

DESOTO COUNTY, FLORIDA

AMENDED AND RESTATED RESOLUTION NO. 2025-031(A)

AN AMENDED AND RESTATED RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING WITH CONDITIONS A SPECIAL EXCEPTION USE (USE-0192-2024) FOR A CLASS AA BIOSOLIDS PROCESSING FACILITY FOR OSCEOLA ORGANICS, WITHIN THE AGRICULTURAL-10 ZONING DISTRICT; THE PARENT PARCEL IS ±757.88 ACRES, THE LEASE AREA IS ±413.94 ACRES, WITH A PROJECT AREA OF ±32.03 ACRES; THE PROPERTY IS LOCATED ON NW HIGHWAY 70, AND THE PROPERTY IDENTIFICATION NUMBERS ARE 03-37-23-0000-0010-0000, 03-37-23-0314-0010-0010, 03-37-23-0313-0010-0010, 03-37-23-0305-0010-0010, 03-37-23-0312-0010-0010, 03-37-23-0304-0010-0010, AND 10-37-23-0000-0020-0000; INCORPORATING THE WHEREAS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 21, 2024, a Special Exception Use application and required review fee was submitted to the Development Department (USE-0192-2024) by Osceola Organics LLC (“Applicant” or “Osceola”) requesting approval of a Special Exception to allow a biosolids processing facility within an approximate 32.03 acre project area on a 413.94-acre lease area within a 757.88-acre parcel zoned Agricultural-10 (A-10), located on NW Highway 70 (the “Subject Property”) (generally, the “Application”); and

WHEREAS, the DeSoto County Property Appraiser records show that the Subject Property is located on NW Highway 70 and is owned by VCH Holdings, LLC (“VCH”) (Exhibit A: General Location Map); and

WHEREAS, the 2040 Future Land Use Map shows the Subject Property and the 413.94 acre lease area (32.03 acre project area) is located within the Rural/Agricultural Future Land Use Category and Conservation Overlay District (COD) of the Comprehensive Plan, and the Official Zoning District Atlas shows the Subject Property is zoned Agricultural-10 (A-10); and

WHEREAS, Land Development Regulations (LDR) Section 20-126(1)(c)(1) provides for “agriculturally related processing” and Section 20-126(1)(c)(16) provides for “other similar uses which are comparable in nature with the foregoing” as a Special Exception Use provided the criteria for special exception uses in LDR Article XI, Division 5, of this chapter are met; and

WHEREAS, the Development Department has reviewed the Special Exception Use application and concludes the application is in conformance with the applicable LDR requirements and consistent with the County’s Comprehensive Plan; and

WHEREAS, on March 4 2025, the Planning Commission held a duly noticed public

hearing on the application, entered the Development Review Report and all other competent substantial evidence presented at the hearing into the record, and forwarded the record to the Board of County Commissioners (Board) with the recommendation of approval by a vote of 4-1 to approve the proposed Resolution; and

WHEREAS, in accordance with LDR Section 20-1433, the Planning Commission found that approval of the Special Exception Use will not adversely affect the public interest, and that the specific requirements governing the individual Special Exception Use, have been met by the applicant, and that satisfactory provisions and arrangements have been made concerning twelve (12) matters contained in LDR Section 20-1433, where applicable; and

WHEREAS, on March 25, 2025, the Board held a duly noticed public hearing on the application and tabled the item until April 22, 2025; and

WHEREAS, on April 22, 2025, the Board held a second duly noticed public hearing on Osceola's application, where additional testimony and evidence was presented by County staff, the applicant, and interested parties; and

WHEREAS, following the conclusion of the public hearing on April 22, 2025, the Board denied Osceola's application seeking Special Exception approval to operate a biosolids composting facility on VCH's real property, which denial was memorialized by Resolution 2025-31; and

WHEREAS, on May 29, 2025, Osceola and VCH initiated the process prescribed in section 70.51, Florida Statutes, by filing a Request for Relief Under the Florida Land Use and Environmental Dispute Resolution Act ("FLUEDRA"); and

WHEREAS, on September 3, 2025, the County served its Response to Petitioners' Request; and

WHEREAS, on October 8, 2025, Osceola, VCH, and the County participated in a public hearing before Special Magistrate Mark P. Barnebey, which resulted in the negotiation of the terms and conditions set forth in a Mediated Settlement Agreement; and

WHEREAS, the October 8, 2025, public hearing was duly noticed in accordance with the provisions of section 70.51(15), Florida Statutes; and

WHEREAS, on December 16, 2025, the Board considered and approved the Mediated Settlement Agreement, which provides for the approval of the Application, subject to additional negotiated conditions, and that the County adopt this Amended and Restated Resolution to memorialize and effectuate the Mediated Settlement Agreement and all conditions provided for therein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. *Whereas clauses incorporated.* The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Resolution.

Section 2. *Property description.* The 413.94 acre lease area is located on NW Highway 70, the Property Identification Numbers being 03-37-23-0000-0010-0000, 03-37-23-0314-0010-0010, 03-37-23-0313-0010-0010, 03-37-23-0305-0010-0010, 03-37-23-0312-0010-0010, 03-37-23-0304-0010-0010, and 10-37-23-0000-0020-0000.

Section 3. *Findings and conclusions.* Pursuant to the Mediated Settlement Agreement, the Board of County Commissioners finds the Special Exception Use request to be consistent with the Desoto County Comprehensive Plan and Land Development Regulations provided the below conditions are imposed, and hereby approves the Special Exception Use for Osceola Organics, for a biosolids processing facility in accordance with the concept plan, located in the Agricultural-10 (A-10) zoning district within a 32.03 acre project area of a 413.94 acre lease area, which is located on NW Highway 70 as illustrated on the concept plan (Exhibit D), subject to the following conditions:

1. The hours of operation are limited to 7:00 am to 5:00 pm, Monday through Friday, 7:00 am to 12:00 pm on Saturdays, and closed on Sundays, as proffered by the applicant.
2. The applicant is responsible for obtaining all required state and federal permits for the improvements and operations of the facility and shall provide a copy of the application to the State (or exemption from the agency) of any required permits such as but not limited to the SWFWMD, FDOT, ACOE, HRS, and FEDP, prior to approval of the Improvement Plan.
3. The property owner or designee shall obtain and maintain construction waste and commercial garbage collection contracts with the franchisee for all waste types, including construction and demolition waste generated, per County Ordinance 2006-35 through project completion.
4. A dumpster enclosure (wall, fence, gate) is not required. All other standards of the enclosure shall be provided, including the addition of two (2) bollards on each side of the pad to prevent the dumpster from rolling off of the pad. This shall be approved by the engineer with the Improvement Plan.
5. The applicant shall provide a report summarizing all reports, test results, FDEP findings and other data concerning the quality and quantity of pretreated biosolids delivered to the facility, as well as the quality and quantity of products produced at the facility. This report shall be provided annually to the Desoto County Development Department beginning 1 year after issuance of the Notice to Proceed until the business has ceased operations. The report shall confirm that only Class AA biosolids (fertilizer) have been produced.

6. The County shall be provided with access to the facility, upon reasonable notice, to conduct testing of the product being produced.
7. In accordance with the Mediated Settlement Agreement, County personnel may inspect the site once per year (during normal business hours with 24 hours' notice) to ensure that the requirements of the Special Exception and Improvement Plan approvals are being complied with and that no violations are present. Any conditions which are not complied with or any violations which are identified will be pursued in accordance with the County's code enforcement procedures. If the violation is not promptly corrected, the property owner will be notified, and the Special Exception may be revoked upon a publicly noticed hearing with the Board of County Commissioners.
8. The applicant shall provide an Environmental Site Study with submittal of the Improvement Plan. The study shall be prepared by a qualified professional and show the extent of the impact of development for the site, which is located in the Conservation Overlay District. The study shall provide evidence and an inventory of wetlands; soils posing severe limitations to construction; unique habitat; endangered species of wildlife and plants; significant historic structures and/or sites; and areas prone to periodic flooding (areas within the 100-year floodplain). The study shall also analyze the natural functions of eco-systems and connectivity of resource corridors. A conservation easement, or other protective measure, may be required to protect the functions of natural resources. Mitigation may be allowed on a case-by-case basis through the appropriate reviewing agencies. If wetland impacts cannot be avoided, a specific management plan shall be provided, which shows no net loss of wetlands or wetland functions and which includes necessary modifications to the proposed development, specific setback and buffers, and the location of development away from site resources, to protect and preserve the natural functions of the resource. The minimum setback shall be 15 feet and the average of all setbacks from the wetland resource shall be 25 feet, unless otherwise permitted by the appropriate reviewing agency.
9. Trucks doing business with this use shall not use SR-70-for stacking.
10. Special Exception approval does not authorize commencement of construction or operations. The applicant must receive approval of an Improvement Plan for each phase of the business prior to commencement.
11. The applicant shall coordinate with the Florida Department of Transportation (FDOT) for use of SR 70 for access and obtain any required permits.
12. The Public Safety Dept shall approve emergency vehicle access/circulation and determine if an on-site water supply for fire protection is needed with approval of the Improvement Plan.

13. Applicant agrees to line the leachate collection pond for the facility prior to commencing operation of the biosolids treatment facility.
14. Applicant agrees to construct a three-foot earthen berm around the leachate pond prior to commencing operation of the biosolids treatment facility.
15. Applicant agrees to construct the impervious pad for processing materials at an elevation at least two feet above the 100-year flood plain elevation.
16. Applicant agrees to maintain the elevation of leachate in the leachate pond at a level below 80% of the leachate pond's permitted fluid capacity and will pump down and appropriately dispose of leachate to maintain leachate levels below that threshold. As used herein, "appropriately dispose of" shall mean either disposing the leachates off-site or utilizing the leachate to spray composting materials for purposes of hydration during the curing process so long as said spraying of leachate occurs on those materials that are located on the impervious pad for processing of said materials.
17. Applicant agrees to develop an emergency management plan for the leachate pond to provide for pump down to the extent feasible dependent on groundwater elevation and appropriately dispose of leachate, as set forth above, when the National Hurricane Center three day warning and forecast cone for storm center includes the biosolids treatment facility property. Applicant will provide the emergency management plan to the County prior to commencing operations of the biosolids treatment facility.
18. Applicant agrees to retain an independent third party to collect leachate samples, and retain sample control through transport and testing. Applicant agrees to provide copies of test results required by FDEP Permit Number FLAB07481-001-DW1S to the County at the time of submission to FDEP.
19. Applicant agrees to construct a grassy swale to polish water discharged from the project's surface water management system outfall identified in FDEP Environmental Resource Permit No. 454898-001-E1.
20. Applicant agrees to limit incoming loads of biosolids to 30 truckloads each weekday and to 15 truckloads each Saturday.

Section 4. *Repeal and Replacement of Prior Resolution.* This Amended and Restated Resolution No. 2025-031(A) is adopted to replace and supersede, in full, the prior Resolution No. 2025-31 adopted on April 22, 2025.

Section 5. *Effective date.* This Resolution shall take effect immediately upon its adoption.
PASSED AND ADOPTED this 16th day of December, 2025.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF DESOTO COUNTY, FLORIDA**

By: _____
Mandy Hines
County Administrator

By: _____
Steven Hickox, Chairman
Board of County Commissioners

APPROVED AS TO LEGAL FORM

By: _____
Valerie Vicente
County Attorney

Exhibit A
General Location Map

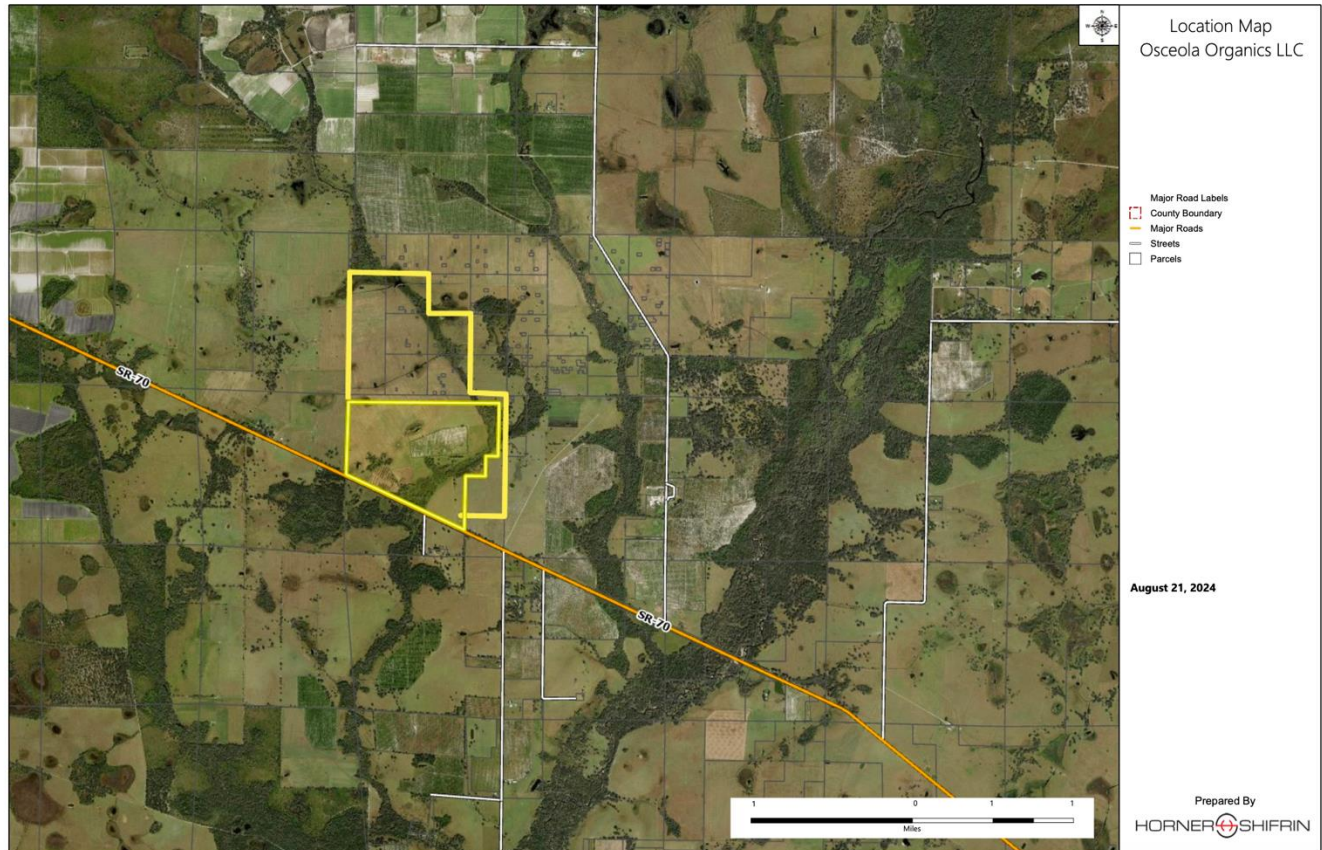


Exhibit B
Interim 2040 Future Land Use Map, Excerpt

Exhibit C
Official Zoning District Atlas, Excerpt

Exhibit D Concept Plan

