

PLANNING AND ZONING BOARD
and BOARD OF COUNTY COMMISSIONERS
JOINT PUBLIC HEARING
April 01, 2010, following Regular P/Z Meeting
Hardee County Board of County Commissioners Board Room
412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, FL 33873

MINUTES

Planning and Zoning Board

Ralph Arce, absent
Don Chancey, present
Roger Conley, Vice Chairman, present
Gene Davis, present
Gordon Norris, present
Oscar Ortiz, absent
Charles Parker, excused
Mike S. Thompson, Chairman, present
Vida Tomlinson, present

Staff

Doug Knight, Interim Planning/Develop. Director,
present
BJ Haney, Planner II, present

No News Media identified

Board of County Commissioners

District I Minor Bryant, Vice-Chairman, present
District II Clifton "Nick" Timmerman, present
District III Terry Atchley, Chairman, present
District IV Bobby Ray Smith, present
District V Dale Johnson, present

Staff

Lex Albritton, County Manager, excused
Kenneth B. Evers, County Attorney, present
West Palmer, Mining Coordinator, excused
Sandy Meeks, Office Manager, present
B. Hugh Bradley,
Ex-Officio Clerk to the Board, absent
Laura Barker, Deputy Clerk, present

BCC Chairman Atchley called the Board of County Commissioners to order at 6:15 P.M.; a quorum was present. MOTION by Commissioner Johnson, second by Commissioner Timmerman to approve the Agenda. Motion carried unanimously

P/Z Chairman Thompson called the Planning/Zoning Board to order at 6:15 P.M.; a quorum was present. MOTION by P/Z Board Member Norris, second by P/Z Board Member Chancey to approve the Agenda. Motion carried unanimously.

Commissioner Johnson offered a prayer of guidance for the Joint Public Hearing followed by the pledge of allegiance to the American Flag.

Boards were advised the Public Notice for the Joint Public Hearing was published in The Herald-Advocate on March 11, 2010 with Affidavit of Publication on file.

P/Z Agenda No. 10-08

Jennifer Codo-Salisbury (Planning Director), Central Florida Regional Planning Council that **Ordinance No. 2010-05** is an ordinance amending the Hardee County Comprehensive Plan Future Land Use Map to change the Generalized Mining Overlay Map—Map 2 by 3,601 more or less acres to include land beyond the Generalized Mining Overlay Map boundary that is owned by mining interests.

(Application from Mosaic Fertilizer LLC, VCH Citrus, Brian D./Mary Lou Hoopingarner and VC III/Betty Jo Hollingsworth for approval of a Large-Scale Comprehensive Plan Future Land Use Map amendment to amend the Generalized Mining Overlay Map—Map 2 to include several parcels of land totaling approximately 3,601.43 acres under **Ordinance No. 2010-05**, the ordinance as titled in bold print within this paragraph also provides for severability, for repeal of conflicting ordinances and for an effective date).

Codo-Salisbury advised tonight's public hearing is a transmittal public hearing to DCA (State of Florida, Department of Community Affairs) seeking an amendment to add 3,601.43+/- contiguous acres composed of approximately 25 parcels owned by Mosaic (Hoopingarner, VCH Citrus and Hollingsworth), located South of State Road 64 and West of Peace River.

Prior to the Joint Public Hearing, the Boards were provided a copy of the application, applicable maps, and the Staff's Report that included a Summary Analysis, Recommendation for approval, Consistency with the Comprehensive Plan, and Data and Analysis Report.

Codo-Salisbury advised that CFRPC's review found the amendment to be consistent with mining overlay policies.

Merle Bishop (Senior Planner), Kimley-Horn and Associates, Inc. 3675 Innovation Dr., Lakeland, FL 33812 presented an overview of the need for the amendment; advised that the amendment does not authorize mining . . . any mining would have to go through the mining approval process and Development of Regional Impact (DRI) process; advised the amendment is consistent with the County's Comprehensive Plan.

Bishop's power point presentation:

- identified the purpose of the request for amendment and the description of the amendment request;
- provided justification for the request relating to 'Comp Plan's' Policy L1.10 Policy L4.6, Policy L4.7, and Policy C4.1;
- depicted maps identifying:
 - Map 2—Generalized Mining Overlay including the proposed addition of 3,601.43 acres;
 - Location map of the proposed 'to be added' acreage;
 - How Map 2 will look if the amendment is approved.

BCC Chairman called for public input.

Dennis Mader, 4334 Solomon Rd., Ona, FL 33865 addressed the Board and advised:

- that Policy C4.1 calls for protection of other land uses from adverse effects of phosphate mining operations;
- that he is against further expansion of mining operations . . . mining overlay is ok as is.

Mader inquired if Commissioners are familiar with the Land Use Suitability Index for Use in Hardee County (prepared by CFRPC for BCC, adopted 10/14/02); advised that he would provide a copy to (Office Manager) Meeks after his presentation so each Commissioner can read it. Mader read the conclusion from the LUSIndex. (Copy of Land Use Suitability Index for Use in Hardee County attached to the original Minutes).

Mader summarized the contents of a March 10, 2010 letter from U.S. Environmental Protection Agency, Region 4, Atlanta, GA addressed to Jacksonville District Corps of Engineers (copy of letter attached to the original Minutes) pertaining to the need for area wide environmental impact statement 'Bone Valley' phosphate mining region (Peace River Watershed, Florida).

Mader requested Meeks to copy the letter and provide to each Board member.

Mader advised that he has asked the Board to withhold the South Fort Meade Mine Extension approval until the Board has read the LUSIndex study, and he is asking the Board not to amend the mining overlay that already has 125,000 acres that the mining company will want to mine; am urging the Board to study the question, show caution and wisdom before you decide.

P/Z Board Member Norris inquired of ~~CF~~ Mosaic Industries representatives if they knew of any studies being conducted.

Mike DeNeve, Permitting Superintendent, CF Industries, Inc. (POB 1549, Wauchula, FL 33873) responded that there are a number of studies going on with specific EIS (Environmental Impact Statement) being done.

It was noted that this application is an amendment to the mining overlay no guarantee mining development will occur.

Jim Mercer, 5271 Norris Rd., Ona, FL 33865 spoke to Policy C4.1 mentioning that his property is almost completely encircled by the Hollingsworth property (that is contained in the proposed amendment). Mercer requested that future planning sessions ask detailed questions as to how the applicant is planning to protect other land uses.

MOTION by P/Z Board Member Chancey, second by P/Z Board Member Norris to recommend approval to the Board of County Commissioners of **Ordinance No. 2010-05** for transmittal to DCA. Motion carried unanimously with Conley voting NO.

MOTION by Commissioner Bryant, second by Commissioner Johnson to accept the recommendation from the Planning/Zoning Board and to approve the transmittal of **Ordinance No. 2010-05** to DCA. Motion carried unanimously.

Boards adjourned at 6:50 P.M. with the P/Z Board to reconvene at 7:00 P.M. for an **EAR** Workshop.

B.J. Haney, Acting Recording Secretary