

PLANNING AND ZONING BOARD
JOINT PUBLIC HEARING with the BOARD OF COUNTY COMMISSIONERS
APRIL 17, 2008, 6:00 P.M.
Hardee County Board of County Commissioners Board Room
412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, FL 33873

MINUTES

**South Fort Meade Partnership LP and Mosaic Fertilizer LLC
South Fort Meade Mine—Hardee County
Development of Regional Impact (DRI)/Major Special Exception**

Planning and Zoning Board

James Barncord, present
Don Chancey, present
Roger Conley, Chair, present
Oscar Ortiz, absent
Charles Parker, present
Carl Saunders, present
Mike S. Thompson, present
Vida Tomlinson, present
Max Ullrich, Vice Chair, absent

Staff

Planning/Development Director
Nicholas Staszko, present
BJ Haney, Planner II, present
West Palmer, Phosphate Mining Coordinator, present
Brian Pohl, Mining Permitting Specialist, present

News Media—Joan Seaman
The Herald-Advocate

Board of County Commissioners

Minor L. Bryant, Vice Chair, present	District I
Clifton "Nick" Timmerman, present	District II
Gordon R. Norris, present	District III
Bobby Ray Smith, present	District IV
Dale Johnson, Chair, present	District V

Staff

County Manager Lexton H. Albritton, Jr., present
County Attorney Ken Evers, present
Sandy Meeks, Office Manager, present
Clerk B. Hugh Bradley, absent
Deputy Clerk Laura Barker, present

BCC Chairman Johnson called the Commission Board to order at 6:00 P.M. A quorum was present.

Chairman Conley called the Planning/Zoning Board to order at 6:00 P.M. A quorum was present.

MOTION by BCC Norris, second by BCC Bryant to approve the Agenda. Motion carried.

MOTION by P/Z Chancey, second by P/Z Barncord to approve the Agenda. Motion carried unanimously.

Boards were advised the Public Notice for the Public Hearing was published in *The Herald-Advocate* on February 14 and 21, 2007 with Affidavit of Publication on file. (NOTE: A Public Notice for the Joint Public Hearing noticing an application for Major Special Exception together with legal descriptions for the 10,885MOL acres was advertised in *The Herald-Advocate* on March 27 and April 03, 2008 with Affidavit of Publication on file. That same Public Notice stated that in addition to the Major Special Exception, the Boards would hear a Development Order on an application for Development Approval for a Development of Regional Impact (DRI) and a Master Mining and Reclamation Plan and Unit Plan approval).

BCC Chairman explained the Rules of Procedure.

County Attorney Evers administered Oath to those wishing to offer testimony.

The Planning/Zoning Board had the following documents at the Public Hearing:

- Major Special Exception application and County's Planning/Development Department Staff Report;
- Application for Development Approval and County's Mining Department Staff's Report;
- Financial Responsibility letter from Mosaic Fertilizer LLC;
- Draft Hardee County Resolution No. 2008-19 containing the Development Order;
- Net Economic Impact Analysis dated March, 2008
prepared by EcoNorthwest, 888 S.W. 5th Ave., Portland, O 97204;
- Central Florida Regional Planning Council's Staff Report.

County's Staff Attorney Scott Shirley of Ard, Shirley and Rudolph, P.A., 207 park Ave., Suite B, Tallahassee, FL 32301 introduce the Public Hearing and presented a brief overview of the DRI process.

The County's Staff Report and Resolution and the CFRPC Report were entered into evidence as Exhibit 1; no objections.

Attorney Roger Sims of the law firm of Holland and Knight presented a brief overview of the application.

Sims offered into the record the resumes of Mike DeNeve, P.E., Reclamation/Permitting Superintendent, Mosaic Fertilizer; LLC, Ted Smith, P.E., Mosaic Fertilizer; LLC, Gary Uebelhoer, Vice President Environmental Consulting/Technology (ECT); Darren L. Stowe, AICP, ECT; Brian Martin, Fishkind and Associates, Inc.; John E. Garlanger, Ph.D., P.E., Ardaman and Associates; Brad Pekas, P.E., Vice President, Geosciences ECT.

Sims offered into the record the DRI application, Major Special Exception application, Master Mining/Reclamation Plan, Financial Responsibility letter and Unit Plan.

Mosaic's staff offered a power point presentation and provided printed copies of the presentation.

Mike DeNeve, Mosaic Fertilizer LLC, P.O. Box 2000, Mulberry, FL 33860 gave an overview of the application and sites noting that:

- of the 10,885+/-acres 8,175 acres are in ag use;
- plan is to disturb 7,756+/-acres . . . 3,100+/-acres (29%) will remain undisturbed;
- of the pre-mining wetlands totaling 2,573+/-acres, 1,831 wetland acres (71%)
 - will remain undisturbed, 3,006 wetland acres will exist after reclamation
 - and the lakes will increase from zero to 180 acres;
- SFM Mine's total employment is 271;
- Mosaic's total number of Hardee County residents is 277;
- Hardee County's Projected Severance Tax benefit will be \$23,000,000 at the new \$1.94/ton rate
- Total Tangible Property Tax will be \$4,600,000;
- No additional beneficiation infrastructure, or deep well use;
- Rock product to be shipped by rail from existing mine;
- Agreement to use Polk County clay settling areas to capacity.

DeNeve explained phosphate mining and processing and showed a map of the Mine Plan in addition to a map depicting Mine Access Corridors and Ditch and Berm systems.

DeNeve pointed out that:

- every American born will need 18,447 lbs of phosphate rock . . . 3.7 million pounds of minerals, metals and fuels in their lifetime;
- South Fort Meade Mine-Hardee County is a logical extension of the South Fort Meade Mine and will continue to the year 2020;
- Hardee County will have about 1500 acres of clay settling areas;
- dams will be approximately 50 ft in height.

Attorney Brad Kelsky representing People for the Protection of Peace River Inc., 10189 Cleary Blvd, Suite 102, Plantation, FL 33324 was given the opportunity to ask questions of DeNeve.

Ted Smith, P.E., (Engineer of Record), Mosaic Fertilizer, LLC, P.O. Box 2000, Mulberry, FL 33860 presented highlights of the Initial Mining Unit consistent with the DRI/Master Mining and Reclamation Plan.

Smith advised that depending of the permitting schedule the first, second and third draglines are planned to move into Hardee County within the first three years of mining; with the first year of reclamation proposed for 2015, and all reclamation planned to be complete by 2026.

Smith advised of the setback waiver request stating that Mosaic needs this setback waiver for the access corridors to cross the roads, and to build the ditch and berm system within the setback zone. Smith noted the requested setback waiver will allow the mining of about 50 additional acres by locating the ditch and berm in the setback area; the additional 50 acres of mining contains about 300,000 tons of phosphate rock.

Smith identified Mosaic's Financial Responsibility Summary and spoke to the Planned Overall Site Reclamation.

Kelsky was given the opportunity to ask questions of Smith.

Gary Uebelhoer, Vice President, ECT (Lead Consultant), 1408 N. Westshore Blvd., Tampa, FL presented a Summary of Site Analyses highlighting DRI/MMRP Review by Central Florida Regional Planning Council, Site Assessments Completed of the Hardee Comprehensive Plan Policy L4.1 and Hardee County Unified Land Development Code, Section 3.14.02.06; Discussing the Vegetation-Upland Areas totaling 9,328 acres or 86% of the site, Vegetation-Wetlands area totaling 1,344 acres of 12% of the site, Wildlife-Uplands and Wetlands Areas, Water Quality, and Air Quality. Uebelhoer identified other permit requirements and enumerated the Comprehensive Impact Monitoring Required showing the Air Monitoring Stations, the Air and Surface Monitoring Stations, and Air, Surface and Ground Water Monitoring Stations. Uebelhoer advised that the DRI scope has been implemented as specified by CFRPC and Hardee County, the DRI content is sufficient, the CFRPC recommends approval with conditions and all 50 CFRPC conditions are included in the Development Order.

Kelsky was given the opportunity to ask questions of Uebelhoer.

Darren L. Stowe, AICP, ECT, 1408 N. Westshore Blvd., Tampa, FL spoke to the Compliance with Comprehensive Plan and Consistency with Hardee County ULDC. Stowe addressed the Standards of Review for the Major Special Exception, and the Standards of Review for Section 3.14.02 of the ULDC. Stowe pointed out the setback waiver would result in 50 acres of mineable land, 300,000 product tons, avoids moving the dragline crossing into a preserved stream system, offset from natural gas pipeline along County Line Rd already present; no health, safety, and welfare issues to traveling public . . . the ditch and berm system to be closest to right of way. Stowe noted the SFM-HC tract land use approval is compatible with the Comprehensive Plan, Consistent with Major Special Exception Use criteria, Consistency with Section 3.13.02 of the ULDC, meets the setbacks and noise waiver criteria and staff's recommendation is for approval.

Kelsky was given the opportunity to ask questions of Stowe.

Brian Martin, Associate, Fishkind and Associates, Inc. 12051 Corporate Blvd., Orlando, FL 32817 spoke to the purpose of the analysis and the phosphate mine specifications. Martin identified Florida's Fiscal Impact Analysis Model (FIAM) and how the model is specific to Hardee County. Martin described the net fiscal benefits of the SFM-HC mine to Hardee County and the local economy.

Kelsky was given the opportunity to ask questions of Martin.

John E. Garlanger, Ph.D., P.E., Ardaman and Associates, 8008 S. Orange, Orlando, FL spoke to Dam Safety and Secondary Protection identifying settling area performance, subsurface exploration associated with settling area design, clay residuals and the three planned clay settling areas.

Kelsky was given the opportunity to ask questions of Garlanger.

Brad Pekas, P.G., P.E., Vice President, Geosciences, ECT, 1408 N. Westshore, Suite 115, Tampa, FL discussed hydrogeologic framework, groundwater investigation, identified the locations of the monitoring wells and piezometers and sinkhole locations. Pekas spoke to the groundwater quantity, surface water investigation and identified the location of the surface water monitoring stations.

Pekas spoke to surface water quantity and to drainage issues. Pekas advised that the Stream Base-Flow Analysis modeled scenarios included pre-mining, during mining and post-reclamation. In summation Pekas presented a groundwater and surface water summary.

Kelsky was given the opportunity to ask questions of Pekas.

Boards determined to take some public comment, and then RECESS the Public Hearing to a date certain.

Donald McClellan, Fussell Rd. expressed concerns regarding mining during a hurricane, and what are plans to protect Peace River.

Ben Albritton, Jr., 126 Orange Ave., Wauchula, FL spoke in favor of the mining of phosphate rock and its benefits to the fertilizer industry and the citrus growers of Hardee County.

Bonnie Horton, 321 Riverside Dr., Wauchula, FL spoke in favor of the mining as a partner to Hardee County.

Patti Murray, (P.O. Box 2214, Wauchula, FL 33873) expressed worry about a dam breach; stated that she lives within one block of the clay settling pond. Murray showed some pictures of the Peace River before the adverse effects of mining. Murray did not enter the pictures into the record.

David Durastanti, Principal, Bowling Green Elementary, (4530 Church Ave., Bowling Green, FL) spoke favorably of Mosaic's partnership with the school such as providing heavy equipment to assist with cleanup of the school grounds and removal of the damaged buildings after Hurricane Charley, school supplies and products for the students, new school name sign and many other opportunities that Mosaic takes to help the school. Durastanti explained that no one has to call Mosaic . . . they just know what the school needs and they help.

MOTION by P/Z Chancey, second by P/Z Saunders to CONTINUE the Public Hearing to Monday, April 28, 2008, 6:00 P.M.; and for Public Hearing to stand RECESSED. Motion carried with Barncord voting NO.

MOTION by BCC Timmerman, second by BCC Norris to CONTINUE the public Hearing to Monday, April 28, 2008, 6:00 P.M. and for Public Hearing to stand RECESSED. Motion carried unanimously.

CONTINUED Public Hearing will be held in the Hardee County Board of County Commissioners Board Room, 412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, Florida.

B.J. Haney, Acting Recording Secretary