

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

**IN RE: SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 21-01
HEATHER HOSFELD ON BEHALF OF JFOS LLC, DBA WEST FLORIDA
OFF-ROAD PARK, APPLICANT**

ORDER TO APPROVE IN PART

THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA, on October 5, 2021, after due public notice, being empowered under Chapter 50, Article XIII, Division 5, Subdivision I, Levy County Code, to hear and decide requests for special exceptions, does hereby make the following statements and issues the following Order as to the above Special Exception Amendment to amend previously approved Special Exception 5-03, as previously amended by SEA 1-04 and SEA 1-06, providing for outdoor commercial recreation with conditions in a Forestry/Rural Residential (F/RR) zoning district:

1. On October 5, 2021, the Board of County Commissioners conducted a public hearing on Application SEA 21-01, at which public hearing, the Board heard and considered the presentations, if any, of the Applicant and other parties in opposition to and in favor of Application SEA 21-01.

2. At the public hearing on Application SEA 21-01, the Board of County Commissioners was presented with and considered the Staff Report of the Planning and Zoning Department regarding Application SEA 21-01 (Staff Report), the recommendations of the Planning Commission regarding Application SEA 21-01, and any testimony and evidence presented.

3. Based on the findings and analysis presented in the Staff Report, the recommendations of the Planning Commission, and the testimony and evidence presented at the public hearing on Application SEA 21-01, the Board of County Commissioners has determined that the applicable requirements, criteria, or standards

set forth in Chapter 50, Article XIII, Division 5, Subdivisions I and II have been met, provided that certain conditions apply.

Accordingly, it is hereby

ORDERED that Application SEA 21-01 is hereby approved in part for the property having Parcel ID No. 02843-000-00, and more particularly described as follows:

E1/2 of NE1/4 less that part East of US 19-98, and the SW1/4 of the NE 1/4 and SE ¼, less that part East of US 19-98, less the Southern 1039.73 Feet thereof, and less tracts sold, Section 36, Township 15, Range 16E

Which partial approval is made subject to the following conditions:

CONDITIONS OF APPROVAL

1. The following words, terms, or phrases, when used in this Order or Conditions of Approval, shall have the meanings ascribed to them in this Condition 1, except where the context clearly indicates a different meaning:

Applicants shall mean Heather Hosfeld on behalf of JFos LLC, dba West Florida Off-Road Park.

Application SEA 21-01 shall mean the request filed by Applicant with the County for a special exception to amend previously approved Special Exception 5-03, as previously amended by SEA 1-04 and SEA 1-06, providing for outdoor commercial recreation with conditions in a Forestry/Rural Residential (F/RR) zoning district.

County shall mean Levy County, Florida.

Department shall mean the Levy County Planning and Zoning Department, or any successor County Department with the duties of administering and enforcing the zoning regulations of the County.

Subject Property shall mean the property described as the E1/2 of NE1/4 less that part East of US 19-98, and the SW1/4 of the NE 1/4 and SE 1/4, less that part East of US 19-98, less the Southern 1039.73 Feet thereof, and less tracts sold, Section 36, Township 15, Range 16E. Parcel ID No. 02843-000-00.

2. The Conditions of Approval contained in this Order are enforceable against

the Applicant, any operator of the activities or operations approved by this Order, and the holder of the special exception approval granted by this Order, jointly and severally. In addition, any decision, approval, or determination made or required to be made by the County or the Department pursuant to any Condition of Approval contained in this Order shall be final.

3. This Order is intended to amend Special Exception 5-03, as amended by SEA 1-04 and SEA 1-06, providing for outdoor commercial recreation in order to modify conditions of previously approved mud bogging activities in a Forestry/Rural Residential (F/RR) zoning district, as further described in Application SEA 21-01. This Order does not permit any new uses not previously approved in Special Exception 5-03 as amended. This Order is also subject to any and all applicable conditions or requirements contained in the Levy County Code related to the contemplated outdoor commercial recreation use, regardless of whether such condition or requirement is expressly set forth in these Conditions of Approval.

4. This Order and the Special Exception Amendment granted pursuant to same does not relieve the Applicants, owners, or their assigns from the prior conditions applied in SE 5-03, as previously amended by SEA 1-04 and SEA 1-06, which allow outdoor commercial recreation with conditions.

5. No new uses are permitted other than items proposed in the request for the Special Exception Amendment without first obtaining approval from the Board of County Commissioners.

6. The Applicant shall comply with the County's noise ordinance, codified in Chapter 50, Article VIII, Division 2 of the Land Development Code, as may be amended from time to time, as to all activities conducted on the Subject Property.

7. Hours of operation on the Subject Property are 8:00 A.M. to 10:00 P.M. Gates of the Subject Property shall close at 10:00 P.M. No mud bogging activities as previously approved in Special Exception 5-03, as amended, shall take place after 8:00 P.M.

8. For any events or activities held on the Subject Property pursuant to this

Order or SE 5-03, as amended, Applicants will arrange for Deputy Sheriff and Emergency Medical Technician (“EMT”) staffing as determined by the Levy County Sheriff’s Office (“LCSO”) and Levy County Emergency Management Services (“EMS”), in their sole discretion.

9. Applicants will fill any gaps in existing containment fencing within 90 days from the issuance of this Order. Applicants will complete containment fencing around the entire Subject Property within one calendar year from the issuance of this Order.

10. Issuance of this Order does not in any way create any rights on the part of the Applicants to obtain a permit from any state or federal agency and does not create liability on the part of the County for issuance of this Order if the Applicants fail to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in violation of state or federal law.

11. All other state or federal permits applicable to this Order shall be obtained prior to commencement of the use of the Subject Property for the outdoor commercial recreation use contemplated in this Order.

12. Prior to use of the Subject Property for outdoor recreation activities consistent with this Order, this Order shall be recorded in the public records of Levy County, Florida. The Applicants are responsible for any costs associated with recording.

DONE AND ORDERED effective as of this ____ day of _____, 2021.

**BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

John Meeks, Chair

ATTEST: Danny J. Shipp, Clerk of
Circuit Court And Ex officio Clerk to
the Board of County Commissioners

Danny J. Shipp, Clerk

APPROVED AS TO FORM:

_____, Interim County Attorney

EXHIBIT A