

PLANNING AND ZONING BOARD
CONTINUED JOINT PUBLIC HEARING with the BOARD OF COUNTY COMMISSIONERS
JUNE 30, 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, excused
Don Chancey, present
Roger Conley, Chair, excused
Oscar Ortiz, absent
Charles Parker, present
Carl Saunders, excused
Mike S. Thompson, present
Vida Tomlinson, present
Max Ullrich, Vice Chair, excused

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

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 present

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 reconvened the Board of County Commissioners at 6:00 P.M. A quorum was present.

The P/Z Board did not have a quorum.

NOTE: the Public Notice for the 04/17/08 Joint 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). P/Z Board determined it was not ready to present a recommendation to the BCC. P/Z VOTED to recommend the BCC CONTINUE the Joint Public Hearing to Thursday, June 30 2008.

BCC Bryant offered a prayer of guidance. Meeting participated in the pledge of allegiance to the American flag.

At the last public hearing there had been some additional questions regarding dam safety. John E. Garlanger, Ph.D., P.E., Ardaman and Associates, 8008 S. Orange, Orlando, FL spoke to Dam Safety and Secondary Protection and stated that Clay Settling Areas (CSAs) do not have the same characteristics as other types of dams such as hydroelectric dams.

Garlanger pointed out:

- volume of water in CSAs is small compared to the water stored in hydroelectric dams;
- CSAs have no contributing watershed; there is no risk of overtopping a CSA embankment;
- frequent inspections of the downstream toe and slope of CSA embankment;
- CSAs are constructed on relatively flat ground.

Garlanger noted that Mosaic has provided expert testimony that:

- CSAs are constructed to modern standards;
- not one of the more than 140 CSAs constructed during the last 35 years to current FDEP standards has experienced failure during initial filling or thereafter;

- Mosaic has agreed to provide additional assurance for safe operation of the propose CSAs by providing a secondary containment;
- in the highly unlikely event of a dam failure a diversion system will direct above grade water to adjacent mine cuts;
- the system was developed using sound engineering principles and will provide extraordinary additional protection.

Garlanger identified dam safety regulations that Mosaic must follow that include FDEP rules and regulations; Hardee County's Mining Ordinance and the South Fort Meade Hardee County DRI Development Order.

Dennis Mader, (President, People for Protecting Peace River Inc., 4224 Solomon Rd., Ona, FL 33865) stood to offer some comments and was advised that public comments portion of the public hearing has been closed; Dr. Garlanger's comments were simply a clarification regarding dam safety.

William Lambert, Director, Hardee County Economic Development provided some information regarding the on-going discussions between his office, County Planning/Development staff and Mosaic staff as economic mitigation is addressed. Lambert pointed out that an agreement or accord has not been reached; a lot of work left to do; it is believed that mitigation will be ultimately appropriate.

Planning/Development Director Staszko pointed out that part of the negotiations are a function of the Development Order. Staszko noted that we are looking at holding a public hearing on 07/24/08 on the Development Agreement; must advertise the public notice by 07/17/08 to meet publication requirements; with the second public hearing on 08/07/08; could consider the Development Order on either of those dates; DO is linked to the Development Agreement.

P/Z Thompson noted that a quorum for the P/Z Board seems to be an issue with these hearings during vacation times.

Roger Sims, Holland and Knight advised the proposed schedule is acceptable with Mosaic.

Staszko advised that Staff recommends the Joint Public Hearing for Mosaic Fertilizer LLC DRI, Development Order, Major Special Exception and Master Mining and Reclamation Plan and Unit Plan be continued to 08/07/08, 6:00 P.M. to include the hearing for the Development Order and the first public hearing Development Agreement with the second public hearing for the Development Agreement to be held on 08/21/08, 6:00 p.m.

MOTION by BCC Timmerman, second by BCC Norris to CONTINUE Joint Public Hearing to 08/07/08, 6:00 P.M. and accept Staff's recommendation for the public hearing schedule. Motion carried unanimously.

MOTION by BCC Bryant, second by BCC Timmerman to authorize Staff to advertise the public hearings as required. Motion carried unanimously.

With the P/Z's regular meeting scheduled for 08/07/08, 6:00 P.M. it was the consensus of those P/Z Board members in attendance to reschedule the August, 2008 regular meeting to 08/14/08, 6:00 P.M.

BCC Johnson RECESSED with Joint Public Hearing at 6:55 P.M. until Thursday, August 07, 2008, 6:00 P.M.

B.J. Haney, Acting Recording Secretary