

(Cty. App. 8 at 109-110). On July 25, 2023, the Application was removed from the agenda and rescheduled for quasi-judicial public hearing on the Application for December 5, 2023. After presentation of the Application, discussion, public comment and commencement of deliberation by the BOCC, the Board ultimately voted to continue the hearing to February 6, 2024, at which time the BOCC reconvened and reopened the public comment and deliberation stages. A vote to approve the Application passed and the Board directed the City Attorney to prepare a written Order to be considered at the March 19, 2024, meeting. On March 19, 2024, the BOCC met and voted to approve the Order which approved the Application and conditions governing the development of the subject property and authorized the Chairman to execute said Order. The Petition under review was then filed on April 18, 2024.

7. The Subject Property consists of approximately 1,100 acres (including the mine property and access to CR 337) located in Section 35, Township 12S, Range 17 E. Levy County Florida. (Cty. App. 2 at 18-20). The current land use and zoning of the Subject Property under the County's Land Development Code ("LDC") was A/RR (Agricultural/Rural Residential) and has historically been utilized for farming and crops. The Levy County Land Development Code allows a mine to be developed in agriculture-rural residential zoning if a special exception is granted by the county commission. Major mining excavation and fill activity operations are listed as a special exception within the land use/zoning district A/RR. (Cty. App. 2 at 18-20).
8. It is undisputed that, in its granting of Application for special exception, BOCC was acting in a quasi-judicial, rather than a legislative, capacity. As such, review of its decision is proper by way of certiorari. See *Hirt v. Polk County Board of County Commissioners*, 578 So. 2d 415, 416 (Fla. 2d DCA 1991) (Certiorari is the proper method to review the quasi-judicial actions of a Board of [the] County, whereas injunctive and declaratory suits are the proper way to attack a Board's legislative actions).
9. "In first tier certiorari proceedings as here, the circuit court is limited to a