

SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: S2019-0013 – Rattray Motocross – Revoke Special Use Permit to allow for the use of a private motocross track on 52 acres MOL. CR 702/Center Hill Area.

REQUESTED ACTION: Staff Recommends Revocation

Meeting Type: Regular Meeting

DATE OF MEETING: 5/24/2022

CONTRACT: ☒ N/A

Vendor/Entity: _____

Effective Date: _____

Termination Date: _____

Managing Division / Dept: **Building & Code / Development Services**

BUDGET IMPACT: .

FUNDING SOURCE: _____

Type: N/A

EXPENDITURE ACCOUNT: _____

HISTORY/FACTS/ISSUES:

On January 6, 2020 Sumter County Planning and Zoning Special Master (PZSM) approved Mr. Rattray's request for a Special Use Permit (SUP) to operate a motocross track on parcels #Q13-014 and #Q13-004. As part of the approval, the Special Master listed 10 conditions for operation (PZSM Order and Approval Letter attached). Since 2019, there have been four code enforcement cases opened against this permitted use and staff has received multiple complaints.

Mr. Rattray had requested a public hearing with the PZSM to amend his 2019 SUP to allow 12 riders per track, not to exceed 24 (an increase from six riders, not to exceed 12) and to expand the hours of operation from 9:00 am to 3:00 pm (Monday-Friday) to 9:00 am to dark (Monday-Saturday). Although the request was denied by the PZSM, it was also at this meeting where Mr. Rattray was cross-examined by the opposing counsel, representing an adjacent neighbor and staff learned of numerous violations of the 2019 SUP conditions. As a result of discussions with the County Administrator and the County Attorney, staff composed the S2019-0013 revocation letter (attached), which outlined the violations with citations from the February 7, 2022 public hearing transcript.

The certified revocation letter was sent to Mr. Rattray and he wrote a response letter (attached) and requested a public hearing before the County Commissioners to consider the revocation of his special use permit. Mr. Rattray's attorney, Courtney Keller also wrote a response letter for Commission review.

Prepared by: Patricia Burgos

ProWritingAid Check ☒

APPROVED

May 24, 2022

Approval to uphold the
revocation of the special use
permit.

Board of County Commissioners Sumter County, Florida

7375 Powell Road, Suite 200 • Wildwood, FL 34785 • Phone (352) 689-4400 • FAX: (352) 689-4401
Website: <http://sumtercountyfl.gov>



April 5, 2022

Tyla Rattray
15951 Vetta Drive
Monteverde, FL 34756

Via certified mail and email

9489 0090 0027 6427 2510 83

RE: Revocation of Minor Special Use Permit S2019-0013

Mr. Rattray:

This letter is written notice of the County's intent to revoke Special Use Permit S2019-0013 Private Motocross Track, located at 9100 CR 702, Center Hill, issued on January 7, 2020 (a copy of the permit letter is attached).

Pursuant to Sumter County Code Section 13-333(e)(1), permits may be revoked when there is substantial, or repeated violation of the terms and conditions of the approved permit, or any other ordinance, regulation, or law, including any state or federal rule or regulation. Based on sworn testimony given under oath at the Planning and Zoning Special Master Public Hearing held on February 7, 2022, the County has determined that substantial, repeated violations of the conditions of the approved Special Use Permit S2019-0013 have occurred, and therefore, the County intends to revoke that permit.

The nature of the violations and the conditions in which they violate are as follows:

1. **Condition #1** – This special use permit allows the development and operation of a private practice motocross racetrack facility with up to three (3) dirt tracks that will accommodate no more than six racers at a time.

Violation: Mr. Rattray's attorney stated during the February 7, 2022 public hearing for S2022-0001, modification of the original special use permit, that 10 riders were on the track while they were taking noise readings (February 7, 2022 transcript, page 35, lines 24-25). Mr. Rattray also confirmed during the February 7th public hearing, that his sworn testimonial response to a question by Special Master Broome regarding the amount of riders on the track, was "Yes, it won't be

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more than six; six, 450 (cc) riders at one time. It will be too loud for the neighbors and it will be making a lot of noise.” (February 7, 2022 transcript page 56, lines 7-10) Mr. Rattray upon further questioning from the opposing neighbor’s attorney Ms. Holt, admitted that he understood that the original special use permit would allow for only six riders at a time, but since the initial approval, he had come to interpret that condition to mean up to six riders per three tracks for a total of 18 riders at one time (February 7, 2022 transcript, page 56, lines 22 – 25 and page 57, lines 1-3).

Violation: The permit allows the operation of a private track with no more than six riders at a time; however a video was presented at the February 7th public hearing where professional rider, AJ Catanzaro was videotaped stating that “There’s going to be a lot of really fast – it’s going to be race day; 20, 25 bikes.” (February 7, 2022, page 66, lines 5-6)

Violation: Mr. Catanzaro also revealed on the videotape the he was using the track in return for payment, stating “So we’ll be back here tomorrow morning. Hopefully the track’s fixed in the morning. We’ll see, especially because I’m paying a lot of money to ride here each day.” (February 7, 2022 transcript, page 68, lines 18-21)

Violation: Special Master McAteer questioned adjacent neighbor, George Scott on the number of riders at a time operating on the track, to which Mr. Scott stated that he had counted eight on the morning of February 7, 2022. (February 7, 2022 transcript, page 116, lines 11-14)

2. **Condition #2** - Use of the track is limited to family members, teammates, and friends of the family. Public events and publically advertised special events are prohibited.

Violation: The permit states that publically advertised special events are prohibited and the opposing attorney, Ms. Holt submitted evidence that a Facebook group known as Motocross and Supercross Fans Fight Club made a post on October 6, 2020 stating that Tyla Rattray has “opened his new training facility and asked if I could make a post in the group to see if anyone wanted to get together for a ride coaching session this Friday at his compound. It’s located in Clermont right across from Baker’s Factory,” and “He’s offering a discounted rate of \$200 for the entire day starting at 9:30 a. m. with riding and coaching on a brand new groomed track.” (February 7, 2022 transcript, pages 74, line 25 and page 75, lines 1- 9)

Violation: The opposing attorney, Ms. Holt questioned Mr. Rattray regarding Justin Rodwell and a Racer X magazine article, dated December 2, 2020, where Mr. Rodwell is quoted saying “Tyla has a brand new supercross track and everything’s been going good. We have a good group of guys too. Justin Starling is down here training with us; Lane Shaw. Jeremy Smith just got down here, Jordan Jarvis is down here, Max Sanford.” (February 7, 2022 transcript, pages 83, lines 18-23) Upon further questioning, Mr. Rattray did acknowledge that none of these riders were his son, were not his family members, nor were they his son’s teammates on the group affiliated with Mr. Rattray’s son, Riders Unlimited.” (February 7, 2022 transcript, page 84, lines 1-22). Mr. Rattray also confirmed that

these riders are professional, privateers, and amateurs and that they pay him for training and the use of the track. (February 7, 2022, page 85, lines 3-6)

3. **Condition #5** - Overnight camping is prohibited onsite.

Violation: During sworn testimony at the February 7, 2022 public hearing to modify S2019-0013, adjacent neighbor Michael Krech stated that he had “seen RVs over there through the night.” (February 7, 2022 transcript, page 125, lines 20-21)

Additionally, staff confirmed for Special Master McAteer that Mr. Rattray’s track was approved as a minor special use permit for an ancillary use to residential property. If Mr. Rattray had requested back in 2019, that the track operation be a primary use, this project would have been deemed back then by staff to not be consistent with the current zoning and the approved use of property. The project as a commercial venture, charging users of the track would have been elevated to a major special use permit and go before the Board of County Commissioners for action. (February 7, 2022, transcript, page 88, lines 5-24 and page 89, lines 1-23).

Pursuant to Section 13-333(e)(1), upon receipt of written notice from the County of its intent to revoke an approved permit, you may request a hearing before the Planning and Zoning Special Master. Your request for a hearing must be in writing, delivered to Development Services, Attention: Patricia Burgos, 7375 Powell Road, Wildwood, FL 34785 and received within fifteen (15) days from receipt of this notice. If a request for a hearing is made, the hearing shall be held before the Planning and Zoning Special Master within forty-five (45) days of the County’s receipt of the request. If no written request for a hearing is received within fifteen (15) days from receipt of this notice, Special Use Permit S2019-0013 shall be deemed revoked.

Sincerely,

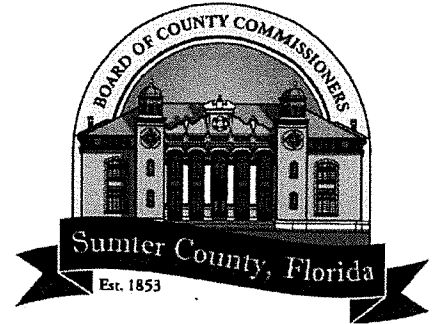


Patricia Burgos
Planner

Enclosure: S2019-0013 – Rattray Special Use Permit Letter

Board of County Commissioners Sumter County, Florida

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January 7, 2020

Tyla Rattray
15951 Vetta Drive
Montverde, FL 34756

Re: Approval of Special Use Permit (S2019-0013)

Dear Mr. Rattray,

On January 6, 2020 the Sumter County Planning and Zoning Special Master approved your request for a Special Use Permit (S2019-0013). This approval allows you to development and operation of a private practice motocross racetrack facility. The Special Master approved the request with the following conditions:

1. This special use permit allows the development and operation of a private practice motocross racetrack facility with up to three (3) dirt tracks that will accommodate no more than six racers at a time.
2. Use of the track is limited to family members, teammates, and friends of the family. Public events and publically advertised special events are prohibited.
3. Hours of operation are limited to 9 AM and 3 PM, Monday through Friday.
4. A minor site plan permit application, with a letter from a licensed engineer verifying compliance with LDC floodplain fill standards, shall be submitted within one year. Site construction shall be complete within two years.
5. Overnight camping is prohibited onsite.
6. A landscape buffer, or berm, shall be provided between the racetracks and the west property line. The buffer or berm shall provide 100% opacity within a two year period.
7. County personnel shall be allowed to access the site during operating hours to perform unscheduled monitoring inspections;
8. Suspension, expiration, or revocation of any other agency permit shall result in the immediate suspension, expiration, or revocation of this special use permit;
9. This special use permit may be suspended or revoked by the Board of County Commissioners consistent with Section 13-333(e), Sumter County Land Development Code.

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10. The track shall maintain a 150-ft setback to the west property line. Existing vegetation shall be retained within the setback area.

If you have any questions, please contact the Development Services Department at (352) 689-4400

Sincerely,

A handwritten signature in black ink, appearing to read "Sue Farnsworth", written in a cursive style.

Sue Farnsworth, AICP CFM, Planner

To Sumter county planning and zoning

Condition #1

As per the change that I was wanting to do for the adjusted permit, I needed to get noise readings as per sue Farnsworth and my attorney to be able to have proof of noise readings, thus being said that we would have legitimate readings rather than guessing. This occasion happened one time specifically to get noise readings.

The attorney just wanted to make clarity of the special use permit of 6 on the entire property at a time between all 3 tracks as she didn't do my first original permit.

During the time Catanzaro was there (who are all good friends of mine and not just strangers) we were in a pandemic, with that being said 3 rounds of super cross were at Orlando world of camping stadium, during the week they were here and were looking for a place to ride, and if I could fix up the track for them. I had to rent a dozer from united rentals in town for \$5100 (ill have invoice with me) and to be totally honest I lost money letting them ride at my property after paying for a dozer as well as the track guy to fix the track for me! I tried my best to keep the riders at no more then 6 on the track so we didn't go over the rider limit.

Condition #2

First and foremost this ride day did not happen thankfully!! Troy is a good family friend of ours and is a very successful journalist. He reached out to me to see if he could come ride with a few of his friends. He mentioned as he's a vet rider would I be willing to fix the track for him and his friends. Once I had done all the pricing and cost to get the track groomed and ready it was going to cost me way to much to be able to get it where it needed to be in order for it to be a "safe" track for them to ride on.

All of my training is strength and condition on Training peaks and studying graphs and breaking down work loads. We utilize the life style center gym in Clermont to do and handle all of my strength work on each individual athlete. I am not always out at the property when guys are riding. I have kept it very strict that the hours are 9-3 and no more then 6 on any track at a time.

Condition #3

I don't have any proof that there were any campers on the property. Please if mr Kretz could give me more info on color of motorhome or number plate I need to look into who parked at the property over night with not being authorized to do so. He also has my mobile number so does the Scotts and no one sent me a text or called stating a camper was over there.

To conclude, how can my permit just be revoked with no warnings at first. I have 5 neighbors that border the property and its only the same 2 that complain. I have even cut the track on somedays to try stay away from the fence line especially if the wind is blowing there direction to be considerate to them.

One day we were having heavy rains coming, out of courtesy I text mr Scott and mr kretz to ask if it was ok to start at 8:30 to miss the rain, which Mr Scott gave me the ok, I never heard back from mr kretz so we didn't start at 8:30. The days we have had heavy wind blowing to the West I have always respected that noise travels especially in the wind so we try ride as minimal as possible to be considerate to the neighbors.

None of my other neighbours have complained in fact my two closest neighbours have been great. They said my property looks well maintained at all times. I have been super respectful at

all times. However if the Scotts and the Kretz are still having issues with me on my own property even though I have tried to do as much as I can to respect them including building a bank at my own cost of \$5000 to help buffer the noise in respect once again to the neighbours. I try be done all riding by 2pm and start around 9:30, I don't have more then 6 on the track. If my permit does get revoked to the fact that these two neighbors want the "race track" gone then I will go ahead and flatten everything remove the bank and remove the trees to make my property more open and as per the Sumter country sheriffs there is no noise ordinance at my property until 10:30pm, which allows me to be able to ride on my own unimproved/natural ground Monday - Sunday as I have no "race track" on the property anymore as dirt bikes/quads is considered a recreational vehicle.

Thanks
Tyla Rattray

Courtney M. Keller
Tel 407.254.2610
kellerc@gtlaw.com

April 18, 2022

Via Electronic Mail Only (Patricia.Burgos@sumtercountyfl.gov)

Board of County Commissioners
Sumter County, Florida
Attn: Patricia Burgos, Planner
7375 Powell Road
Wildwood, Florida 34785

**Re: Minor Special Use Permit S2019-0013 (“Permit”)
Revocation Hearing**

Dear Ms. Burgos,

As you know, I have represented Mr. Rattray and Rattray Farms with respect to certain matters relating to the above-referenced Permit. Mr. Rattray has forwarded to my attention a letter dated April 5, 2022 from the Board of County Commissioners purporting to place Mr. Rattray on notice of the County’s intent to revoke the Permit due to alleged violations of the conditions of the Permit. At this time, I do not anticipate representing Mr. Rattray or Rattray Farms at such hearing. But, I would ask that the Board accept this letter in the record as evidence opposing the revocation of the Permit in any future hearing that may take place with respect thereto.¹

Alleged Violation Regarding Noise Readings

During a February 7, 2022 public hearing for S2022-0001 (the “Modification Hearing”), I (on behalf of Mr. Rattray) informed the Special Master that Mr. Rattray had taken noise readings with ten (10) bikes on the track for the purposes of showing the Special Master that the noise levels were not above the levels allowed by the municipal code for residential neighborhoods. The Board has identified these noise readings as an alleged violation of Condition 1 of the Permit.² However, such readings were obtained **at the express recommendation of Sue Farnsworth, the County Planner assisting Mr. Rattray with the modification of the Permit.** Specifically, in January 2022, in preparation for filing the application to modify the Permit, I spoke via telephone with Ms. Farnsworth to make sure Mr. Rattray’s application was in order. Ms. Farnsworth specifically “stressed” the importance of having noise readings to support the modification because that was supposedly extremely important in the granting of Mr. Rattray’s original Permit request by Special

¹ It is my understanding that Mr. Rattray requested a hearing in writing. I know that he has recently had a death in the family that necessitates his absence from the United States for a period of time and he has asked that no hearing be scheduled during that time frame.

² Condition 1 of the Permit allows for the operation of a private practice motocross facility with up to three (3) dirt tracks accommodating no more than six racers at a time.

Master Broome. Ms. Farnsworth detailed the prior readings that were taken by the Sumter County Sheriff, and how the Sheriff included his badge number and a statement of what the readings were to submit into evidence during the original hearing. On January 12, 2022, Ms. Farnsworth even emailed me a copy of the Sheriff's readings to use as a framework for submitting the updated noise readings in connection with the application to modify the Permit. A copy of Ms. Farnsworth's email to me is enclosed with this letter for reference. In reliance on Ms. Farnsworth's directive, I advised Mr. Rattray to obtain noise readings with ten (10) bikes on the track for use during the modification hearing. Mr. Rattray was unable to secure the services of the Sheriff's department due to its decibel reader being out of order, and instead obtained his own decibel reader and personally took the readings. Mr. Rattray did so based upon my advice, and at Ms. Farnsworth's direction that such readings would essentially be required in order for the modification to the permit to be granted.³ It is patently unfair for this to now serve as a basis for revoking Mr. Rattray's Permit, and the County is estopped from doing so as Mr. Rattray relied upon the County's representations that the noise readings were recommended and took actions that are now being deemed detrimental to his permit in reliance thereon. *Emanuel v. U.S. Fid. & Guar. Co.*, 583 So. 2d 1092, 1093 (Fla. 3d DCA 1991).

"Misinterpretation of Condition 2"

The second condition of the Permit requires that use of the track be "limited to family members, teammates, and friends of the family...." It became apparent during the February 7, 2022 hearing that some of the objectors, and the Special Master to some extent, had found that Condition 2 limited the use of the track to "family members, teammates [of Mr. Rattray's children], and friends of [Mr. Rattray's children] ~~the family~~." This word-smithing, however, is directly contrary to the plain language and grammatical interpretation of Condition 2 of the Permit which expressly allows for use of the track by three (3) distinct subgroups:

1. Family members
2. Teammates
3. Friends of "the family"

If the Permit was intended to only encompass the **children's** teammates and friends, it would have expressly stated so. The Board cannot interpret the Permit in a manner that conflicts with its plain language. See *Bd. of County Com'rs Indian River County v. Graham*, 191 So. 3d 890, 895 (Fla. 2016) (rejecting Board of County Commissioner's interpretation of Public Service Commission order because it was belied by plain language of the order); *Orange County v. Lewis*, [859 So.2d 526, 529 \(Fla. 5th DCA 2003\)](#) (holding on second-tier certiorari review that the circuit court incorrectly construed the applicable county code and thus departed from the essential requirements of the law by ignoring the plain language of the code); *Florida Hosp. v. Agency for Health Care Admin.*, 823 So. 2d 844, 848 (Fla. 1st DCA 2002) (agency's interpretation is not entitled to deference if it conflicts with the plain and ordinary meaning of the statute interpreted).

Nor can the Board interpret the Permit in a manner that adds words (i.e., "children") to the Permit that are not there, or renders other words (i.e., "family") meaningless. E.g., *Unruh v. State*,

³ The Board will recall that Mr. Rattray requested the Permit be modified to allow for additional bikes – in excess of six (6) – be permitted on the tracks at the same time (among other things).

669 So. 2d 242, 245 (Fla. 1996) (a “fundamental rule” of construction is that courts should avoid readings that would render part of a statute meaningless); *Lawnwood Med. Ctr., Inc. v. Seeger*, 990 So. 2d 503, 512 (Fla. 2008) (“It is a well-established tenet of statutory construction that courts ‘are not at liberty to add words to the statute that were not placed there by the Legislature.’”). Doing so would modify the Permit, thereby depriving Mr. Rattray and Rattray Farms of their due process rights and resulting in an unconstitutional taking of their private property.

Indeed, based upon my own interpretation of the Permit – and, respectfully, the only logical interpretation that does not add words to the Permit or render other words meaningless – I advised Mr. Rattray that he could allow Mr. Catanzaro and other professionals who he considered to be his friends to ride on his property. Mr. Rattray’s reliance on the advice of his counsel cannot serve as a violation of the Permit. *Florida Bar v. Herman*, 297 So. 3d 516, 520 (Fla. 2020) (recognizing advice of counsel can serve as defense to bar grievance proceeding)

Respectfully, the other evidence cited in your letter of April 18, 2022 is incomplete and some has been taken out of context. Mr. Rattray, for example, also testified under oath that he was unaware of the public posts relating to his motocross track and never instructed anyone to make a public post regarding the facility. Mr. Rattray also testified that Mr. Catanzaro and all of the other professionals, privateers and amateurs are his friends – friendships he has developed through years of professional racing – and “friends” are permitted to ride at Mr. Rattray’s property. *See above*.

Please accept this letter and declaration into the record of any hearing relating to the revocation of the Permit. And do not hesitate to contact me should you have any questions.

I declare under penalty of perjury that the factual statements contained herein are true and correct. This 18th day of April 2022.

Sincerely,

GREENBERG TRAUIG, P.A.

/s/ Courtney M. Keller

Courtney M. Keller

CMK:smg
Enclosure

**SUMTER COUNTY
SPECIAL MASTER PROCEEDING**

CASE NO.	S2019-0013
APPLICANT:	Tyla Rattray for TBA LLC
REQUESTED ACTION:	Minor Special Use Permit to allow for the construction and use of a private motocross track.

ORDER OF SPECIAL MASTER

On January 6, 2020, Applicant Tyla Rattray for TBA LLC was present at the hearing before the Special Master requesting a minor special use permit to allow for the construction and use of a private motocross track. The proposed facility will consist of three tracks clustered in the central portion of the property. Trees and native vegetation will be retained around the track area. The tracks will be for the private use of family and friends, and will not be open to the public. The applicant anticipates up to 12 riders with no more than six riding at one. Riding will be limited to Monday thru Friday between the hours of 9 AM and 3 PM. There will be no riding on weekends or in the evenings.

Special use permits are addressed in Section 13-332 of the Sumter County Land Development Code. The following requirements must be considered.

- a. The use must be in harmony with the purpose and intent of this chapter.
- b. The use must be compatible with surrounding existing and anticipated uses.
- c. The use must not adversely affect the public interest. Adequate traffic circulation, sanitary, utility, drainage, refuse management, emergency services and similar necessary facilities and services shall be available for the use. A use shall not create hazardous vehicular or pedestrian traffic conditions, or parking congestion, or generate traffic that exceeds the capability of roads and streets serving the use, or otherwise affect public safety.
- d. The site must be suitable for the proposed use, considering flood hazard, drainage, soils, and other conditions which may pose a danger to life, health or property.
- e. The development of the use shall have no more than a minimal adverse effect on the environment, public health, safety, and welfare.
- f. Proposed improvements and the level of cooperation by the developer shall be considered.
- g. Unless specifically provided otherwise, the use shall comply with this code.

The following additional requirements must be considered in reviewing special uses (Sec 13-232(2)).

- a. The use must not be detrimental to the neighborhood environment or unduly infringe on the rights of surrounding property owners.
- b. A vehicular parking or traffic problem must not be created, and the vehicular average daily traffic created on local roads must not be increased in such a manner as to degrade the established function of the roadway or create hazards to public health or safety. The commission and staff may rely on input from the Florida Department of

Transportation, the Florida Highway Patrol and the sheriff's office in making this determination.

- c. Screening and buffering sufficient to minimize interference with the enjoyment of surrounding properties may be required.

At the hearing, Mr. Rattray made an opening statement. As part of that opening statement, Mr. Rattray testified that he and a Sumter County sheriff deputy took a 450cc motorcycle onto the property, and Mr. Rattray ran the throttle on the motorcycle wide open while the deputy took readings as to the decibel level of the motorcycle at various distances. Mr. Rattray testified that at 200 feet, with unobstructed view of the motorcycle, the decibel meter registered 86 decibels. At 400 feet, with unobstructed view of the motorcycle, the decibel meter registered 55 decibels. Mr. Rattray testified that the deputy also directed his decibel meter at the men while speaking, and their conversation registered at 75-82 decibels. Mr. Rattray testified that a 450cc motorcycle is the largest motorcycle engine that would be used at the property, and that the anticipated use is actually much lower in size. Mr. Rattray submitted a document labeled Exhibit #1, which contained the decibel readings from the Sumter County sheriff deputy.

Mr. James E. Wade III, Esq was recognized as an intervening party representing Mr. and Mrs. Scott, who live near the property in question. Mr. Wade made an opening statement regarding the Sumter County Land Development Code requirements for a special use permit. Mr. Wade also indicated the evidence that would be presented in opposition to the application.

Staff presented the staff report, in which staff deemed the application sufficient and consistent with the Sumter County Land Development Code and recommended approval. Staff also tendered Exhibit #2, which was email correspondence between staff and Mr. Wade clarifying the appropriate provision of the Sumter County Land Development Code at issue. twoThe staff report specifically stated as follows, in staff determining that the application was consistent with the Sumter County Land Development Code:

- a. The use must be in harmony with the purpose and intent of this chapter.

Private motocross tracks are permitted within the A10C district with a special use permit approval.

- b. The use must be compatible with surrounding existing and anticipated uses.

The surrounding area is agricultural in nature. There is an underground pipeline and powerline corridor extending through much of the property. The owner will work with the utility owners to assure compliance with their easement agreements. The applicant is minimizing potential effects on adjacent lands by retaining native vegetation and limiting hours of operation.

- c. The use must not adversely affect the public interest. Adequate traffic circulation, sanitary, utility, drainage, refuse management, emergency services and similar necessary facilities and services shall be available for the use. A use shall not create hazardous vehicular or pedestrian traffic conditions, or parking congestion, or generate traffic that exceeds the capability of roads and streets serving the use, or otherwise affect public safety.

The proposed use will not generate a significant amount of traffic.

- d. The site must be suitable for the proposed use, considering flood hazard, drainage, soils, and other conditions which may pose a danger to life, health or property.

The property is suitable for the proposed use. The majority of the site is within the regulated floodplain. New fill within the regulated floodplain will need to meet floodplain development standards.

- e. The development of the use shall have no more than a minimal adverse effect on the environment, public health, safety, and welfare.

The proposed facility will not pose an adverse effect on the environmental, public health, safety or public welfare.

- f. Proposed improvements and the level of cooperation by the developer shall be considered.

The applicant has been cooperative.

- g. Unless specifically provided otherwise, the use shall comply with this code.

The proposed project will comply with LDC requirements. A floodplain development permit will be required for any fill added within the regulated floodplain.

- a. The use must not be detrimental to the neighborhood environment or unduly infringe on the rights of surrounding property owners.

The proposed track will not unduly infringe on the rights of surrounding landowners. The track is to be located in a very rural area with few nearby residences. The applicant is restricting hours of operation to minimize their disturbance.

- b. A vehicular parking or traffic problem must not be created, and the vehicular average daily traffic created on local roads must not be increased in such a manner as to degrade the established function of the roadway or create hazards to public health or safety. The commission and staff may rely on input from the Florida Department of Transportation, the Florida Highway Patrol and the sheriff's office in making this determination.

The proposed project will not be open to the public and will not create a traffic problem.

- c. Screening and buffering sufficient to minimize interference with the enjoyment of surrounding properties may be required.

The applicant is proposing to retain existing trees along the west side of his property to minimize noise impacts on the neighbors. There is a 200-ft wide utility/powerline

corridor along the east side of the property that will provide distance between the tracks and eastern neighbors.

Mr. Wade questioned Mr. Rattray and put on his own witnesses in opposition to the application. As part of the opposition, Mr. Wade submitted two documents, Exhibits #3 and 4, which showed locations of other tracks in the area and the location of Mr. Scott's house in relation to the proposed motocross track.

The special master questioned Mr. Rattray and Mr. George Scott, one of the opposition witnesses. There was additional public comment received.

Based upon all of the competent and substantial evidence presented at the hearing, the Special Master finds the following:

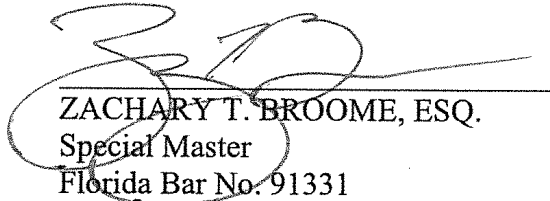
- a. Mr. Rattray's testimony and evidence was the only competent, substantial evidence presented as to the actual noise levels generated by a motorcycle at specific distances. All other testimony, including public comment, was based on opinion that, essentially, motorcycles are loud.
- b. All testimony opposing the application based on the nearby motorcycle facility acknowledged that the other facility is across an open field, while the subject property is separated from the opposing parties by dense native vegetation.
- c. The intervening party and public comment statements as to the detrimental impact of at least three neighboring motorcycle facilities, including one very close to the subject property, is unpersuasive. If anything, that testimony supports a finding that using the property for motorcycles is consistent with the surrounding area.
- d. Concerns as to site drainage, without evidence, were unpersuasive. There was no competent and substantial evidence to support the concern that the proposed use would cause drainage problems.
- e. The competent and substantial evidence presented by staff as to traffic and the surrounding area was persuasive.

Based upon the evidence presented at the hearing, the Special Master orders as follows:

1. Application S2019-0013 is APPROVED and the Permit is GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:
 - a. This special use permit allows the development and operation of a private practice motocross racetrack facility with up to three (3) dirt tracks that will accommodate no more than six racers at a time.
 - b. Use of the track is limited to family members, teammates, and friends of the family. Public events and publically advertised special events are prohibited.
 - c. Hours of operation are limited to 9 AM and 3 PM, Monday through Friday.
 - d. A minor site plan permit application, with a letter from a licensed engineer verifying compliance with LDC floodplain fill standards, shall be submitted within one year. Site construction shall be complete within two years.

- e. Overnight camping is prohibited onsite.
- f. A landscape buffer, or berm, shall be provided between the racetracks and the west property line. The buffer or berm shall provide 100% opacity within a two-year period.
- g. County personnel shall be allowed to access the site during operating hours to perform unscheduled monitoring inspections;
- h. Suspension, expiration, or revocation of any other agency permit shall result in the immediate suspension, expiration, or revocation of this special use permit;
- i. This special use permit may be suspended or revoked by the Board of County Commissioners consistent with Section 13-333(e), Sumter County Land Development Code.
- j. The track shall maintain a 150-ft setback to the west property line. Existing vegetation shall be retained within the setback area. So long as the existing vegetation maintains 100% opacity to the western property line, this condition shall satisfy condition (f). If the existing vegetation ceases to have 100% opacity to the western property line, condition (f) shall control.

ORDERED this 23rd day of January, 2020.


ZACHARY T. BROOME, ESQ.
Special Master
Florida Bar No. 91331

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AMA Supercross Schedule & Results

2021 Monster Energy Supercross Schedule

Here's the schedule for the 2021 Monster Energy AMA Supercross Race Series. Visit the **AMA Supercross website** for results and standings as the season progresses.

January 16, 2021	NRG Stadium	Houston, TX
January 19, 2021	NRG Stadium	Houston, TX
January 23, 2021	NRG Stadium	Houston, TX
January 30, 2021	Lucas Oil Stadium	Indianapolis, IN
February 2, 2021	Lucas Oil Stadium	Indianapolis, IN
February 6, 2021	Lucas Oil Stadium	Indianapolis, IN
February 13, 2021	Camping World Stadium	Orlando, FL
February 20, 2021	Camping World Stadium	Orlando, FL
March 6, 2021	Daytona Intl. Speedway	Daytona Beach, FL
March 13, 2021	AT&T Stadium	Arlington, TX
March 16, 2021	AT&T Stadium	Arlington, TX
March 20, 2021	AT&T Stadium	Arlington, TX



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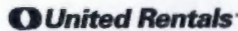
Inc United Rentals

3/6/21

To: stylamx99@hotmail.com >



United Rentals, Inc: Invoice# 190593878-001

[800-UR-RENTS](tel:800-UR-RENTS) (800-877-3687)


RENTAL RETURN INVOICE

190593878-001

BRANCH DEJ
100 HENDER AVE.
LEESBURG FL 34748
352-728-1200
352-728-2448 FAX

Job Site
RATTRAY FARM
9000 COUNTY ROAD 702
CENTERHILL FL 33514

Office: 951-375-6499 Cell: 951-375-6499

TR TRAINIG
15951 VETTA DR
BELLA COLLINA FL 34756-3520

Customer # : 4822882
Invoice Date : 03/04/21
Rental Out : 02/09/21 01:00 PM
Rental In : 02/23/21 01:00 PM
UR Job Loc : 9000 COUNTY ROAD 702
UR Job # : 1
Customer Job ID :
P.O. # :
Ordered By : TYLA RATTRAY
Reserved By : RICHARD BERGIN II
Salesperson : HOUSE ACCOUNT

Invoice Amount: \$5,122.22

Terms: Due Upon Receipt
Payment options: Contact our credit office 888-481-2680
REMIT TO: UNITED RENTALS (NORTH AMERICA), INC.
PO BOX 100711
ATLANTA GA 30384-0711

RENTAL ITEMS:		Description	Minimum	Day	Week	4 Week	Amount
1	095335NF	DOZER LOW GROUND PRESSURE 90-95HP Make: KOMATSU Model: D399E-24 Serial: 95335 Meter out: 3457.70 Meter in: 3524.40		733.00	1,906.00	4,951.00	3,812.00
SALES/MISCELLANEOUS ITEMS:							Rental Subtotal: 3,812.00
Qty	Item	Price	Unit of Measure	Extended Amt.			
1	ENVIRONMENTAL SERVICE CHARGE	[ENV/MCI]	EACH	76.24			
1	DELIVERY CHARGE	195.000	EACH	195.00			
1	PICKUP CHARGE	195.000	EACH	195.00			
PAYMENT HISTORY		REF # AUTH # TRANS TYPE	AMOUNT	APPLIED			
DATE TYPE							
2/08/21 MASTERCARD		**0524 141964 DELETED	5122.22				
3/04/21 UNCOLLECTED							
Sales/Misc Subtotal:							466.24
Agreement Subtotal:							4,278.24
Rental Protection:							571.00
Tax:							272.18
Total:							5,122.22
COMMENTS/NOTES:							
CONTACT: TYLA RATTRAY CELL#: 951-375-6499							
** ATTENTION ** Amount uncollected: 5,122.22							
ARE YOU OR YOUR EMPLOYEES IN NEED OF OPERATOR CERTIFICATION TRAINING? CONTACT UNITED ACADEMY TODAY 844-222-2343 OR WWW.UNITEDACADEMY.UR.COM TRAINING IS NOT AVAILABLE ON CERTAIN EQUIPMENT IN CANADA.							



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Safari

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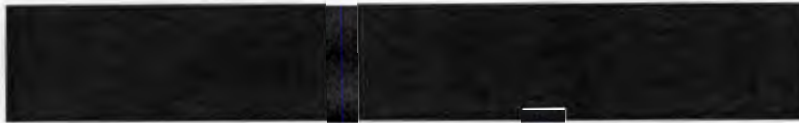


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RATTRAY FACILITY



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26_danipedrosa Nice!!!



jcjillcairola Good luck!! 👍



February 4, 2020



tylaratray



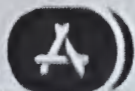
Delivered

Wed, May 11, 9:03 AM

Hey george hope u doing well? We just got back from South Africa from my mother in law passing. One of my friends text me this morning and said he stopped riding at 3:12. Just want to apologise for that as he's from Illinois and his watch was still set on that time zone!

I will get him to come and apologise to us and Krech personally today. Thanks

U*



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