

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

RESOLUTION 2018 - 12

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, DESIGNATING THE HEARING TO BE HELD ON THE REZONING APPLICATION FILED BY MOSAIC FERTILIZER, LLC, AS A SPECIFIED QUASI-JUDICIAL HEARING IN ACCORDANCE WITH ORDINANCE 2017-20, INCLUDED AS SECTIONS 20-1401, 20-1402 AND 20-1404 OF THE DESOTO COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the DeSoto County Board of County Commissioners (the "Board") adopted Ordinance 2017-20 after public hearing before the Planning and Zoning Commission and the Board; and

WHEREAS, in adopting Ordinance 2017-20 the Board found that there was a need to clarify and distinguish the procedures by which evidentiary and procedural issues and objections will be handled in quasi-judicial hearings which present complex issues and expert testimony from multiple witnesses; and

WHEREAS, the Board further found that the rights of all persons and parties participating in quasi-judicial hearings are better protected if the procedures concerning quasi-judicial hearings include a process to be followed in more complex, specified hearings held by the Board that allows party intervention, prefilling of exhibits and qualification of expert witnesses; and

WHEREAS, the County Attorney and Planning Director have advised the Board that the hearing to be held on the rezoning application of Mosaic Fertilizer, LLC, ("Mosaic") qualifies to be designated and conducted as a Specified Quasi-Judicial Hearing under Ordinance 2017-20 due to the complex and technical nature of the issues and testimony that is anticipated to be received from multiple persons and organizations in support and in opposition to the application.

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

Section 1. 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. The Board finds that issues and evidence to be presented at the hearing on Mosaic's rezoning application are complex and likely to result in extensive expert testimony and/or requests by individuals or groups to present testimony, exhibits and cross examine witnesses, thereby resulting in the likelihood of a lengthy, multi-day hearing.

Section 3. The process for the conduct of specified quasi-judicial hearing established in Ordinance 2017-20 will allow all interested persons and organizations to be heard in an orderly and fair manner, and as a result, that the hearing will result in a clearer, more complete record than would otherwise be the case.


Section 4. Based on the foregoing, the Board designates the hearing to be held on Mosaic's rezoning application as a specified quasi-judicial hearing under the terms of Ordinance 2017-20, and said hearing will be conducted in accordance with the specified quasi-judicial procedures set forth in said Ordinance and included in the DeSoto County Code of Ordinances as Sections 20-1401, 20-1402 and 20-1404.

Section 5. That this Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 13th day of February 2018.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
DESOTO COUNTY, FLORIDA



Mandy Hines County Administrator



James Selph Chairman

Approved as to form and legal sufficiency:



Donald D. Conn, County Attorney