



DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

CASE #: USE-0192-2024

REQUEST: Special Exception: Biosolids Composting Facility

PROPERTY OWNERS: IMC-Agrico Company
13830 Circa Crossing Drive
Lithia, FL 33547
and
VCH Holdings LLC
5389 NW Lily Avenue
Arcadia, FL 34266

APPLICANT: Osceola Organics LLC
15051 Frank Jarrell Road
Clermont, FL 34714

PROPERTY IDS: 10-37-23-0000-0025-0000, 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, 10-37-23-0000-0020-0000

PROPERTY ADDRESS: NW Highway 70 Arcadia, FL 34266

TOTAL PARCEL SIZE: 757.88 acres (413.94 acres per Master Plan lease area)

ZONING DISTRICT: Agricultural -10 District (A-10)

FUTURE LAND USE DESIGNATION: Rural/Agricultural Land Use

OVERLAY DISTRICTS: Conservation Overlay District (COD)

DEVELOPMENT REVIEW REPORT

The matter before the Board of County Commissioners is a Special Exception use application (USE-0192-2024) to allow a biosolids composting facility in the Agricultural -10 District (A-10) zoning district on a ± 413.94 acre lease area within the subject property of ± 757.88 acres, for land located on NW Highway 70. As

indicated above, the use is proposed within a ± 413.94 acre lease area located within the overall subject property. There are no existing biosolids composting facilities or operations on the subject property. Specifically, the project area is a ± 32.03 -acre area within the aforementioned leased area.

Land Development Regulations (LDR) Section 20-126(1)(c)(1) provides a list of “*Special exception uses and structures*”, including “agriculturally related processing” and Section 20-126(1)(c)(16) provides for “other similar uses which are comparable in nature with the foregoing”. The Development Director has determined that a Biosolid Composting Facility can be processed in the A-10 zoning district as a Special Exception use. LDR Article XI, Division 5 requires the Planning Commission / Local Planning Agency to hold at least one public hearing, duly advertised, on a Special Exception use application and make a recommendation to the local governing body (Board of County Commissioners).

OVERVIEW OF REQUEST

The subject parcel is located on NW Highway 70, Arcadia, FL. (See Exhibit A) and is owned by IMC-Agrico Company and VCH Holdings, LLC with portions of these parcels to be leased by Osceola Organics. The applicant is requesting a Special Exception to allow a biosolids composting facility to be constructed on property zoned Agricultural-10. The facility proposes to produce organic fertilizer utilizing solar sludge drying and composting to produce Class AA registered soil amendment, pursuant to the requirements of the FDEP. LDR Section 20-1042 provides for the regulation of the land spreading and hauling of biosolids. However, to the extent that Class AA biosolids are spread and otherwise used in compliance with the Florida Administrative Code and statutory regulations set forth in LDR Section 20-1042(4)(c), they are exempt from the requirements of the County’s biosolids ordinance. Therefore, conditions are recommended to confirm the product is a Class AA fertilizer.

The 2040 Future Land Use Map shows the property is located within the Rural/Agricultural Future Land Use category, and Conservation Overlay District (See Exhibit B) and the Official Zoning District Atlas shows the property is situated within the Agricultural 10 District (A-10) zoning district (See Exhibit C).

Land Development Regulations (LDR) Section 20-126(1)(c)(16) provides a list of “*Special exception uses and structures*”, specifically “*Other similar uses which are comparable in nature with the foregoing*”. Biosolid composting facilities are an industrial like operation and may produce negative impacts such as noise, dust, odors, glare and heavy truck traffic. Currently, “organic fertilizer manufacture” is permitted in the Industrial Light zoning district only by special exception. The Development Director has determined that biosolids composting facilities may be found to be compatible in the district when evaluated as a special exception use accompanied by the imposition of recommended conditions.

An application for a Special Exception was received in the Development Department on August 21, 2024.

PROPOSED RESOLUTION

A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING WITH CONDITIONS A SPECIAL EXCEPTION USE (USE-0192-2024) FOR A BIOSOLIDS COMPOSTING 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 10-37-23-0000-0025-0000, 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.

DATA & ANALYSIS

In all quasi-judicial proceedings, the applicant shall bear the burden of demonstrating by competent and substantial evidence that the application satisfies the standards and requirements of the LDRs and Comprehensive Plan. The terms “Development Director” and “Planning Director” are used interchangeably in this report.

A. Application requirements. LDR Section 20-1431 provides that a Special Exception use application shall be submitted indicating the basis in this LDR under which the special exception use is sought and stating the grounds upon which it is requested, with particular reference to the types of findings the Planning Commission must make, as described below. The application must include material necessary to demonstrate that approval of the special exception use will be in harmony with the LDRs general intent and purpose, not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. Such material includes, but is not limited to, the following, where applicable:

1. *Plans at an appropriate scale showing proposed placement of structures on the property, provisions for ingress and egress, off-street parking and off-street loading areas, refuse and services areas, and required yards and other open spaces.*
 - a. Placement of structures. The applicant has submitted a site plan showing the 413 +/- acre lease area of which the biosolids composting facility comprises 32.03 +/- acres. The site plan shows the proposed placement of multiple structures totaling 199,140 square feet. All structures meet or exceed the minimum building setbacks in the A-10 district. Based on the above, it is concluded the application is **in conformance** with this factor.
 - b. Provisions for ingress and egress. The applicant has submitted a site plan showing the proposed 24' wide access drive utilizing an existing access point on NW Highway 70. A secondary access is provided via a 50' access easement to NW Lily Avenue. The primary access is approximately 1 mile from the proposed biosolids composting facility. The applicant is required to coordinate with the Florida Department of Transportation (FDOT) for the access on Highway 70, as well as with the DeSoto County Fire Dept., for any emergency vehicle access requirements needed on the

Improvement Plan. Based on the above, it is concluded the application is in **conformance** with this factor **with conditions**.

- c. Off-street parking. The applicant shows 5 parking spaces on the site plan. Based on the above, it is concluded the application is in **conformance** with this factor.
 - d. Off-street loading. The applicant shows a delivery point on the site plan. Based on the above, it is concluded the application is in **conformance** with this factor.
 - e. Refuse and service areas. The applicant or their designee must obtain and maintain a construction waste contract with the franchisee for all construction and demolition waste generated as per County Ordinance 2006-35 through project completion. The applicant must also obtain and maintain a commercial garbage collection contract with the franchisee for all waste types generated as per County Ordinance 2006-35. Due to the rural environment and the lack of neighbors, walls or gates on the dumpster enclosure are not required. All other standards of the enclosure should be met with the addition of two (2) additional bollards on each side of the pad to prevent dumpster from rolling off either side. Based on the above, it is concluded the application is in **conformance** with this factor **with conditions**.
 - f. Required yards and open space. Land Development Regulations (LDR) Section 20-20-126(1)(c)(16) provides a list of "special exception uses and structures", specifically "Other similar uses which are comparable in nature with the foregoing", and the Development Director determined a biosolids composting facility may be found to be compatible when evaluated as a special exception use accompanied by the imposition of conditions. The proposed use and site design is consistent with the Sec. 20-126. - Agricultural 10 District (A-10), section (2) Development Standards for setbacks, minimum lot area, and minimum yard requirements. The Development Director finds that the application provides the required information for the Board to make a decision.
- 2. *Plans showing proposed locations for utilities hook-up.* The applicant has submitted a site plan showing a well and septic system. The site is located outside of DCU's service area. Thus, this factor is **not applicable** at this time.
 - 3. *Plans for screening and buffering with reference as to type, dimensions and characters.* The applicant has submitted a site plan showing the proposed biosolids facility with a perimeter barbed wire fence around the project limits. The Special Exception Use application states that perimeter landscape buffering is proposed, however no details are provided on the site plan. Sec. 20-600. - Determination of buffer requirements - does not require buffers from other agricultural uses, which surround this site. There are no nearby residential uses. The proposed location reduces the incompatibility of the proposed biosolids facility and any current or potential future adjoining or nearby land use. Thus, the application is in **conformance** with this factor. Buffering will be evaluated more thoroughly with the Improvement Plan.
 - 4. *Plans for proposed landscaping and provisions for trees.* The agricultural site has been used for pastureland. The proposed use of a biosolids composting facility is agricultural in nature in the A-10 zoning district and currently adjacent to other agricultural uses. The project limits have a few existing trees. Thus, this factor is **not applicable**.

5. *Plans for proposed signs and lighting, including type, dimensions and character.* The applicant has submitted a site plan, however, signs and lighting are not illustrated on the plan but indicated in the application. The applicant proposes directional signage at the facility entrance on NW Highway 70. Exterior lighting is proposed to be solar powered and limited to the minimum necessary to illuminate the work area safely. All signs and lighting must be in compliance with the DeSoto County Land Development Regulations and reviewed for compliance with the Improvement Plan and building permits. Thus, the application is in **conformance** with this factor.

Based upon the findings and conclusions above, it is concluded the application demonstrates that the approval of the special exception use will be in harmony with the LDRs general intent and purpose, not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare.

B. Staff review. LDR Section 20-1432 addresses staff review.

1. *Section 20-1432(a) provides that upon receipt of an application for Special Exception, the Development Director shall determine whether the application is complete. The Development Director may waive some or all of the plans required by Section 20-1431(1) if the Special Exception includes only a change in use without any new construction. If the application is complete, it will be accepted for review. If the application is incomplete, the Development Director shall specify in writing the additional information required in order for the application to be processed. No further action shall be taken on the application until the additional information is submitted and determined to be complete.*

On August 21, 2024, the applicant filed a Special Exception use application with the Development Department for a biosolids composting facility, under “Other similar uses which are comparable in nature with the foregoing”, and the Development Director determined a biosolids composting facility can be processed in this manner and that the application was complete.

Section 20-1432(b) states that after receipt of a complete application, the Development Director shall distribute the application for review by County staff and/or the Development Review Committee.

The Development Director distributed the application to the Development Review Committee members and comments were issued.

2. *Section 20-1432(c) provides that upon completion of review, the Development Department shall prepare a staff report and schedule review of the application by the Planning Commission.*

This Development Review Report is the staff report required by Section 120-1432(c). The application is scheduled for the March 4, 2025 Planning Commission and the March 25, 2025 Board of County Commissioners public hearings.

C. Planning Commission findings. LDR Section 20-1433 provides that before any Special Exception use shall be recommended for approval to the Board of County Commissioners, the Planning Commission shall make a written finding that the granting of the Special Exception Use

will not adversely affect the public interest, that the specific requirements governing the individual Special Exception Use, if any, have been met by the applicant, and that satisfactory provisions and arrangements have been made concerning twelve (12) matters, where applicable. These 12 matters and staff's evaluation of conformance with these matters are addressed below.

1. *Compliance with all elements of the Comprehensive Plan.* The 2040 Future Land Use Map shows the subject property is located within the Rural/Agricultural Land Use (See Attachment B). The subject parcels total 757.88 +/- acres with a lease area being a 413.94 +/- acre portion of a lot of record.

Objective 1.3: Rural/Agricultural Land Use Category Defined. The intent of the Rural Land Use Category is primarily agricultural, pastoral, and rural residential development. This district is designed to accommodate traditional agricultural uses and conservatory measures, where appropriate, while protecting the rural areas of the County. The intent of this category is to permit a reasonable use of the property, at a gross density of no more than one dwelling per ten (10) acres. At the same time, the intent is to prevent the creation of conditions, which would endanger, damage, or destroy the agricultural base of the County, the environmental resources of the County, the potable water supply and the wildlife resources. The first priority of this category is agricultural use.

Consistency analysis: The applicant has submitted a site plan for a biosolids composting facility located in a Rural/Agricultural area, with pastureland surrounding the site. The proposed location reduces the chances of incompatibility due to the agricultural character of the area and the large size of the subject site. The proposed biosolids composting facility will be permitted through the FDEP (Florida Dept of Environmental Protection) and a stormwater environmental resource permit (ERP) will also be required by the State. The site does not propose any impacts to wetlands or floodplains.

The project will neither store nor utilize any chemicals, fluids, gases, or potentially hazardous substances at this site beyond that which would be used for routine groundskeeping. Fuel will be used to supply gasoline/diesel operated pumps and a backup generator. Any such fuel will be stored and (if necessary) registered with the FDEP should quantities dictate, per Florida Administrative Code

Based on the above findings, it is concluded the application can be found to be consistent with this policy.

MEASURABLE TARGET: Total acres taken out of Rural/Agricultural Land Use category.

Policy 1.3.1: The primary use and function of the Rural/Agricultural areas, as designate on the Future Land Use Map, shall be to protect and encourage agricultural activities and to protect unique native habitats and maintain open space, while providing for rural residential uses.

Consistency analysis: The applicant has submitted a site plan for a biosolids composting facility, located in a Rural/Agricultural area, many miles from residential uses. The proposed location and size of the land reduces the chances of creating an incompatibility with any adjoining or nearby land uses. The proposed biosolids composting facility will be permitted through FDEP and a stormwater environmental resource permit (ERP) will be required by the State. The site does not propose any impacts to wetlands or floodplains.

Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.

Policy 1.3.2: Agricultural uses, as defined by F.S. 193.461, are permitted within the Rural/Agricultural category. Additional setbacks are required for intense uses when adjacent to non-agricultural future land use categories and zoning districts.

Consistency analysis: The applicant has submitted a site plan for a biosolids composting facility, located in a Rural/Agricultural area, many miles from residential uses, as a special exception. While biosolid composting facilities are an industrial like operation and may produce negative impacts such as noise, dust, odors, glare and heavy truck traffic intense uses, the proposed location and size of the land reduces the chances of creating an incompatibility with any adjoining or nearby land uses. The proposed biosolids composting facility meets or exceeds all required setbacks in the Agricultural-10 (A-10) zoning district. Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.

Objective 1.14: Land Use Compatibility. The DeSoto County Land Development Regulations shall utilize land use techniques and development standards to achieve a functional and compatible land use framework, which serves to reduce incompatible land uses, as depicted on the Existing Land Use Map Series (FLUEMS-2).

MEASURABLE TARGET: Reduction in the number of incompatible land uses.

Policy 1.14.2: Use Compatibility. Compatibility between uses will be defined by level of density and intensity rather than by use, with the exception of large-scale public uses such as airports, regional hospitals, refineries and correctional institutions.

Consistency analysis: The applicant has submitted a site plan for a biosolids composting facility, located in a Rural/Agricultural area, many miles from residential uses. The proposed location and size of the land reduces the chances of creating an incompatibility with any adjoining or nearby land uses. Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.

Policy 1.14.6: Nuisances. The County's Land Development Regulations shall maintain or establish guidelines for noise, light and vibration to minimize the impacts of those on residential properties.

Consistency analysis: The applicant has submitted a site plan for a biosolids composting facility, located in a Rural/Agricultural area, many miles from residential uses. The proposed location and size of the land reduces the chances of creating an incompatibility with any adjoining or nearby land uses. Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.

The applicant will be required to meet other portions of the Code of Ordinances regarding the County's regulations for noise, light and vibration and their impacts on residential uses. Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.

Policy 1.14.8: Buffers. Increased buffering and landscape standards shall be maintained or expanded in the County's Land Development Regulations to protect various types of development from the impact of others.

Consistency analysis: The applicant has submitted a site plan showing the proposed biosolids facility with a perimeter barbed wire fence around the project limits. The Special Exception Use application states that perimeter landscape buffering is proposed, however no details are provided on the site plan. Sec. 20-600. - Determination of buffer requirements - does not require buffers from other agricultural uses, which surround this site. Residential uses are not currently located in the area. Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.

GOAL 2: RESOURCE PROTECTION. Through 2040, the County shall seek to maintain and manage the County's natural resources and significant historic resources by establishing a pattern of development that is harmonious with the County's natural environment and quality of life.

Objective 2.1: Natural Resource Protection. The County shall maintain land development regulations that seek to protect natural resources (such as, groundwater, surface water, floodplains, wildlife habitat, wetlands and other vegetative communities) from the impact of development. Additionally, the County will limit development in areas that have inadequate soils, topography or other constraints to protect public health and welfare.

Policy 2.1.1: This will be done in accordance with the applicable elements within this document that address aquifer recharge, wellfields, water, sewer, floodplains, stormwater, wetlands, and soils and topography.

MEASURABLE TARGET: Incorporating into the Land Development Regulations Low Impact Development (LID) options, such as clustering, and the number of projects implemented LID options. Application(s) prepared and submitted for grants, or other funding sources, for the purchase of environmentally sensitive lands by 2030. New lands acquired by the public and protected by "Preservation" FLUM designation.

Consistency Analysis: The applicant states the proposed project has been designed pursuant to the FDEP standards governing the development of a biosolids treatment facility and the State's Environmental Resource permitting criteria. In addition, the facility, as designed and permitted, includes covering all areas associated with the storage or composting to prevent any discharge to the ground or surface water of any storm or process water that may have come in contact with the biosolids. FDEP may also require ground water monitoring in the case of any stormwater discharge coming in contact with biosolids.

Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.

GOAL 1: AQUIFER PROTECTION. Through 2040, DeSoto County shall provide, maintain, and protect the surficial, intermediate, and Floridan aquifers to ensure that recharge of the aquifer occurs in a manner that maintains sufficient quality and quantity of the public water supply to meet current and future demands.

Objective 1.1: Natural Recharge Protection and Conservation. The County shall coordinate with other agencies and adopt measures in the Land Development Regulations that will ensure preservation of natural recharge to the County's groundwater resources, as well as conservation of potable water sources.

Policy 1.1.1: The County shall adhere to regulations established by Southwest Florida Water Management District to protect any areas of high recharge.

Consistency Analysis: The applicant describes that the proposed project has been designed pursuant to the FDEP standards governing the development of a biosolids treatment facility and the State's Environmental Resource permitting criteria. In addition, the facility, as designed and permitted, will include covering all areas associated with the storage or composting to prevent any discharge to the ground or surface water of any storm or process water that may have encountered biosolids. FDEP may also require ground water monitoring in case any stormwater discharge has encountered biosolids. Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.

Objective 1.3: The quality of DeSoto County's groundwater resources shall not be degraded, either directly or indirectly, by human influences below the minimum criteria for groundwater provided in Chapter 62-520.400 F.A.C. and shall be maintained or as necessary improved to ensure the availability of this resource for present and future generations.

Policy 1.3.1: Except for bona fide agricultural operations and incidental domestic uses, land use activities which utilize, store, or generate hazardous materials, or which involve the bulk storage or continuous transmission of petroleum products or other hazardous substances, shall be prohibited within recharge areas for the intermediate aquifer system, and or within cones of influence and watershed areas for public water supply wells. The agricultural and domestic exemptions shall not be construed to relieve these activities from compliance with applicable State and Federal regulations pertaining to the installation and use of above- or below- ground storage tanks, or other structures or improvements intended for the use, storage, or generation of petroleum products or other hazardous substances.

Consistency Analysis: The applicant has submitted a site plan for a biosolids composting facility located in a Rural/Agricultural area, with pastureland surrounding the site. The proposed location reduces the chances of incompatibility with any adjoining or nearby land uses. The proposed biosolids composting facility will be permitted through FDEP, and a stormwater environmental resource permit (ERP) will be required by the State. The site does not propose any impacts to wetlands or floodplains.

The project will neither store nor utilize any chemicals, fluids, gases, or potentially hazardous substances at this site beyond that which would be used for routine groundskeeping. Fuel to supply gasoline/diesel operated pumps and a backup generator will be stored onsite. If necessary, the storage of fuel will be registered with the FDEP should quantities dictate according to the Florida Administrative Code. Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.

GOAL 1: IMPROVE STORMWATER PROTECT AND WATER QUALITY.

Through 2040, provide a stormwater management system of appropriate capacity to protect public health, safety and welfare of the citizens of DeSoto County, and to meet current and future stormwater management demand, as well as decreasing inadequacies in the stormwater drainage system and water quality conditions.

Objective 1.1: Maintain Level of Service. Based upon adopted level of service standards, the County shall annually adopt programs and activities to facilitate implementation of stormwater programs (and in the future stormwater utility) to serve future development as well as areas where stormwater systems are failing, stormwater problems are presented to the Board, or environmental concerns exist.

Policy 1.1.3: To control water quality, treatment of stormwater runoff shall be required for all development, redevelopment, and infill areas. The stormwater treatment system, or systems, can be project specific or serve sub-areas within the County, regardless of the area served. Stormwater discharge facilities shall be designed so as to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in, but not limited to, Chapter 62-302, F.A.C. It is intended that all standards in these citations are to apply to all development and redevelopment and that any exemptions or exceptions in these citations, including project size thresholds, do not apply for concurrency determinations.

Consistency Analysis: The applicant has submitted a site plan for a biosolids composting facility in a Rural/Agricultural area. The plan illustrates two proposed stormwater ponds. The proposed biosolids composting facility will be permitted with the FDEP and a stormwater environmental resource permit (ERP) will be required by the State. The site does not propose any impacts to wetlands or floodplains. Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.

GOAL 5: ENERGY PRODUCTION

Through 2040, the county shall pursue actions to encourage the production of renewable energy sources. The actions include specifically encouraging electrical generation from renewable sources, such as utility grade solar.

Objective 5.3: Energy Conservation. Encourage Energy conservation and improved energy efficiency, and plan and manage land uses to maximize energy efficiency by making energy sustainability a primary consideration in decisions about land use, density, and design that result in improved livability.

Policy 5.3.1: Encourage land use projects and patterns in DeSoto County that result in reduced energy consumption.

Consistency Analysis: The site is designed to be powered by the electrical grid. Equipment fueled by petroleum or solar will also be used. The biosolids are dried naturally by the sun in greenhouse-like structures. Once the desired moisture content is achieved, the material is relocated to a composting windrow, where nature works to break the material down into usable organic fertilizer. An essential part of the product's economic

viability is the ability to utilize the sun to produce the marketable product. Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.

Objective 1.12: Conservation Overlay Designation (COD). The Interim 2040 Conservation Overlay Map (FLUEMS-4) identifies public and private lands that may possess environmental limitations, such as floodplain, wetland, and other environmentally sensitive areas, including but not limited to, sloping topography subject to soil erosion, wildlife habitat areas, hydric soils, and special vegetative communities, but have not been confirmed as such and shall be protected to the greatest extent possible. Modifications of the boundaries are permitted upon submittal of data and analysis, or field inspection by qualified personnel which support the establishment of a more appropriate boundary.

MEASURABLE TARGET: Acres of habitat and wetlands or species to be impacted or preserved as identified through environmental surveys, Environmental Resource Permits, and other actions in response to development in environmentally sensitive environments.

Policy 1.12.1: Conservation Overlay Designation Location. The Conservation Overlay area on the Future Land Use Map consists of those lands that potentially contain environmentally sensitive areas, specifically the 100-year Floodplain as exists on the latest FEMA maps and viable wetland areas that exist on the latest National Wetlands Inventory Map. The lines shall not be considered the exact boundary of an area. The Conservation Overlay area is not all-inclusive; other areas do not show up on the FLUM within the overlay boundaries but are environmentally sensitive for other reasons, such as protected plant and animal habitat, are also subject to the applicable Land Development Regulations and any review by agencies with jurisdiction.

Consistency Analysis: Staff recommends a condition requiring submittal of an Environmental Site Study with the Improvement Plan. The State of Florida will determine any required permits for the project and a condition is recommended requiring the applicant to provide a copy of their application to the State agency prior to approval of the Improvement Plan.

Policy 1.12.2: Conservation Overlay Designation Uses. This designation is not intended to prevent development, but rather to identify environmentally sensitive areas (i.e. floodplains and wetlands) that need to be reviewed carefully during the development review process to determine whether mitigation or conservation protection are needed. If the areas are determined not to be environmentally sensitive, then the underlying future land use category is applicable. The following uses are specifically prohibited from being located within Conservation Areas:

- (1) Junkyards, gas station, and vehicle repair facilities.
- (2) The use or storage of hazardous materials or wastes on the Florida Substance List shall be restricted in the 100-year floodplain, except that such use or storage pursuant to phosphate mining within the Generalized Phosphate Mining Overlay Designation shall be restricted within that portion of the 100-year floodplain shown on Map FLUEMS-9 and as regulated by the Florida Department of Environmental Protection.
- (3) New underground fuel and other hazardous chemicals within these areas. Existing facilities are required to demonstrate that adequate technology is being employed on-site to isolate the facilities from the water supply.

(4) Residential Development greater than a density of 1 unit per 10 gross acres and non-residential development greater than a FAR of 0.10 unless stated herein. All development shall be clustered to non-wetland portions of any site and buffered from the wetland appropriately.

(5) Agricultural uses shall utilize "Best Management Practices" published in conjunction with the US Department of Agriculture.

Consistency Analysis: Staff recommends a condition requiring submittal of an Environmental Site Study with the Improvement Plan. A review of consistency with this policy will be conducted at that time. The State of Florida will determine any required permits for the project and a condition is recommended requiring the applicant to provide a copy of their application to the State agency prior to approval of the Improvement Plan.

Policy 1.12.3: Conservation Overlay Designation Development Standards.

(1) A final determination of the suitability for development of any individual parcel, as it relates to a Conservation Overlay area on the Future Land Use Map, shall be determined prior to issuance of any development approval.

(2) The Conservation Overlay Designation area on the Future Land Use Map is not to be considered the exact boundary of the conservation area, but to act as an indicator of a potential conservation area. The exact boundary shall be determined by an environmental site study by a qualified professional at the expense of the Developer and submitted for a determination to the South West Florida Water Management District or other agency with jurisdiction.

(3) The Conservation Overlay Designation area is not all inclusive and other areas that do not fall within the COD boundaries that meet the definition of being environmentally sensitive areas are also subject to the regulations affecting them. These areas include protected plant and animal habitat.

(4) Development proposals shall require the submittal of an Environmental Site Study indicating as to the extent of the impact of development or redevelopment for any lands within Conservation Overlay Designation areas and other environmental concerns.

(5) Environmental Site Studies 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).

(6) DeSoto County shall require identification of proposed impacts to the natural functions of any resources by any development or redevelopment that proposes to be placed in/on, to disturb, or to alter identified areas. Compensation and Mitigation plans shall also be provided.

(7) Such identification shall occur during the development review process and provide the opportunity for DeSoto County to review the proposed project so that direct and irreversible impacts on the identified resources are avoided, minimized, or in the extreme, mitigated.

(8) Natural resources discovered as a result of the required Environmental Site Study will be protected in accordance with state and federal law. The Environmental Site Study will require that a qualified professional 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.

(9) If an area is determined to be developable and not within the Conservation Overlay Designation, then the underlying future land use category shall apply.

(10) The Conservation Overlay District is comprised of data collected from other sources and utilized as a tool to assist in development decisions. As this data is modified, updated or altered, the County will update the Conservation Overlay District boundaries upon data being published to reflect the most accurate data and analysis available. Should other recognized professional sources or technology also provide for updates and improved accuracy, that data shall be reflected in updates to the DeSoto County Conservation Overlay District when made available. Staff shall review and update available data semi-annually.

Consistency Analysis: Staff recommends a condition requiring submittal of an Environmental Site Study with the Improvement Plan. A review of consistency with this policy will be conducted at that time. The State of Florida will determine any required permits for the project and a condition is recommended requiring the applicant to provide a copy of their application to the State agency prior to approval of the Improvement Plan.

Policy 1.12.4: Any development of a site which includes property determined to be in a Conservation Overlay Designation area, is required to submit a site-specific plan for approval. The plan shall include the clustering of density away from the protected areas and resources. Developments that include Conservation Overlay Designations, but cluster all development activities outside of the Overlay, may be reviewed via a Site Plan Approval process. The following restrictions shall apply to areas determined to be in the COD:

(1) Density transfers out of areas determined to be within the Conservation Area may occur on-site with the following density transfer allowed:

(a) Rural/Agricultural Land Uses shall be consistent with the underlying zoning

(b) Low Density Residential Land Uses shall be 1 unit per 4 acres.

(c) Medium Density Residential, Neighborhood Mixed Use, and General Mixed Use Districts shall be 1 unit per 2 acres.

(d) Urban Center Mixed Use Mixed Use shall be 1 unit per 1 acre.

In the future, density transfers out of the Conservation Area may be able to occur off-site from Rural/Agricultural Future Land Uses to Non- Rural/Agricultural Future Land Uses as part of a Transfer of Development Rights Program.

(2) Development within the Conservation Overlay area shall be restricted to 1 unit per 10 acres and a FAR of 0.1, unless otherwise provided for herein. All development shall be directed away from wetlands.

Consistency Analysis: Staff recommends a condition requiring submittal of an Environmental Site Study with the Improvement Plan. A review of consistency with this policy will be conducted at that time. The State of Florida will determine any required permits for the project and a condition is recommended requiring the applicant to provide a copy of their application to the State agency prior to approval of the Improvement Plan.

Policy 1.12.6: The County shall prohibit all development within, and direct development away from, wetlands, unless otherwise approved by the appropriate reviewing agency. Site enhancement for conservation purposes and Best Management Practices including, without limitation, the use of isolation berms to protect water quality and prevent wildlife from migrating into developed areas shall not be deemed "development" for the purposes of this policy, when used pursuant to phosphate mining.

(1) When wetland impacts cannot be avoided, DeSoto County shall require a specific management plan to be prepared by the developer, which results in 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.

(2) 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. Best Management Practices, including, without limitation, the use of isolation berms to protect water quality and prevent wildlife from migrating into developed areas shall be permitted within the setback areas, when used pursuant to phosphate mining.

(3) Areas designated as natural buffers shall preserve all natural vegetative cover, except where drainage ways, access ways or phosphate mining corridors are approved to cross the buffer, or when contrary to Best Management Practices. Buffers may be supplemented only with native trees, shrubs and ground covers.

Consistency Analysis: Staff recommends a condition requiring submittal of an Environmental Site Study with the Improvement Plan. A review of consistency with this policy will be conducted at that time. The State of Florida will determine any required permits for the project and a condition is recommended requiring the applicant to provide a copy of their application to the State agency prior to approval of the Improvement Plan.

Policy 1.12.7: Water resources (Rivers and Creeks) of the County are recognized as valuable to the residents of the County, and shall continue to be protected by disapproving development activities which will result in any measurable decrease in surface and ground water quality.

Consistency Analysis: Staff recommends a condition requiring submittal of an Environmental Site Study with the Improvement Plan. A review of consistency with this policy will be conducted at that time. The State of Florida will determine any required permits for the project and a condition is recommended requiring the applicant to provide a copy of their application to the State agency prior to approval of the Improvement Plan.

Policy 1.12.8: On all existing parcels of land, development shall be located away from wetlands and floodplains on the upland portion of the site, unless otherwise permitted by an authorized agency and permissible within this Plan. Where no upland exists, development may occur so long as all applicable environmental permitting requirements can be satisfied. All future subdivision of land shall contain adequate uplands for the permitted use.

Consistency Analysis: Staff recommends a condition requiring submittal of an Environmental Site Study with the Improvement Plan. A review of consistency with this policy will be conducted at that time. The State of Florida will determine any required permits for the project and a condition is recommended requiring the applicant to provide a copy of their application to the State agency prior to approval of the Improvement Plan.

Based on the above analysis, this application can be found to be in **conformance** with all applicable elements of the Comprehensive Plan.

2. *Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.* Ingress and egress was addressed elsewhere in this report.

- a. Automotive safety and convenience. The applicant has submitted a site plan showing the existing location of the proposed access on NW Highway 70, an

arterial roadway. A secondary access is provided via a 50' access easement to NW Lily Avenue. The primary access is approximately 1 mile from the proposed biosolids composting facility. The applicant is required to coordinate with the Florida Department of Transportation (FDOT) for the access on Highway 70 as well as with DeSoto County Fire Dept. for any emergency vehicle access requirements with the Improvement Plan. Thus, it is concluded that this is **in conformance with conditions**.

- b. Pedestrian safety and convenience. The general public will not be permitted to access the site due to State regulations. Thus, it is concluded that this factor is not applicable.
 - c. Traffic flow and control. The applicant has submitted a site plan showing the existing location of the proposed access on NW Highway 70, an arterial roadway. A secondary access is provided via a 50' access easement to NW Lily Avenue. The primary access is approximately 1 mile from the proposed biosolids composting facility. The applicant is required to coordinate with the Florida Department of Transportation (FDOT) for the access on Highway 70 as well as with DeSoto County Fire Dept. for any emergency vehicle access requirements with the Improvement Plan. There shall be no stacking of trucks allowed in the rights-of-way at any time. Thus, it is concluded that this factor **can be found to be in conformance with conditions**.
 - d. Access in case of fire or catastrophe. The applicant has submitted a site plan for a biosolids composting facility. The applicant is required to coordinate with the DeSoto County Fire Dept. for any emergency vehicle access requirements with the Improvement Plan. If the proposed facility is classified as Industrial/Commercial, Fire will require a water supply to be located on site. Thus, it is concluded that this factor **can be found to be in conformance with conditions**.
3. *Off-street parking and loading areas, where required, and economic, noise, vibration, dust, glare or odor effects of the Special Exception on adjoining properties and properties generally in the district.* Issues generally related to off-street parking and loading has been addressed elsewhere in this report.
- a. Economic impacts. The applicant has submitted a site plan for a biosolids composting facility located in a Rural/Agricultural area, with pastureland surrounding the site. The application notes the main economic benefit will be the production of a low-cost soil amendment for local farmers. The AA Soil Amendment Composting Facility will create jobs related to the operation and additionally will require the purchase of mechanical equipment and supplies, fuel and construction related items. The establishment of the biosolids facility will also generate contracting opportunities for specialty contractors related to trucking, repairs and construction, which will add to the local economy, along with ancillary benefits to local restaurants, shops and other commercially related businesses. This land use will also be available for local wastewater treatment facilities to dispose of waste at a reduced rate. Based on the above, it is concluded the application **can be found to be in conformance** with this factor.

- b. Noise impacts. : The applicant has submitted a site plan for a biosolids composting facility located in a Rural/Agricultural area, with pastureland surrounding the site. The proposed location reduces the chances of incompatibility due to the agricultural character of the area and the large size of the subject site. The proposed hours of operation are 7am-5pm Monday through Friday and 7am-12pm on Saturday (closed on Sunday). Based on the above, it is concluded the application can be found to be in **conformance** with this factor as no adverse effects due to noise are expected.
 - c. Vibration impacts. : The applicant has submitted a site plan for a biosolids composting facility located in a Rural/Agricultural area, with pastureland surrounding the site. The proposed location reduces the chances of incompatibility due to the agricultural character of the area and the large size of the subject site. Based on the above, it is concluded the application can be found to be in **conformance** with this factor as no adverse effects due to vibration are expected.
 - d. Dust impacts. : The applicant has submitted a site plan for a biosolids composting facility located in a Rural/Agricultural area, with pastureland surrounding the site. The proposed location reduces the chances of incompatibility due to the agricultural character of the area and the large size of the subject site. Based on the above, it is concluded the application can be found to be in **conformance** with this factor as no adverse effects due to dust are expected, per the applicant.
 - e. Glare impacts. : The applicant has submitted a site plan for a biosolids composting facility located in a Rural/Agricultural area, with pastureland surrounding the site. The proposed location reduces the chances of incompatibility due to the agricultural character of the area and the large size of the subject site. Based on the above, it is concluded the application can be found to be in **conformance** with this factor as no adverse effects due to glare are expected.
 - f. Odor impacts. : The applicant has submitted a site plan for a biosolids composting facility located in a Rural/Agricultural area, with pastureland surrounding the site. The proposed location reduces the chances of incompatibility due to the agricultural character of the area and the large size of the subject site. Issues related to odor are highly regulated by FDEP and in order to maintain compliance (as required by the FDEP Operations permit) odors will be controlled per the applicant. Based on the above, it is concluded the application can be found to be in **conformance** with this factor.
- 4. *Utilities, with reference to locations, availability and compatibility.* Utilities were addressed elsewhere in this report.
 - 5. *Screening and buffering with reference to type, dimensions and character.* Screening and buffering were addressed elsewhere in this report.
 - 6. *Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.* Signs and lighting were addressed elsewhere in this report.
 - 7. *Required yards and other open space.* Required yards and other open space were addressed elsewhere in this report.

8. *General compatibility with adjacent properties and other property in the district.* Table 1 and Figure 1 show the subject property is located within the Agricultural-10 (A-10) zoning district.

TABLE 1
LAND USE AND ZONING

DIRECTION	EXISTING USE	LAND USE	ZONING
SITE	PASTURELAND	RURAL/AGRICULTURAL	A-10
NORTH	PASTURELAND	RURAL/AGRICULTURAL	A-10
SOUTH	PASTURELAND	RURAL/AGRICULTURAL	A-10
EAST	PASTURELAND	RURAL/AGRICULTURAL	A-10, PM-I
WEST	PASTURELAND	RURAL/AGRICULTURAL	A-10, PM-I

Sources: DeSoto County Property Appraiser (2024); DeSoto County Geographic Information System maps.

The applicant has submitted a site plan for a biosolids composting facility located in a Rural/Agricultural area, with pastureland surrounding the site. Based on the above, it is concluded the application can be found to be in **conformance** with this factor.

9. *Any special requirements set out in the zoning district regulations for the particular use involved.* The Development Director finds the A-10 zoning district does not impose special requirements to a biosolids composting facility in addition to approval of the special exception application. Based on the above, it is concluded the application is in **conformance** with this factor.
10. *Public and private utilities, structures, or uses required for public or private utilities, including but not limited to wastewater, gas, electric, and telephone utilities, sanitary landfills, and radio and television stations and towers may be permitted only as a special exception use unless determined by the Board to be essential service. In addition to items 1 through 9 above, the review of the request for a Special Exception Use shall include consideration of a plan showing all improvements or alterations that are proposed for the utilities or facilities. The proposed location of such utilities or facilities shall be such as not to be injurious to the health, safety, and welfare of the public or surrounding property owners, and shall protect the character of the surrounding property and maintain the stability of residential, commercial, manufacturing, agricultural, educational, cultural, and recreational areas within the County. The public benefit to be derived, the need for the proposed facilities, the existence of suitable alternative locations, potential impacts to surface or ground water drinking supplies, and*

whether the facility can properly be located on the site and in the development which it is to service shall also be taken into consideration where appropriate. Conditions in the form of screening, landscaping, or other site development restrictions may be imposed to protect the health, safety and welfare of the public or surrounding property owners.

The special exception use application is not for public or private utilities, structures, or uses on the subject property. Thus, this factor can be found to be in **conformance**.

11. *The proposed use shall not act as a detrimental intrusion into the surrounding area.* The applicant has submitted a site plan for a biosolids composting facility located in a Rural/Agricultural area, with pastureland surrounding the site. The owner also owns adjacent lands to the west and north and will be utilizing the end product to fertilize his farming operations.

The Development Director concludes the application can be found to be in **conformance** with this factor as the site is surrounded by agricultural land.

12. *The proposed use shall meet the performance standards of the district in which the proposed use is permitted.* The proposed use of a biosolids composting facility meets all standards of the A-10 zoning district. The Development Director concludes the application can be found to be in **conformance** with this factor.

In conclusion, based upon the totality of the circumstances as documented herein, the Planning Director finds the application includes the material necessary to demonstrate, with competent substantial evidence to the Board of County Commissioners, that they can choose to approve the special exception use if they believe it will not adversely affect the public interest, that the specific requirements governing the individual special exception use application have been properly met by the applicant, and that satisfactory provisions, arrangements or conditions have been made concerning the above 12 factors.

D. Public notice requirements. LDR Section 20-1439(c) requires notice of the date, time and place of the public hearings by the Planning Commission and Board of County Commissioners shall:

1. Be sent at least 10 days in advance of the hearings by mail to ten surrounding property owners or all owners of property within 1,000 feet of the property line of the land subject to the special exception use application; and
2. Have at least one sign posted on each road frontage; and
3. Be advertised in a newspaper of general circulation in DeSoto County at least 10 days prior to each public hearing.

The Development Department staff has complied with the LDR public notice requirements for mailed and published notice, and such notice is on file with the Development Department and incorporated herein by reference.

ATTACHMENTS

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

RECOMMENDED 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. Per LDR Section 20-1434(b), the site shall be inspected by County Code Enforcement personnel a minimum of once every three years 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 operations 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 the fire protection water supply with the Improvement Plan.

PUBLIC HEARING DATES AND ACTION:

Planning Commission: March 4, 2025 recommended approval by a vote of 4 to 1.

Board of County Commissioners: March 25, 2025, the Board tabled the item until April 22nd, 2025

ALTERNATIVE MOTIONS

- A. Enter into the record the Development Review Report, and all other competent substantial evidence presented at the hearing, finding the request to be consistent with the Comprehensive Plan and Land Development Regulations, and approve the proposed Resolution with the recommended conditions.
- B. Enter into the record the Development Review Report, and all other competent substantial evidence presented at the hearing, finding the request to be consistent with the Comprehensive Plan and Land Development Regulations, and approve the proposed Resolution with changes

to the recommended conditions, as follows:

- C. Enter into the record the Development Review Report, and all other competent substantial evidence presented at the hearing, finding the request to be inconsistent with the Comprehensive Plan and Land Development Regulations, and deny the Special Exception.
- D. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support the proposed Resolution, and table the item for up to six months in order to allow staff time to provide the identified data and analysis needed to make an informed decision on the proposed Resolution.