ TO TOM GREENWOOD,  
COMPREHENSIVE PLANNING DEPARTMENT**

Dear Sir,

What will humans think of next!! Instead of encroaching on the habitat of the Florida Panther, shouldn't we be trying to protect it??? Allowing motorized vehicles in the park is an awful idea.

Please Sir, reconsider this destructive plan, instead spend the time, and money on educating the public on how we can protect our wildlife which is disappearing at an alarming rate.

Yours truly,

Pamela Rodriguez.

\*\*\*\*\*

**AUGUST 21, 2009 EMAIL FROM MERRILL KRAMER TO TOM GREENWOOD,  
COMPREHENSIVE PLANNING DEPARTMENT**

Dear Mr. Greenwood:

**Attachment 2, page 5**

I strongly oppose the creation of a recreation area in the "Jetport" region of Big Cypress National Preserve. The recreation area will authorize the use of motorized vehicles on designated trails and the construction of a visitor's center. This area is within panther habitat. As you know, the species is already horribly threatened by encroachment into their shrinking habitat. This will only encourage their extinction and degradation.

Don't we as humans have enough areas to recreate while panthers don't even have enough land to live?

~Merrill Kramer~  
Clearwater, FL

"Saving one animal may not change the world...  
But surely, for that one animal,  
Life will change forever..."

Big Cat Rescue needs your help in feeding previously abused big cats who are now living their lives in a protective sanctuary! Help feed these cats every day with a simple click, at no cost to you. Click on bone or visit <http://www.BigCatRescue.org/lcare.htm> today!



\*\*\*\*\*

Dear Mr. Greenwood,

Please consider the opinions of those, who like myself, are opposed to ANY further development within the habitat of the critically endangered Florida Panther. This unique native animal is on the verge of extinction and holds the designation of "critically endangered", with only about 100 individuals remaining mostly in southern Florida. The most important factor to prevent extinction is the protection of sufficient habitat for the Panther to live undisturbed and make a living. Florida has not set aside protected habitat to date, therefore each individual decision such as the one you are currently considering are pivotal.

Florida has numerous parks, recreational areas and opportunities which already are among the best in the country. The Florida Panther needs all available undisturbed habitat much more than we need another recreational area for human use. Please decline further development and the use of

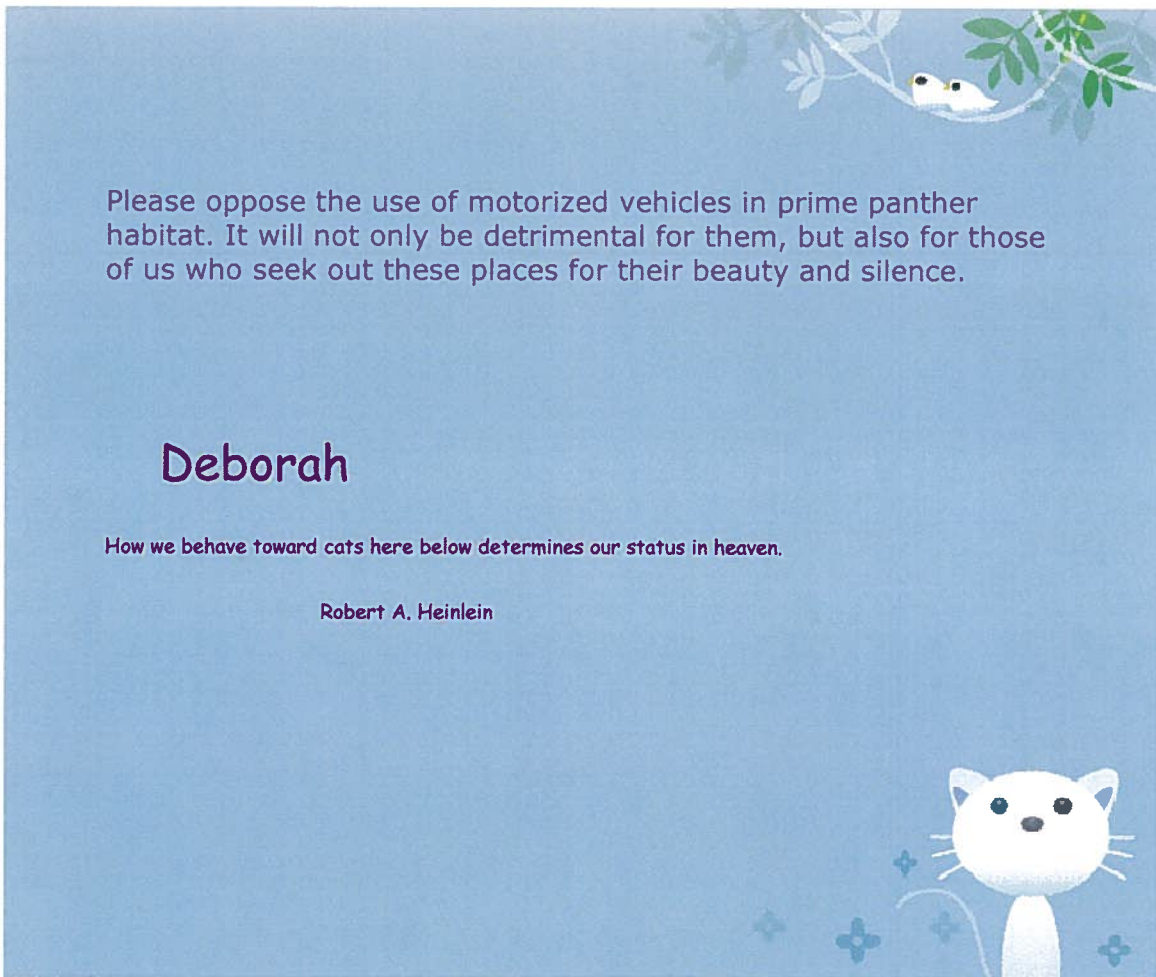
**Attachment 2, page 6**

motorized vehicles in any of the remaining wild lands under your jurisdiction.

Sincerely,

Beth Kamhi, DC  
[beth1dc@earthlink.net](mailto:beth1dc@earthlink.net)  
23110 State Rd 54 #146  
Lutz, Fl 33549  
978-985-6595

**August 21, 2009 EMAIL FROM DEBORAH ALBERT [[debalbe@yahoo.com](mailto:debalbe@yahoo.com)] TO TOM GREENWOOD, COMPREHENSIVE PLANNING DEPARTMENT**



\*\*\*\*\*

**AUGUST 24, 2009 EMAIL FROM EMAIL ADDRESS: [LUBELM@AOL.COM](mailto:LUBELM@AOL.COM) TO TOM GREENWOOD, COMPREHENSIVE PLANNING DEPARTMENT**

I am writing to express my strong opposition to this misguided application and to urge that it be denied at the September 2nd meeting. The staff report to the EAC details

**Attachment 2, page 7**

numerous reasons for the denial of this application including the likelihood of negative impacts to water flow, endangered or threatened animal and plant species, solitude of the nature experience as well as general and environmental impact. These reasons alone should be sufficient for denial.

I hike, bike and fish in this area as well as in the adjacent Big Cypress. I also hold an ORV permit issued by Big Cypress and use same in the Bear Island area. The creation of a visitor center along with an 80 car parking lot is unnecessary and duplicates the services offered at the Oasis Visitor Center a few miles to the west. The creation of OHV or ORV trails in this area will serve to degrade the nature experience presently available. In my years of experience hiking and biking in the Big Cypress, I can assure you that those activities are not compatible with ORV use unless one enjoys swallowing large quantities of road dust. The noise generated by these vehicles devalues the outdoor experience for those who enjoy the serenity of a walk unaffected by the same type of motorized noise one can hear while driving on US 41.

This area is prime panther and bear habitat. The panther is a federally protected endangered species living in an Area of Critical State Concern. It is a conservation area and ORV or OHV usage is not compatible with the protection of this species.

It should also be remembered that Big Cypress offers a huge amount of acreage available to the ORV user. The Preserve issues 2000 ORV permits a year and is presently considering making the Addition Lands available for an additional 700 permit users. The trails available in the Big Cypress are in close proximity to the jetport area and are already established. The good, if any exists in this proposal, is far exceeded by negative environmental impact it will cause.

\*\*\*\*\*

**AUGUST 30, 2009 EMAIL FROM EMAIL ADDRESS: LUBELM@AOL.COM TO TOM GREENWOOD, COMPREHENSIVE PLANNING DEPARTMENT**

I am writing to urge the Dade County Parks Department to withdraw its ill conceived plan for the "Dade-Collier Cypress Recreation Area District" pending for consideration in Collier County. This proposal is costly, environmentally harmful, and duplicates services and activities already available either on site or in close proximity to the project area.

This proposal to build a visitors' center building, an 80 car parking lot, fishing piers and docks, an archery range as well as OHV trails in a conservation area of "critical state concern" is simply unnecessary. The bulk of the proposal is window dressing to its primary purpose of providing OHV trails for riders who are presently trespassing on wetlands and agricultural areas in south Dade. This conclusion is referenced in both the petition and its attached materials. It is not my assertion.

The conceived project is simply unnecessary. Miles and miles of existing OHV trails already exist in the Big Cypress National Preserve, a few miles west of the proposed site.

**Attachment 2, page 8**

Additionally, the Preserve is anticipating the opening of additional OHV trails in its Addition Lands. OHV usage presently is not permitted at the proposed site.

Fishing, hiking and biking are already permitted at the proposed site and additionally are activities widely available throughout the Big Cypress National Preserve. The proposed development site is within an environmentally sensitive area in Collier county. The area includes primary habitat for the Florida panther, a federally protected endangered species. It is also within primary and secondary habitat for the Florida black bear, also a protected species. OHV usage within this area will degrade the habitat and is inconsistent with the requirements of the Endangered Species Act.

The petition offers no information with regard to the provision of law enforcement. Whose responsibility will this be? Has that entity agreed to carry this burden? There is no information with regard to the number of OHV permits that will be issued nor any study presented with regard to the environmental impact of the proposal. Trespassing, which already exists in south Dade, will likely continue and proliferate from the development site into the Big Cypress Preserve, What entity will provide law enforcement to limit these intrusions.

Since fishing, hiking and biking already exist at he site, the only real rationale for this costly proposal is to create an outlet for Dade County OHV usage. This plan negatively impacts wetlands, the Florida panther and black bear as well as other threatened and endangered plant and animal species. Certainly we can find less environmentally sensitive lands to accommodate OHV trails and an archery range.

Please pass these comments to all interested decision makers.

**AUGUST 24, 2009 EMAIL FROM KEN SHAPIRO TO TOM GREENWOOD,  
COMPREHENSIVE PLANNING DEPARTMENT**

Mr. Greenwood,

I concur completely with the views expressed below.

Moreover, I find it truly appalling that Government officials would even be seriously considering a plan that, like this one, calls for the destruction of at least 7 acres of wilderness wetlands. This is a very bad idea and should be rejected. Please do not let this plan go forward.

Ken Shapiro

-----Original Message-----

From: [lubelm@aol.com](mailto:lubelm@aol.com)

To: [Thomasgreenwood@colliergov.net](mailto:Thomasgreenwood@colliergov.net)

Sent: Mon, Aug 24, 2009 1:28 pm

Subject: Petition No: CP-2009-01 Dade-Collier Cypress Recreation Area District

I am writing to express my strong opposition to this misguided application and to urge that it be denied at the September 2nd meeting. The staff report to the EAC details

**Attachment 2, page 9**

numerous reasons for the denial of this application including the likelihood of negative impacts to water flow, endangered or threatened animal and plant species, solitude of the nature experience as well as general and environmental impact. These reasons alone should be sufficient for denial.

I hike, bike and fish in this area as well as in the adjacent Big Cypress. I also hold an ORV permit issued by Big Cypress and use same in the Bear Island area. The creation of a visitor center along with an 80 car parking lot is unnecessary and duplicates the services offered at the Oasis Visitor Center a few miles to the west. The creation of OHV or ORV trails in this area will serve to degrade the nature experience presently available. In my years of experience hiking and biking in the Big Cypress, I can assure you that those activities are not compatible with ORV use unless one enjoys swallowing large quantities of road dust. The noise generated by these vehicles devalues the outdoor experience for those who enjoy the serenity of a walk unaffected by the same type of motorized noise one can hear while driving on US 41.

This area is prime panther and bear habitat. The panther is a federally protected endangered species living in an Area of Critical State Concern. It is a conservation area and ORV or OHV usage is not compatible with the protection of this species.

It should also be remembered that Big Cypress offers a huge amount of acreage available to the ORV user. The Preserve issues 2000 ORV permits a year and is presently considering making the Addition Lands available for an additional 700 permit users. The trails available in the Big Cypress are in close proximity to the jetport area and are already established. The good, if any exists in this proposal, is far exceeded by negative environmental impact it will cause.

\*\*\*\*\*

**AUGUST 24, 2009 EMAIL FROM JAMES WOODWARD TO TOM GREENWOOD, COMPREHENSIVE PLANNING DEPARTMENT**

Mr. Greenwood:

I understand you are soliciting comments regarding Dade County's request to develop a 2.5 square mile area north of US41 and south of the Dade-Collier Jetport runway for recreational use, including ATV trails, camping, support buildings and parking lots.

My wife and I are frequent hikers in the Everglades. We neither own, nor want, an ATV. In fact, the reason we go to the Everglades is to escape the noise of "civilization." We have the pleasure of knowing Sam Vinikoff, an Everglades artist of considerable stature. Sam has painted the Big Cypress for a significant part of his almost 90 years and several of his paintings are on display in the Oasis Visitors' Center in the Big Cypress. I am pleased to own a painting that Sam did of precisely the area that Dade County wants to turn into a playground for jet skis on wheels.

**Attachment 2, page 10**

The point is, notwithstanding the occasional takeoff and landing at this site, it remains, for reasons I can't understand, a relatively unspoiled and tranquil spot. To allow the type of development proposed runs counter to all attempts to keep the Big Cypress a refuge from noise, pollution and crowds. Storks, herons, egrets, deer and other wildlife abound at this location. ATVs are a poor replacement for native wildlife. We ask that Dade County's request be denied. Please be kind enough to forward these comments to those making the decision. Thank you.

James and Nicole Woodard  
2701 S. Bayshore Dr., Suite 402  
Coconut Grove, FL 33133  
305.856.4559

**AUGUST 25, 2009 EMAIL FROM ROSE FLYNN TO TOM GREENWOOD,  
COMPREHENSIVE PLANNING DEPARTMENT**

PLEASE CONVEY MY WISH THAT THE BOARD DENY THIS APPLICATION AT THE SEPTEMBER 2ND MEETING AS IT IS A THREAT TO ENDANGERED ANIMAL AND PLANT SPECIES IN THE BIG CYPRESS AS WELL AS WETLAND DESTRUCTION AS IT WILL IMPACT THE WATER FLOW. THERE ARE MANY MORE REASONS AS OUTLINED BY THE STAFF REPORT THAT I'M SURE YOU ARE FAMILIAR WITH. I AM A HIKER AND BIG FAN OF THE ENTIRE AREA WITH GREAT RESPECT FOR THE WILDERNESS AREA AS WELL AS THE PEOPLE WHO INHABIT IT. I BELIEVE THERE IS ALREADY ACCESS IN THE WAY OF OHVS AND ORVS SUFFICIENT FOR MOTORIZED ENJOYMENT. AS A HIKER I AM MORE INTUNE TO THE SOUNDS OF THE BIRDS, INSECTS, ANIMALS, WIND AND TREES THAT MAKE THIS AREA SO BEAUTIFUL AND TRANQUIL. TO CLOG IT WITH ANOTHER VISTOR CENTERS, GARAGE AND STILL MORE MOTORIZED VEHICLE TRAFFIC IS UNNECESSARY AND A SHAME.

PLEASE, LET MY VOICE BE HEARD.

ROSE FLYNN

**AUGUST 27, 2009 EMAIL FROM CAROL GARVIN TO TOM GREENWOOD,  
COMPREHENSIVE PLANNING DEPARTMENT**

Mr. Greenwood:

This letter is regarding Dade County's request to develop a 2.5 square mile area north of US41 and south of the Dade-Collier Jetport runway for recreational use, including ATV trails, camping, support buildings and parking lots.

I do not understand why every square inch of wild space seems better used if it is developed. This may come as a surprise to you but there are actually people who go to the Everglades is to escape the chaos of civilization. They don't want to be around nitwits racing around on ATVs, like their hair was on fire. What is



**Attachment 2, page 11**

wrong with using something as it is. Using it for takeoffs and landings is invasion enough.

In a time when global warming is such a hot issue I am disappointed that you think the destruction of this tranquil green space is an improvement. And how long do you think the native wildlife will last with an invasion of this sort? Do the right thing and deny Miami-Dade County's request. This is one bit of green space that should be left as is.

Thank you for your time and kindly convey this message to those making the decision.

A taxpayer and property owner,  
Carol Garvin  
1815 Tigertail  
Coconut Grove, FL 33133  
305 444 4717

**SEPTEMBER 1, 2009 EMAIL FROM EMAIL ADDRESS: [LUBELM@AOL.COM](mailto:LUBELM@AOL.COM)  
TO TOM GREENWOOD, COMPREHENSIVE PLANNING DEPARTMENT**

Mr. McCall, thank you for the courtesy of your reply and your effort to alleviate my concerns. Unfortunately, I remain unpersuaded that this plan is anything other than an expensive, dressed up OHV theme park.

First, you indicate that you have been asked for many years for a wilderness park, Well, anyone with open eyes knows that two very large wilderness parks, Big Cypress and Everglades, already exist in this very area and provide the same outdoor experiences incorporated in your proposal.

Second, despite your claim that this plan offers an improvement over existing use, you fail to address the inevitable destruction of existing wetlands at this site. You further fail to address the costly remediation efforts that will be necessary to deal with stormwater runoff as well as the pollution caused by vehicular traffic using your 80 car parking lot. The use of retention ponds will only further degrade this site.

Third, despite your assertion that you have every intention to "limit programmatic access to areas frequented by bears and panther populations" you offer absolutely no plan to do that. In fact, since you have indicated that law enforcement will be the responsibility of Collier County, you have made this issue their problem rather than your concern. Just how you intend to protect the threatened and endangered species from negative impact by miles of OHV trails seems to be missing from your petition or e-mails. Maybe you are hoping the y will just keep out of the way of OHV users.

**Attachment 2, page 12**

My objections to this plan go well beyond those noted both here and in my earlier e-mail. I remain convinced that a less environmentally sensitive area closer to Dade's potential users could be found. Please remember that your proposed site is a 50-70 mile one way trip from most area in Dade County.

-----Original Message-----

From: McCall, James A (MDPR) <JAMCCAL@miamidade.gov>

To: lubelm@aol.com

Cc: Kardys, Jack (MDPR) <Kardys@miamidade.gov>; Gregg, W. Howard (MDPR) <HGREGG@miamidade.gov>

Sent: Tue, Sep 1, 2009 10:31 am

Subject: Dade-Collier Cypress Recreation Area - Response

Dear Mr. Lubel:

After speaking at length with you on August 25, 2009, I received your formal comment on this Department's Dade-Collier Cypress Recreation Area proposal on August 30, 2009. While I thought your letter was well intentioned and supported our provision of recreational uses on the property, a number of your OHV concerns warranted a clarification or correction.

I wanted to reassure you that this project is not an excuse to provide OHV trails in sensitive natural areas. Rather, it is part of a larger effort, related to our Open Space Master Plan, to increase the array of park and open space areas that provide a variety of recreational opportunities. Since we have been asked for many years for a wilderness park, having wilderness types of recreation, we thought it necessary to include recreational motorized trail use as one part of a wilderness experience. Because we are both a conservation and recreation agency, however, we always believed that any OHV use should consume only a small portion of any park property. In this case, OHV use is limited to 0.5% of the property. Further, the State Off-Highway Vehicle Advisory Committee administered by the Division of Forestry considers South Florida the highest priority need area for OHV recreation areas.

The land underlying the proposed Recreation Area has been assigned to Aviation purposes since it was acquired by the FAA as an airport in 1965. Ancillary to its Aviation use, the land has been permitted for hunting, swamp buggy trails, legacy Glades campsites and subsurface mineral exploration for oil and gas, all of which are permissible in this area. Under our proposal, this Department believes that a transition of 1,600-acres from aviation to park land, relocation of hunting, elimination of swamp buggies and a relocation of campsites will be a major public improvement.

The preliminary plans for the Recreation Area, within our petition, illustrate that virtually all development is proposed to take place on already impacted westernmost fill pads, borrow lakes and existing trails. Moreover, there is every intention to reduce/mitigate the number of existing trails on the property, eliminate motorized trails within or through

**Attachment 2, page 13**

upland hammocks and cypress domes, and limit programmatic access to areas frequented by bears and panther populations. Field analyses and telephone discussions with US Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission staff have already confirmed that the population of these species is not likely impacted by our plans. Should this project proceed to site planning and zoning, we will have to provide further evidence of our position in the form of an environmental assessment.

And lastly, there is the issue of law enforcement. The jurisdiction for this property is Collier County. Collier County has been part of the planning process and has evidenced strong support for it since OHV use here will reduce the impacts of its elsewhere in the County.

Sincerely,

**James A. (Andy) McCall, CMS**

Park Planner II

**Miami-Dade County Park and Recreation**

275 NW 2nd Street, Suite 416

Miami, FL 33128

Phone: 305.755.7993

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Attachment 3

**Engineering and Environmental Services Recommended Language**

If the petition is forwarded with a recommendation to transmit, the Engineering and Environmental Services Department staff recommends the following changes to the proposed text:

(Petitioner’s text is underlined; staff-recommended additions are in red double underline and deletions are in ~~red double strike through~~; row of asterisks denotes text break. Staff comments are shown in *bold italics*.)

IV. Conservation Designation

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A. Dade-Collier Cypress Recreation Area District

[FLUE page 87]

[4<sup>th</sup> paragraph]

Development within this District, except for trails, may be concentrated on already disturbed area along the western portions of the site, primarily in Section 16. ~~This District will be exempt from Policy V.A.1.d of the FLU, Section II. Implementation Strategy, in that it will not be required to protect all wetland plants as described by this section. The 10% ACSC site alteration limit will still apply.~~

[5<sup>th</sup> paragraph]

The drainage and storm water management systems for this District ~~may~~ shall be designed to be compatible with environmental site assessments, development and mitigation strategies, environmental enhancements and regulatory requirements. Site development may ...

[6<sup>th</sup> paragraph]

At the time of rezoning, an adaptive comprehensive management plan shall be provided that includes:

1. OHV uses as defined in F.S. 261.03 and 261.20 for operation of OHVs on public land. ~~OHVs for this site shall be limited to ATVs and motocross vehicles. Swamp buggies are prohibited.~~

*The applicant has stated in the Neighborhood Information Meeting and the application these limits to OHV use, which should be added to the text.*

\*\*\*\*\*

~~12. Deviation to request disturbance to areas impacted by development in the ACSC where unavoidable up to a maximum of 10% of the subject site area.~~

*This section is not necessary. 10% site alteration is already allowed, and compliance will be demonstrated as stated in #11.*