

**ATV Ad Hoc Committee  
Workshop  
October 13, 2016  
6PM  
North Collier Regional Park  
15000 Livingston Road Naples, Florida 34109**

- I. Call to Order**
- II. Approval of Agenda**
- III. Approval of September 15, 2016 meeting minutes**
- IV. New Business:**
  - a. Promise Zone**
- V. Old Business:**
  - a. Review of ad hoc committee status**
  - b. Review of recommendation of the Board for hiring consultant**
- VI. Public Comments**
- VII. Adjournment**

## **MINUTES OF THE MEETING OF THE PARKS AND RECREATION**

### **ATV Ad Hoc Committee Workshop**

**Naples, Florida, September 15, 2016**

The Collier County Parks and Recreation ATV Ad Hoc Committee, having conducted business herein, met on this date at 6:00 P.M. in Workshop Session at North Collier Regional Park, Administrative Building, 15000 Livingston Road, Naples, Florida with the following members present:

Mr. Barry Williams, Director of Parks and Recreation

Jeanine McPherson, Assistant Director of Parks and Recreation

Ilonka Washburn, Manager of Parks Operations

Miguel Rojas, Jr., Administrative Assistant

#### **ATV Meeting Members:**

Joe Pelletier

Mario Menendez

Jeff Close

Robert J. Anderson, Jr.

William J. Scott

William Combs

Greg Westgate

#### **Also Present:**

Justin Lobb, Airport Director

Jace Kentner, Business & Economic Development Director

Shane Johnson, Senior Ecologist I, Passarella & Associates, Inc.

**I. Call to Order**

Mr. Barry Williams called the meeting to order at 6:00 p.m.

**II. Establish A Quorum**

A quorum was established.

**III. Approval of Agenda**

William Combs moved to approve the agenda as presented. Second by Mr. William Scott, with all in favor.

**IV. Approval of Previous Minutes**

Mr. William Combs moved to approve the previous minutes. Second by Mario Menendez, with all in favor.

**V. Old Business**

**a. Update on Environmental Study**

An introduction was made of Mr. Shane Johnson of Passarella & Associates, who had provided the group a packet of information regarding the environmental study done by his company. First, a brief history was given of Passarella & Associates, an environmental consulting firm located in Ft. Myers. Mr. Johnson proceeded to outline to the group the feasibility analysis for the ATV park, proposed to be located within the northern portion of the Immokalee Regional Airport. The purpose of the analysis was to review existing site conditions, as well as to meet with the permitting agencies at the State and Federal levels. The report suggested that from a wetlands and surface water impact standpoint, there were no wetlands within the proposed site. Several gopher tortoise boroughs were identified on the SW portion of the proposed site, which were suggested could be moved, with a permit currently held by the Airport Authority to do so, if necessary.

With regard to meetings with permitting agencies; South Florida Water Management District and the U.S. Army Corp of Engineers, a presentation had previously been made of the site review by Passarella & Associates, with no major issues to discuss. Both agencies were reportedly in agreement that this could be a "permissible" project moving forward. Therefore, a preliminary cost assessment was prepared by Passarella & Associates, and the preliminary number for Florida panther mitigation was presented to the Ad Hoc committee. The Panther Focus Overlay was discussed, which is located in the "secondary zone" of the proposed site. The Fish and Wildlife Service has developed a pool of impact fees for the Florida panther. Using the panther compensational calculator, this yields the total amount necessary for mitigation of habitats on site, known as Panther Habitat Units (PHUs). Therefore, each PHU generates impact fees that must be paid. In using this calculator, an estimate of 3571 PHUs was arrived at for this project, with room to improve this number after meeting with the Fish and Wildlife Service. PHUs are purchased at a private panther compensation bank, with rates varying. The current rate is 700/PHU. The presented estimate was more conservative, at 1000/PHU. This is a rate that is negotiable with the compensation bank.

**The floor was then opened to questions:**

A question was raised as to whether the rate differed for "primary versus secondary" sites when purchasing PHUs. The answer is yes. The panther primary zone will generate more PHUs.

A question was raised as to what the difference was between the primary and secondary zone. The answer is what the Fish and Wildlife Service determines as to where the better habitat is for the Florida Panther versus a secondary habitat.

A question was raised as to whether outlying buildings located in the primary zone would generate greater PHUs. The answer is that the preliminary analysis was conducted taking into account the entire 400 acre proposed site. Therefore, there is an opportunity, with further site planning, to reduce the cost when presenting the package to the Fish and Wildlife Service during the permitting process.

A question was raised as to whether riding an ATV on a trail constituted an impact on the land. The answer was that the assumption made during report compilation was that ATV riding on a trail was considered an impact for the purpose of this analysis; however, the Fish and Wildlife Service may have a differing opinion on the definition of impact in this scenario.

A question was asked as to whether a meeting could be had with the Fish and Wildlife Service to discuss these issues. The answer is yes; however there presently is a delay in scheduling such a meeting due to their present backlog, possibly taking 3-4 months.

On the topic of what is an impact versus what is not an impact, Mr. Johnson made a suggestion of site plan alternatives and flexibility in design as being potentially helpful in reducing costs. However, it was agreed amongst the group that clarification was required from the Fish and Wildlife Service, and that the process of "biological opinion" is necessary in order to mitigate potential liability arising from a fatal human/panther encounter.

A question was raised as to how PHUs are calculated. The answer is that there is a spread sheet calculator that is used, based on acreage and land use.

A question was raised as to whether PHUs would be generated for just the trail area or the entire surrounding area. The answer was that this is an issue that would need to be discussed with the Fish and Wildlife Service

A question was raised as to how the various agencies work together with regard to this type of project. The answer is that when an application is submitted to South Florida Water Management (State Agency), it is copied to the U.S. Corp of Engineers (Federal Agency), who determines whether there is any overlay with endangered species at the site plan. If so, a consultation under the Endangered Species Act is initiated with the corresponding Federal agency, which is the Fish and Wildlife Service.

Potential options for moving forward were then discussed. First, to schedule a meeting with the Florida Fish and Wildlife Service for clarification of issues discussed above.



Second, would be to present the analysis as is, as a worst case scenario, to the Board of County Commissioners, reinforcing the ability to reduce cost through site plan modification. Another option was discussed with regard to simply reducing the amount of acreage for use in this project; however this reduced acreage is susceptible to future aviation use.

The Airport Director, Mr. Justin Lobb, addressed this issue of potential future aeronautical and non-aeronautical use of the land on their development plan. Mr. Lobb pointed out that the airport has been in operation for approximately 70 years, with no development of this particular property in that time; however the remote possibility exists.

A question was raised as to whether the overlay boundary could change if panthers were spotted. The answer was yes.

A discussion was then had regarding next steps. A suggestion was made to move forward in a positive manner by finalizing a preliminary site plan to submit to the Board of Commissioners, finalize the business plan, move forward with negotiations with airport authorities, and open a dialogue with the Fish and Wildlife Service. A follow up point was made that without FAA approval of the site plan, nothing may move forward. Mr. Lobb stated the FAA was generally supportive of revenue generation on presently unused non-aeronautical property, but the project is subject to their approval. He suggested moving forward with a lease agreement with bottom line revenue to the airport and a conceptual site plan. Focus would also be placed on potential environmental impacts, specifically wetlands, potential noise pollution, hazards to air navigation, such as vertical buildings, etc.

A motion was then made to follow through with completion of a site plan, approval of the business plan, continue open dialogue with the airport, put together a package to be submitted to the Commissioners for approval, and seek a meeting with the Florida Fish and Wildlife Service.

Shane Johnson clarified that the tentative backlog time to take a meeting with Florida Fish and Wildlife was 2 to 4 months, not 6 months, and a solidified site plan was not necessary at the time of that meeting.

Barry Williams suggested a consultant be brought on board to rework the site plan and create the parameters prior to presenting a package to the Commissioners. A point was made that without Commission approval and participation, the project would be unable to move forward.

**The motion was again reiterated to develop the site plan, approve the business plan, with efforts made to move forward in open dialogue with airport authority, in order to submit a package for approval to the Commissioners. The motion was seconded, and all were in agreement.**

Barry Williams stated a package would be put together and attempts would be made to get on the Commissioner's agenda at the earliest possible time, and with efforts made to include the FAA opinion, together with the approved business plan. Further, Mr. Shane Johnson would present the findings of his firm to the Board as well. The targeted Board meeting would be late October or November 2016.

**b.     ATV Park Business Plan Review**

Barry Williams introduced Ilonka Washburn, Manager of Parks Operations, who presented the proposed business plan. In reviewing the proposed business plan, revenue from patrons at various types of events; i.e. admissions, special events, seasonal sales, and concessions from vendors was presented. In-house costs for running the park versus outsourcing were discussed.

A question was raised as to whether the bottom line could be reflected as a more positive number. Barry Williams stated a conservative approach had been taken in putting together the business plan. It was explained that as a government public service, user fees for recreational services typically capture 40 cents of each dollar, and are subsidized by tax dollars. It is unknown as to whether the Board would wish to see 100% cost recovery. Even with outsourcing, the County carries various costs as well. Therefore, this business plan was compiled with effort directed to portray the most accurate cost picture.

Justin Lobb explained that the airport also operates as a public service and until very recently, revenues had not been captured to exceed expenditures, and the Board has subsidized airport operations. A suggestion was made that perhaps the Board would possibly subsidize the ATV park project as well.

A point was made that a campground site had been left off of the business plan. Mr. Lobb then stated that the airport had decommissioned a previous plan to construct a campground, and were waiting to see what direction the ATV park project took with regard to constructing a campground. It was suggested that an addendum could be added to the business plan stating that there are other avenues of potential revenue, such as a campground.

**V.     Public Comments/Board Comments**

A question was asked by "Paul," who wondered why the airport was not sharing in the cost of PHUs, since the ATV site would be located on airport property. Mr. Lobb replied that in doing so, this would be considered "airport revenue diversion," which is prohibited.

Mr. Jace Kentner introduced himself as the Interim Business & Economic Director for Collier County. He described the Promise Zone project recently awarded to Immokalee by the Federal Government, which opens up development opportunities in economically challenged areas. The Department of Agriculture, HUD, and other Federal agencies participate in this program. Mr. Kentner offered to review the ATV park business plan to potentially identify funds available through these federal programs. He further described his agency's work with the Accelerator Program in Collier County, which assists entrepreneurs in becoming established. Mr. Kentner encouraged members of the ATV project to identify possible entrepreneurial opportunities which may exist within the ATV project. The possibility of several federal agencies working together to assist with the ATV project was discussed. The group was in agreement to continue to explore such opportunities with Mr. Kentner's office.

The possibility for grants was then discussed. Mr. Barry Williams stated that the property required being under contract for 25 years before a grant could be considered.

If such parameters were met, the project would be grant eligible in May 2017. The grant funding could go as high as 100K.

The next ATV Ad Hoc Committee meeting date was then discussed. The next meeting date of 10/13/2016 was agreed upon by the group.

A question was asked as to whether or not the next Ad Hoc meeting was prior to or post the group presentation at the Commissioner's meeting. Barry Williams is hoping to be on the 10/25/2016 agenda, or the November 2016 meeting agenda. Therefore, the next Ad Hoc meeting will be held prior to presentation of the project to the Board.

## **VI. Adjournment**

**A motion to adjourn was entered. The motion was seconded. All were in agreement.**

**Next ATV Ad Hoc Committee Meeting Date: 10/13/2016**



## PROJECT SUMMARY

Project Title	<i>Immokalee ATV Park and Adventureland</i>
Organization	<i>Collier County Parks &amp; Recreation Division</i>
Contact	<i>Barry Williams, Director</i>
Contact Phone	<i>239-252-4035</i>
Contact Email	<i>BarryWilliams@colliergov.net</i>
Total Project Cost	<i>\$4,246,000</i>
Amount Requested	<i>\$3.646 million, the cost of panther mitigation, U.S. Fish &amp; Wildlife Service and U.S. Army Corps of Engineers permits and design</i>
Local Match	<i>Local cash contribution \$3 million legal settlement targeted for an ATV/dirt bike park.</i>
Project Description	<p><i>Immokalee's agrarian economy is being diversified with industries that have rising opportunities, including the recreational economy, gaming and adventure tourism. (Immokalee's population is roughly 29,000, with an additional 1.5 million yearly visiting the Seminole Casino.) Immokalee already has the Immokalee Regional Raceway, a drag racing strip. The Immokalee ATV Park and Adventureland would complement that by creating ATV and dirt bike trails and other possible recreational experiences, such as zip lines, <del>a paintball area and shooting range</del>, as well as a campground for overnight stays. Chief participants from the Florida Culinary Accelerator @ Immokalee, which is expected to start construction in December, would operate the concession stand, local residents would be hired for other jobs, iTECh vocational school's machinery program would be approached to provide a repair service and young Immokalee entrepreneurs could set up an ATV and dirt bike rental shop. Our feasibility study estimates there would be <del>50100</del> visits daily at a fee of <del>\$3520</del> each for an ATV park alone, with total annual revenue estimated at <del>\$4109,5000 annually</del>. <del>yearly if an outside vendor operates the park, with The Parks and Recreation Division will pay the Immokalee Regional Airport a total of 2515 percent of gross revenues from the Park and \$1,000 monthly turned over as fair market value for use of the property in addition to to the county parks department and \$1,000 monthly, plus 15 percent of gross revenues paid to Immokalee Regional Airport as monthly rent.</del></i></p>
Timeline	<p><i>The Parks and Recreation ATV Park Site Ad Hoc Committee has been meeting regularly for public hearings to discuss options, find a site and conduct feasibility studies. A 2019 opening date has been targeted. Land around Immokalee Regional Airport totaling 300 acres has been <del>recommended</del>suggested. Total development cost -- <del>not including paintball, zip lines and a shooting range</del> -- are estimated at \$4.246 million.</i></p>
Benefits	<p><i>This project aims to diversify available resources and activities within the SWFL Rural Promise Zone and expand the recreational economy for the three-county Promise Zone areas. Regionally, services would be expanded to improve and benefit residents as well as visitors. The park would draw from a large area <u>in south Florida</u>, boosting adventure tourism and agri-tourism, bringing people to Immokalee businesses, area farms and the casino. Regionally, it would diversify the available resources, drawing people to and from Glades and Hendry counties, especially Lazy Springs Recreation Park in Felda (Hendry County), which offers motocross, 4x4, fishing, waterskiing and wave runners (three-wheel ATVs are prohibited) on Saturdays and Sundays. At Immokalee ATV Park &amp; Adventureland, the three counties could share championships during alternating years.</i></p>



	<i>There is a possibility we could draw national events, such as championships or award dinners, which could be held at the Seminole Casino. The Florida Culinary Accelerator @ Immokalee would benefit because an ATV and entertainment park would provide a venue for our chef entrepreneur participants to sell their products at an ATV park concession stand.</i>
Promise Zone Goals	<i>The overall target of this project is to be a catalyst for economic and recreational development in a three-county region. The park would provide residents and visitors with a sports venue, draw visitors to the area and pump money into the economy by increasing adventure tourism and agri-tourism.</i>
Regional Impact	<i>The park, which would <u>initially</u> be open Friday through Monday, would bring people to Immokalee and those who drove a long distance would stay in the ATV park campground or the casino, which would draw more money to the casino and boost county taxes. (Collier County received \$1.5 million in taxes from gaming fees from 2012-2015 and that money could be targeted for Immokalee.) ATV park visitors would purchase food at the concession stand or area restaurants. It likely would increase numbers of people watching weekend races at Immokalee Regional Raceway and possibly draw visitors to the Lazy Springs Entertainment Park in Felda, Hendry County, a 375-acre entertainment and ATV park about 14 miles away that also offers water skiing, wave runners, fishing and motocross. In Immokalee, visitors could go to the farmers market, the Pepper Ranch and the county's Immokalee Pioneer Museum, which both host festivals and tours. Shooting enthusiasts would likely be drawn to the hog and turkey hunts held at the Immokalee Pioneer Museum. The park could be a boon to Immokalee's Lake Trafford Marina, which features "airboats and alligators" rides. Visitors also might drive the roughly 40 miles to Naples and frequent businesses, museums, art galleries, and restaurants there.</i>
Partners	<i>Collier County Board of County Commissioners, Economic Incubators Inc., Florida Culinary Accelerator @ Immokalee, iTECH, Immokalee Chamber of Commerce, Immokalee CRA</i>



**RESOLUTION NO. 2015 - 242**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
COLLIER COUNTY, FLORIDA, EXTENDING THE SUNSET DATE OF  
THE COLLIER COUNTY ATV PARK AD HOC COMMITTEE FOR AN  
ADDITIONAL 12 MONTHS.**

**WHEREAS**, in 2011, Collier County and the South Florida Water Management District entered into a Settlement Agreement wherein the District paid Collier County \$3 million to dispose of litigation arising out of a 2003 Agreement between the parties in which the District was to convey 640 acres to Collier County for recreational ATV use; and

**WHEREAS**, it has been the desire of the Board of County Commissioners (Board) to utilize these funds to locate and establish an ATV Park; and

**WHEREAS**, Collier County Ordinance No. 2001-55, as amended, provides that the Board may, by resolution, appoint an Ad Hoc or Task Force Committee for a specific project. The resolution must set forth the duties and responsibilities of the Committee and contain language that automatically dissolves the Committee upon completion of the project; and

**WHEREAS**, on June 12, 2012, the Board adopted Resolution No. 2012-110, which established the Collier County ATV Park Ad Hoc Committee to assist the Board in identifying lands suitable for an ATV Park; and

**WHEREAS**, on June 9, 2015, the Board adopted Resolution No. 2015-116, which re-established the Collier County ATV Park Ad Hoc Committee and extended its sunset date; and

**WHEREAS**, Section Five of Resolution 2015-116 states that "Unless extended by Resolution of the Board, this Committee shall automatically sunset without further action after six (6) months through and including December 12, 2015."; and

**WHEREAS**, the Board desires to extend the existence of this Committee for an additional 12 months

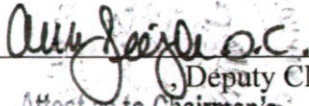
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA**, that the Collier County ATV Park Ad Hoc Committee shall be extended for an additional 12 months from its current sunset date, and unless further extended by Resolution of the Board, shall automatically sunset without further action on December 12, 2016.

THIS RESOLUTION ADOPTED after motion, second and majority vote favoring same, this 8th day of December, 2015.

ATTEST:  
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

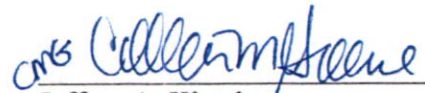
By:

  
Deputy Clerk  
Attest as to Chairman's  
signature only.

By:

  
TIM NANCE, CHAIRMAN

Approved as to form and legality:

  
for: Jeffrey A. Klatzkow  
County Attorney

**ORDINANCE NO. 2015 - 41**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2001-55, AS AMENDED, WHICH ESTABLISHED STANDARDS FOR CREATION AND REVIEW OF COUNTY BOARDS, BY AMENDING SECTION FOUR, "EXEMPTION TO ORDINANCE REQUIREMENT: AD HOC COMMITTEES AND TASK FORCE COMMITTEES," TO REMOVE THE THREE YEAR LIMITATION FOR AD HOC COMMITTEES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, in keeping with its policy to promote economy, efficiency and improve service in the transaction of the public business by County Boards, the Board of County Commissioners, through adoption of Ordinance No. 2001-55, established standards for creation and review of County boards; and

WHEREAS, Ordinance 2001-55 has been subsequently amended from time to time; and

WHEREAS, the Board of County Commissioners desires to further amend Ordinance No. 2001-55, specifically, Section Four entitled, "Exemption to Ordinance Requirement: Ad Hoc Committees and Task Force Committees," to eliminate the three year limitation for ad hoc and task force committees and instead allow such committees to exist for the full duration of their stated purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

**SECTION ONE: AMENDMENT TO SECTION FOUR OF ORDINANCE NO. 2001-55, AS AMENDED.**

Section Four is hereby amended to read as follows:

**SECTION FOUR: Exemption to Ordinance Requirement: Ad Hoc Committees and Task Force Committees.**

The Commission may, by resolution, appoint an Ad-Hoc or Task Force Committee for a specific project, ~~if the duration of the Committee does not exceed three (3) years duration.~~ The resolution must set forth the duties and responsibilities of the Committee and contain language that automatically dissolves the Committee upon completion of the project. ~~within the specified year from the date of adoption of the Committee members by the Commission.~~



## SECTION TWO: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

## SECTION THREE: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

## SECTION FOUR: EFFECTIVE DATE.

This Ordinance shall become effective upon filing with the Secretary of State.

ADOPTED upon majority vote this 7<sup>th</sup> day of July, 2015.

ATTEST  
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

By: 

Deputy Clerk

Attest as to Chairman's  
signature only.

By: 

TIM NANCE, CHAIRMAN

Approved as to form and legality:

  
Jeffrey A. Klatzkow, County Attorney

This ordinance filed with the  
Secretary of State's Office the  
9<sup>th</sup> day of July, 2015  
and acknowledgement of that  
filing received this 9<sup>th</sup> day  
of July, 2015

By: 

Deputy Clerk



## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

July 9, 2015

Honorable Dwight E. Brock  
Clerk of the Circuit Court  
Collier County  
Post Office Box 413044  
Naples, Florida 34101-3044

Attention: Ms. Martha S. Vergara, BMR Senior Clerk

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2015-41, which was filed in this office on July 9, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

## **EXECUTIVE SUMMARY**

**Review of environmental study conducted on the Immokalee Airport Property; authorize staff to hire a consultant to work with the ad hoc committee on a conceptual design of the property; extend the ad hoc committee for another year; and to approach regulatory agencies to further determine mitigation costs associated with environmental permitting associated with the property.**

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**OBJECTIVE:** To provide opportunities for Off Highway Vehicles (OHV) enthusiasts to ride their vehicles at OHVriding locations in Florida using funds from the South Florida Water Management District settlement agreement.

### **CONSIDERATIONS:**

#### ***Background:***

In 2011, Collier County and the South Florida Water Management District entered into a Settlement Agreement wherein the District paid Collier County \$3 million to dispose of litigation arising out of a 2003 Agreement between the parties in which the District was to convey 640 acres to Collier County for recreational ATV (OHV) use. Since that settlement, the Collier County Growth Management Department and Collier County Parks and Recreation Division have been tasked with searching for land appropriate and suitable for an OHV Park site. To date, and despite an exhaustive search, no land suitable for an OHV Park has been located within or outside of Collier County.

Efforts to explore land holding owned by the County focused on lands associated with Immokalee Airport. Currently Immokalee Airport has other uses of the lands that bring potential visitors to the Airport. This includes a number of industries specific to Airport use as well as recreational uses including a new camping area, drag racing, and passive use of lands for park use for the community. All of these activities bring and lend support to the Immokalee Airport and make it a vibrant part of the community of Immokalee making best use of the lands in and around the Airport.

The Collier County Board of County Commissioners created an ad hoc committee (Resolution No. 2012-110) to research potential opportunities for OHV use in Collier County. On March 22, 2016, based on the ad hoc committee's recommendation the Board of County Commissioners approved (Item 16.D.8) to explore use of the Immokalee Airport for a potential location for riders and to conduct an environmental study on the lands identified for OHV use. A feasibility analysis was conducted for the Project which included a preliminary site review to document existing site conditions within the Project site and attending pre-application meetings with the environmental permitting agencies to determine the feasibility of obtaining environmental permits for the proposed Project.

#### ***Land used for OHV use:***

The results of the environmental study are found in Exhibit A--***Immokalee Regional Airport ATV Park Feasibility Analysis*** report. The report sought to include:

- 1) Review of the existing Florida Land Use, Cover and Forms Classification System (FLUCFCS) mapping for the Project site
- 2) Preliminary listed species survey to determine the presence of listed plant and wildlife species within the Project boundary.

From that analysis Passarella and Associates staff conducted observations as part of the site review confirmed that the existing conditions within the Project area are substantially consistent with the FLUCFCS mapping previously prepared for Immokalee Regional Airport. A total of six gopher tortoise burrows were located within and adjacent to the Project boundary during the preliminary listed species survey. The gopher tortoise is listed as threatened by the FWCC; however, the Immokalee Airport current possesses a US Fish and Wildlife Service "Incidental Take" permit that would allow the relocation of these gopher tortoises if impacted by design considerations of an OHV Park. No additional listed species were observed.

The Project team subsequently met with the environmental permitting agencies to discuss the proposed location and conceptual details of the Project. Various environmental issues were discussed during the meetings including, but not limited to, surface water impacts, listed species impacts, and mitigation; however, no indication was given by the permitting agencies to suggest that an ATV Park would not be permittable. A preliminary environmental permitting cost is estimated below:

**Table 1: Preliminary Environmental Permitting Cost Estimate**

<b>Description</b>	<b>Cost</b>
Environmental Permitting <sup>1</sup>	\$ 75,000
Preliminary Florida Panther Mitigation Estimate <sup>2</sup>	\$3,571,000
<b>Total</b>	<b>\$3,646,000</b>

<sup>1</sup> Includes SFWMD ERP and COE permitting and Section 7 ESA consultation with the USFWS. Estimate does not include SFWMD WUP.

<sup>2</sup> Estimate based on 3,571 PHUs required at \$1,000.00 per PHU. The cost of PHUs may fluctuate based on availability and market demand.

"Area Reserved for Future Non-Aviation Development" and "Area Reserved for Future Aviation Development." Under this proposal both those parcels would be developed for OHV use with a small parking lot on the northwest section of the property with access from Alachua Street (One area of note is that the lands identified have not been in use and vacant for 70 years). OHV riders would check into the area, pay a fee for use, and be given permission to access the lands with their vehicle. Standard safety instructions would be provided to each participant and they would be required to sign a waiver that acknowledges use of the property requires their adhering to safety standards and not doing so would be at their own risk.

While the costs associated with PHU's for the site are considerable, Passarella and Associates staff indicate that this is the most conservative, worst case scenario calculation for these mitigation credits. A large amount of the property (approximately 2/3) is within what is considered the Secondary Panther Zone. In order to further explore the costs associated with that calculation, approaching the US Fish and Wildlife Service with a conceptual plan for the development of the property in order to ascertain their opinion would further refine that cost.



The Parks and Recreation Division propose to hire a contractor to design a conceptual plan for the site to include a trail system for the OHV use. The Parks and Recreation Division would work with local stakeholders as well as the ad hoc committee to design and permit the improvements required to support recreational OHV use at the Airport and attempt to minimize the area affected by Secondary Panther Zone.

***Business Plan:***

Two business plans were created to determine costs and revenues of a potential park at Immokalee Airport. User fees would be required to access the property and the business plans include both scenarios of either the Collier County Parks or Recreation staff operating the Park or through a concessionaire. The Parks and Recreation Division of Collier County would be the responsible entity associated with the use and an intra-agency memorandum of Agreement would be established between the Immokalee Airport and Parks and Recreation Division to establish the use and terms of payment to the Airport for the use.

As part of this business plan, the Parks and Recreation Division has proposed to pay 15% of gross revenues plus the addition of \$1,000 per month for fair use of the property. The Airport has indicated that the FAA has been favorable to the use of the property in this way and would support an agreement to allow this conditional use.

The primary improvements would be located on lands associated with "Area Reserved for Future Non-Aviation Development." Trails would be developed on the lands deemed "Area Reserved for Future Aviation Development;" however, the Parks and Recreation Division understands that if a future aviation development were proposed, the inter-local Memorandum of Understanding would reflect the need to vacate the lands in the required time period.

***Other Opportunities:***

The area in and around the Immokalee Airport has been designated as a "Promise Zone" by the Federal government. The Promise Zone designation is a 10 year designation that partners the Federal government with local leaders to navigate federal programs, provide preferences for certain competitive federal grant programs and technical assistance from participating federal agencies. Recently a Promise Zone Community in Kentucky sought and received funding to develop an OHV Park.

**FISCAL IMPACT:** Currently, there is \$2,967,071.77 remaining from the settlement fund, with interest accruing on the principal. This interest is being kept within the same cost center and used as revenue for the program.

**GROWTH MANAGEMENT IMPACT:** There is no growth management impact related to this action.

**LEGAL CONSIDERATIONS:** This item has been approved as to form and legality and requires majority vote for approval. – CMG

**RECOMMENDATION(S):**

That the ATV ad hoc committee provides a recommendation to the Collier County Board of County Commissioners to:

1. Authorize hiring a design consultant to provide a conceptual design of an OHV Park at Immokalee Airport lands;
2. Include a scope for a consultant to seek input from USFWS on permitting and mitigation considerations for the design to minimize costs associated with PHU's and other regulated species;
3. Extend the ad hoc committee for another year to continue the oversight of the development of an ATV Park in Collier County.

Prepared by: Barry Williams, Division Director, Parks and Recreation