

PLANNING AND ZONING BOARD

CONTINUED JOINT PUBLIC HEARING with the BOARD OF COUNTY COMMISSIONERS
AUGUST 07 2008, 6:00 P.M.

MINUTES

**Mosaic Fertilizer LLC
South Fort Meade--Hardee County Mine
Development of Regional Impact (DRI)/Major Special Exception/
Master Mining and Reclamation Plan and Unit Plan/Development Order**

and

JOINT PUBLIC HEARING with the BOARD OF COUNTY COMMISSIONERS
AUGUST 07, 6:00 P.M.. 6:00 P.M.

MINUTES

**Mosaic Fertilizer LLC
South Fort Meade--Hardee County Mine Development Agreement**

Hardee County Board of County Commissioners Board Room
412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, FL 33873

Planning and Zoning Board

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

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, Chairman, present	District V

Staff

Planning/Development Director
Nicholas Staszko, excused
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.

P/Z Chairman Conley reconvened the Planning/Zoning Board at 6:00 P.M. A quorum was present.

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).

On 04/03/08 the Jt. Public Hearing was CONTINUED to 6:00 P.M. on 06/05/08.

On 06/05/08 the Jt. Public Hearing was CONTINUED to 6:00 P.M. on 06/30/08.

On 06/30/08 the Jt. Public Hearing was CONTINUED to 6:00 P.M. on 08/07/08 and 08/21/08.

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

The Public Notice for the August 07, 2008 Joint Public Hearing of the Board of County Commissioners and the Planning/Zoning Board and the August 14, 2008 Public Hearing for the Board of County Commissioners for the **Development Agreement** was advertised in The Herald-Advocate on 07/24 and 07/31/08. The Affidavit of Publication will be on file upon receipt from the newspaper office.

NOTE: The Boards received copies of the Report from Central Florida Regional Planning Council at a previous public hearing.

The Boards received copies of the Hardee County Mining Department's Staff Report, a copy of the proposed **Development Order** and a copy of the proposed **Development Agreement**.

County Attorney Evers explained that the 06/30/08 Joint Public Hearing for the **DRI, Master Mining/Reclamation Plan and Unit Plan and Development Order** was continued to 08/07/08 and 08/21/08; and the first Public Hearing for the **Development Agreement** was advertised as a Joint Public Hearing for 08/07/08, and the second Public Hearing for the **Development Agreement** was advertised as a BCC Public Hearing for 08/14/08.

Evers pointed out that the:

public comment portion of the "**DRI/Development Order** Public Hearing" has been closed.;
the P/Z Board and the BCC can discuss the **Development Order** among themselves.

Evers noted that public comment will be received in the **Development Agreement** 08/14/08 Public Hearing.

Roger Sims, Attorney with Holland and Knight advised that Darren Stowe will present testimony (for the **Development Agreement** Joint Public Hearing) certifying that the findings in the **Development Agreement** are consistent with the Hardee County Comprehensive Plan and the Unified Land Development Code (ULDC).

Evers administered oath to Darren Stowe, AICP, Environmental Consulting Technology, Tampa, FL and Stowe affirmed that based on his experience the **Development Agreement** has been found to be in compliance with the County's "Comp Plan" and ULDC.

Parker Keen, Assistant Vice President, Land Management, Mosaic Fertilizer LLC, 414 W. Main St., Wauchula, FL 33873 advised that the **Development Agreement** is focused on change, vision and commitment. Keen noted that the State of Florida has designated Hardee County as the South Central Rural Area of Critical Economic Concern (RACEC); Mosaic is the largest land owner (20%) in the County; Mosaic is looking forward to partnership with Hardee County as we move forward together toward positive economic growth in the County.

William Lambert, Director, Hardee County Economic Development presented a comprehensive overview of the **Development Agreement** and highlighted some key areas advising that \$10 million over two years will be disbursed with \$4,500,000 to the Economic Development Council and \$500,000 to the BCC; beginning the third year after all required governmental permits, approvals and authorizations have been issued/secured for the Project (South Fort Meade—Hardee County mining activities) and continuing for eight consecutive years the payment shall be adjusted so that Mosaic's contribution is not less than \$4.0 million per year for the remaining term of the **Development Agreement**.

Frank Kirkland, Bowling Green (was not sworn) advised that it was his opinion the agreement had been the work of two men no attorneys present. Kirkland expressed concern as to how the money is proposed to be spent; seems like the money is to be played with between the big shots.

As far as an agreement is concerned we are sitting here tonight knowing they walked away from mining areas and did not reclaim.

Brian Burton, 81 Honolulu Dr., Wauchula, FL 33873 (was not sworn) asked why Peace River is called bone valley and where will the \$42 million be spent. Chairman Johnson advised that Burton was welcomed to a copy of the **Development Agreement** that explained the economic development terms.

Chris Costello, Sarasota Office, Sierra Club (was not sworn) advised that \$42 million is way too low for the County accept; urged the County to return to the negotiating table.

Dennis Mader, 4224 Solomon Rd., Ona, FL 33865 (was not sworn) and inquired how come the 06/30/08 **DRI/DO** Joint Public Hearing was continued to 08/07/08 and 08/21/08 and here tonight it has been said the next public hearing on the **DRI/DO** is scheduled for 08/14/08?

Evers pointed out that today is 08/07/08; the BCC has determined to hold the **DRI/DO** second public hearing on 08/14/08 which is the same day the **Development Agreement** was advertised for its second public hearing.

Mader spoke to the adverse effects of mining on the Peace River and recommended the County get testimony from a certified economist to review the **Development Agreement** before it is signed.

Mader inquired if the economic mitigation will be able to offset the costs of the loss from the watershed, and requested the County insist on signing the **Development Agreement** with the Minneapolis office and not the local Mosaic Fertilizer LLC office.

Sims pointed out that Mosaic Fertilizer LLC is a wholly-owned subsidiary of South Fort Meade Partnership LP and Mosaic is the applicant for the South Fort Meade--Hardee County mine.

Mader inquired and Evers advised public comment will be welcomed at the 08/14/08 **Development Agreement** Public Hearing.

Vanessa Hernandez, President, Hardee County Chamber of Commerce and Casey Dixon, Executive Director, Chamber of Commerce (were not sworn) were present. Hernandez spoke on behalf of the Chamber expressing the need for positive economic growth and advised that the agreement with Mosaic will help fund economic growth and development.

BOARDS RECESSED at 7 P.M.; RECONVENED at 7:10 P.M.

P/Z Conley advised that the **Development Agreement**, drafted with diligence, shows that we are headed in the right direction toward economic growth potential and the County will use the funds wisely.

P/Z Chancey expressed concern that the **Development Agreement** was just a "pay to mine" document.

P/Z Thompson requested clarification of how the funds can be spent and Lambert stated that this money gives us a level playing field to attract business and heavy industry.

MOTION by P/Z Thompson, second by P/Z Tomlinson to recommend approval to the BCC of the **Development Agreement** between South Fort Meade Partnership LP and Mosaic Fertilizer LLC and Hardee County implementing economic mitigation for the proposed Mosaic SFM-HC on parcels zoned A-1 (Agriculture) as described in the public notice in The Herald-Advocate.

Before the vote the motion was corrected to recognize that Mosaic Fertilizer LLC is a wholly-owned subsidiary of South Fort Meade Partnership LP and that the **Development Agreement** is between Mosaic Fertilizer LLC and Hardee County.

Thompson amended the MOTION and Tomlinson agreed to the amendment for the second to recommend approval to the BCC of the **Development Agreement** between Mosaic Fertilizer LLC and Hardee County implementing economic mitigation for the proposed Mosaic SFM-HC phosphate mining activities on parcels zoned A-1 (Agriculture) as described in the public notice in The Herald-Advocate. Motion carried with Chancey and P/Z Barncord voting no.

Thompson urged for reclamation of disturbed lands to follow a schedule for swift completion.

MOTION by Thompson, second by P/Z Parker to recommend approval to the BCC of the **Major Special Exception** application under agenda No. 08-15 to operate South Fort Meade--Hardee County phosphate mining activities on parcels zoned A-1 (Agriculture) as legally described in the public notice in The Herald-Advocate. Motion carried unanimously.

There was discussion regarding the Variance request to the setbacks from County roads and Lambert reported the setbacks issue is dealt with in the **Development Agreement** (page 01 of 16, "NOW THEREFORE" paragraph).

Drew Parker, Special Counsel to the County's mining staff (not sworn) advised there are four parts to be decided: 01) approval of an application for **Major Special Exception**; 02) approval of an application for **Development Approval for a Development of Regional Impact (DRI)**; 03) approval of a **Master Mining/Reclamation Plan and Unit Plan** and 04) approval of a **Development Order**.

Ted Smith, P.E. Mosaic Fertilizer LLC (not sworn) explained that the request for variance to the required property line setbacks was filed because of the planned location of the berm.

MOTION by Thompson, second by Tomlinson to recommend approval to the BCC of the application for **Development Approval for a Development of Regional Impact (DRI)**; approval of a **Master Mining/Reclamation Plan and Unit Plan** and approval of a **Development Order**. Motion carried unanimously.

MOTION by BCC Bryant, second by BCC Timmerman to continue the **Development Agreement** public hearing to Thursday, 08/14/08, 6:00 P.M. Motion carried unanimously.

BCC RECESSED 08/07/08 **DRI/Development Order** public hearing and **Development Agreement** public hearing until 6:00 P.M. on 08/14/08.

MOTION by Thompson, second by Tomlinson to adjourn the P/Z Board from the "08/07/08 **DRI/Development Order** Joint Public Hearing with the BCC", and to adjourn the P/Z Board from the "08/07/08 **Development Agreement** Joint Public Hearing with the BCC" at 7:50 P.M. Motion carried unanimously.

BCC to hold an "08/14/08 **DRI/Development Order** Public Hearing", 6:00 P.M. and BCC to hold an "08/14/08 **Development Agreement** Public Hearing", 6:00 P.M. in the BCC Board Room, Courthouse Annex, Room 102, Wauchula, FL.

B.J. Haney, Acting Recording Secretary