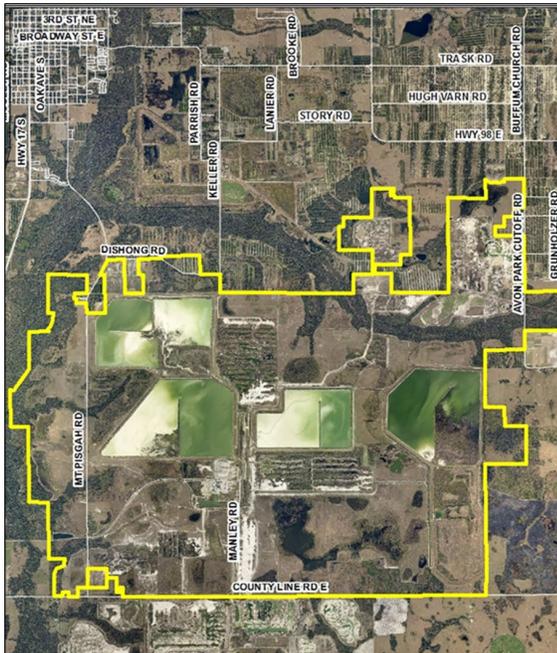


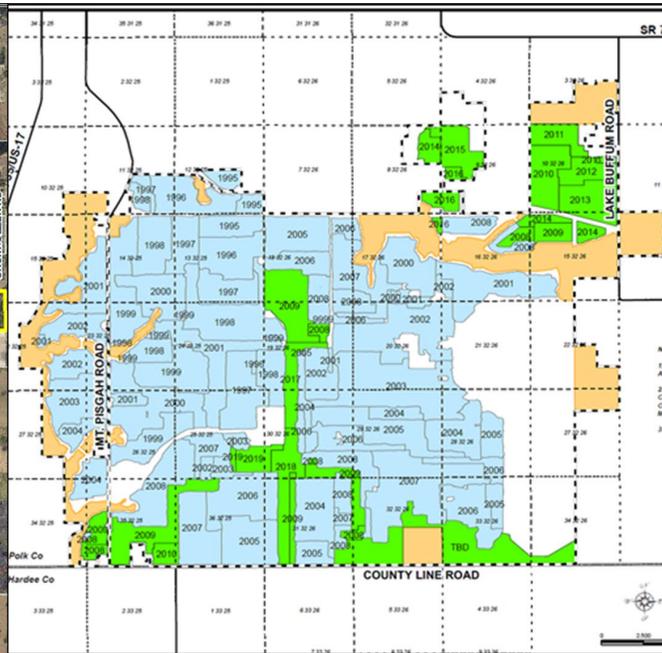
# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

|  |   |
|--|---|
| <b>DRC Date:</b> December 5, 2024            | <b>Level of Review:</b> Level 4 Conditional Use |
| <b>PC Date:</b> February 5, 2025             | <b>Case Numbers:</b> LDCU-2024-38               |
| <b>BoCC Date:</b> March 4, 2025              | <b>Case Name:</b> South Fort Meade Mine         |
| <b>Applicant:</b> Stearns, Weaver, Miller PA | <b>Case Planner:</b> Ian Nance                  |

|                                   |  |
|-----------------------------------|--|
| <b>Request:</b>                   | Conditional Use modification to extend the current Development Order expiration date an additional 20 years to continue processing mined material at the South Fort Meade beneficiation plant in Phosphate Mining (PM) and Agricultural/Residential Rural (A/RR) Future Land Use designations.   |
| <b>Location:</b>                  | North of Hardee County and County Line Road (Hardee/Highlands), east of US 17, west of Lastinger Road and Singletary Road and Avon Park Cutoff Road, and south of US 98 southeast of the City of Fort Meade in Sections 10 - 15, 22 - 27, and 34 - 36 in Township 32, Range 25 and in Sections 3, 4, 7 through 10, 14 - 22, 27 - 34 in Township 32 and Range 26. |
| <b>Property Owner:</b>            | Mosaic Fertilizer, LLC   |
| <b>Parcel Number (Size):</b>      | Multiple Parcels including 253225-000000-011020 (+/- 17,508.5 acres total)   |
| <b>Development Area/Overlays:</b> | Rural Development Area (RDA)<br>South Fort Meade Mine Development of Regional Impact (DRI)   |
| <b>Nearest Municipality:</b>      | Fort Meade   |
| <b>DRC Recommendation:</b>        | Approval   |
| <b>Planning Commission Vote:</b>  | Approve 7-0  |
| <b>BoCC Vote:</b>                 | Pending  |



**Site Location**



**Map H Mine Plan**

## Summary:

This request is to amend the existing South Fort Meade Development of Regional Impact Development Order (SFM DRI DO) (Resolution 18-007) and corresponding C4 approval (CU 18-06) to extend the current expiration date an additional 20 years beyond the current DO expiration date of November 4, 2025, to November 4, 2045, to continue processing mined material at the SFM beneficiation plant. A companion application, LDDRI-2024-1, will formally amend the DO through another resolution. This application is simply to modify conditions in CU 18-06 for the time extension. The conditions in the Development Order are treated like conditions of approval for a Conditional Use. Since Phosphate Mining requires a Level 4 Conditional Use Review per Table 2.1 in Chapter 2 of the Land Development Code (LDC), an amendment to extend the time frame for operations is a Major Modification as that change does not fall within the list of Minor Modifications in LDC Section 907.

According to the applicant, the SFM DRI generally encompasses a mine, beneficiation plant, clay settling areas, sand tail disposal areas, and a water recirculation system, all components of phosphate mining operations. The beneficiation plant processes mined material from multiple mines in Hardee County. On July 24, 2023, the Hardee County Board of County Commissioners approved an extension to December 31, 2040, for these mines. An extension of time for the County SFM DRI DO expiration date to 2045 is necessary to continue processing mined material.

Aside from the request for the 20-year extension of time, this application does not include adding property; changing Future Land Use Designations; construction of additional structures; including additional uses; changing the approved conceptual site plan; or amending the number of trucks hauling phosphate rock to the site previously approved through CU 18-06. A master site plan was approved with the original SFM DRI, and other modifications were approved over the past 40 years. The SFM DRI DO meets all reporting requirements to demonstrate current conditions (i.e. mined vs. unmined land acreage). The SFM DRI DO also meets separate permitting and reporting requirements of the Florida Department of Environmental Protection (FDEP). The mine is in an area of the County without access to public water and sewer. US 17 has available traffic capacity, and the environmental impacts of the mine have been addressed through the original application for the DRI approval.

Accordingly, the request to extend the DO expiration date to continue all existing SFM DRI uses demonstrates consistency with Comprehensive Plan Policy. Given a lack of changes to the site plan and operations, compatibility with surrounding uses has been established over 40+ years. Mosaic operations in Polk County, including the SFM DRI beneficiation plant/mine, employ County residents, and provide a significant tax revenue base. Approval of this request will ensure that the SFM plant/mine will continue to provide a significant economic impact to Polk County. Staff recommends approval.

## Findings of Fact

- *This request is to amend the existing South Fort Meade Development of Regional Impact Development Order (SFM DO) (Resolution 18-007) and corresponding C4 approval (CU 18-06), to extend the current expiration date an additional 20 years beyond the current DO expiration date of November 4, 2025, to November 4, 2045, to continue processing mined material at the SFM beneficiation plant.*
- *LDC Table 2.1 lists Phosphate Mining as a “C4” conditional use requiring BoCC approval. LDC Section 907.E states, “Major modifications to uses requiring Level 4 approval shall follow the Level 4 approval procedures.”*
- *The South Fort Meade Mine DRI was first approved in 1981 by Resolution adopting a Development Order relating to the mining operations and has since been modified to add property.*
- *The Development Order was amended on May 20, 2009, as Resolution 09-093, to add approximately 237.5 acres to the SFM DRI boundary, and the Conceptual Mine Plan was revised accordingly. The DO conditions were also modified to reflect a change in ownership to Mosaic Fertilizer, LLC.*
- *The Development Order was amended and a Conditional Use (CU 18-06) was approved by the BoCC on February 20, 2018, as Resolution 18-007, to allow 268 trucks per day of phosphate material to be brought to the beneficiation plant at the South Fort Meade Mine in Polk County from the mines in Hardee County using only the roadways of US 17, County Line Road, and Manley Road.*
- *The current expiration date for Res. 18-007/CU 18-06 is September 22, 2021. Pursuant to Section 252.363 of Florida Statutes, there was an extension to the DO date of expiration by 4 years and 43 days. On March 13, 2019, a letter was sent to County staff extending the date of expiration to November 4, 2025.*
- *Ordinance 88-19 regulates phosphate mining activities related to required reports, operational plans, and permits. Beneficiation is defined per Ordinance 88-19 as a “Process whereby matrix is washed to separate the mineral from the earthen materials with which it is naturally combined. Specifically, for the purposes of this Ordinance, beneficiation shall mean the processing of matrix to separate phosphate rock from the sand and clay soils in which it exists in a natural state.”*
- *Section 380.06 Florida Statutes required mining activities to undergo a Development of Regional Impact review. This was amended by Section 380.06(24)(t) Florida Statutes, as follows, which provided those changes to a previously approved DRI for a mine were not required to be subjected to further DRI review and were vested with a valid Development Order unless rescinded:*

*Any proposed solid mineral mine and any proposed addition to, expansion of, or change to an existing solid mineral mine is exempt from this section. A mine owner will enter into a binding agreement with the Department of Transportation to mitigate impacts to strategic intermodal system facilities pursuant to the transportation thresholds in subsection (19) or rule 9J-2.045(6), Florida Administrative Code. Proposed changes to any previously approved solid mineral*

*mine development-of-regional-impact development orders having vested rights are not subject to further review or approval as a development-of-regional-impact or notice-of-proposed-change review or approval pursuant to subsection (19), except for those applications pending as of July 1, 2011, which shall be governed by s. 380.115(2). Notwithstanding the foregoing, however, pursuant to s. 380.115(1), previously approved solid mineral mine development-of-regional-impact development orders shall continue to enjoy vested rights and continue to be effective unless rescinded by the developer. All local government regulations of proposed solid mineral mines shall be applicable to any new solid mineral mine or to any proposed addition to, expansion of, or change to an existing solid mineral mine.*

- *LDC Chapter 10 defines Phosphate Mining as, “Extraction of phosphate ore from the earth, including the removal of overburden for the purpose of reaching underlying ore. The term also includes the reclamation of previously mined land; accessory transporting, washing, storage, drying, grinding, and shipping of mined materials; and all other accessory activities reasonably related to the mining process, but not chemical processing.”*
- *No new lands are being added to the mine, and no changes are proposed to the average annual mining rate. Water consumption for the mine remains the same as currently approved under the Development Order.*
- *The DRI is within the Phosphate Mining (PM) and Agricultural Residential Rural (A/RR) Future Land Use designation. The surrounding designations also include PM and A/RR as well as Leisure Recreation (L/R) and Recreation and Open Space (ROS).*
- *There are wetlands and floodplains within the mining boundaries.*
- *According to the Florida Natural Areas Inventory, the mining boundaries are within a one-mile radius of endangered animal habitat communities.*
- *The permitting of the original DRI as well as additional amendments was required to address impacts to endangered species.*
- *The Florida Department of Environmental Protection (FDEP) requires impacts to endangered species to be addressed throughout the mining process.*
- *The subject site is not located within the Height Notification Zone of the Airport Impact District (AID) Overlay.*
- *The applicant has indicated public wells on site. The wells are for potable water sources for employees at the beneficiation plant and other processes within the mine.*
- *According to the Soil Survey of Polk County, this site contains a variety of soil types that have been altered by the mining process.*
- *County Line Road between the Polk/Hardee County line east of US 17 is not monitored by the Transportation Planning Organization for Concurrency. This roadway is maintained by Polk County and is a Rural Minor Collector in the Polk County’s Road Inventory with a pavement width of 20 feet.*

- *US 17 (Link #5001) between Hardee County Line and 9<sup>th</sup> Street SE in Fort Meade, is a four (4) lane divided principal arterial roadway.*
- *A portion of the mine boundary is within the City of Fort Meade service area. This request will not require potable water or sanitary sewer.*
- *Fire and EMS responses are primarily from Polk County Fire Rescue Station 10, located at 1235 9th Street NE, Fort Meade.*
- *The nearest Sheriff's station is the Southwest District Office, located at 4120 U.S. Highway 98 S, Lakeland.*
- *Policies 2.102-A1 through A15 address the timing of development activity in unincorporated Polk County under Section 2.102 Growth Management relating to location, compatibility, distribution, timing, development policies and standards, topography considerations, soils, public facilities and utilities, location criteria, urban sprawl, redevelopment, and community vision.*
- *Section 2.107 of the Comprehensive Plan contains policies relating to development requirements within the Rural Development Area (RDA).*
- *The purpose of the Phosphate Mining (PM) land use district is to recognize phosphate mining areas and support facilities for which a "Conceptual Mine Plan" has been accepted by the County and any non-reclaimed inactive mining areas for which foreseeable development is unlikely as of the adoption of the Comprehensive Plan in 1991.*
- *The Comprehensive Plan defines Compatibility in Section 4.400 as "A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."*

**Development Review Committee Recommendation:** Based on the information provided by the applicant, the findings of fact, recent site visits, and the analysis conducted within this staff report, the Development Review Committee (DRC) finds that with the proposed conditions the request **IS COMPATIBLE** with the surrounding land uses and general character of the area and **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code. Therefore, the DRC recommends **APPROVAL of LDCU-2024-38. (PC Approve 7-0)**

### **CONDITIONS OF APPROVAL**

Based upon the findings of fact the Development Review Committee recommends **APPROVAL** of LDCU-2024-38 with the following conditions:

1. Approval of LDCU-2024-38 modifies Condition #4 of CU 18-06 (Exhibit 6) and is valid for the life of the South Fort Meade Mine DRI Development Order which shall not exceed November 4, 2045. All other conditions remain in full effect.
2. Further modifications to LDCU-2024-38 or CU 18-06, except for those listed in Section 906.E of the LDC, shall constitute a Major Modification to this approval and require a Level 4 Review before the Board of County Commissioners.

**GENERAL NOTES**

*NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.*

*NOTE: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.*

*NOTE: All written comments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such comments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.*

*NOTE: Approval of this request is only for Level 4 Review and only for those development decisions within the Board of County’s Commissioners’ jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.*

*NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.*

**Surrounding Land Use Designations and Current Land Use Activity**

**Table 1**

|   |  |   |
|---|--|---|
| <b>Northwest:</b><br>PM/ARR: Agricultural, pasture, open space, Peace River         | <b>North:</b><br>PM/ARR: Agricultural, residential, pasture, open space        | <b>Northeast:</b><br>A/RR: Agriculture                              |
| <b>West:</b><br>PM/ARR: Agricultural, residential, pasture, open space, Peace River | <b>Subject Property:</b><br>PM/ARR: Phosphate Mining and Beneficiation Plant   | <b>East:</b><br>A/RR and L/R: Fly Wheelers, open space, agriculture |
| <b>Southwest:</b><br>Hardee County: Agriculture                                     | <b>South:</b><br>Polk County – A/RR: residential<br>Hardee County: Agriculture | <b>Southeast:</b><br>Hardee County: Agriculture                     |

The SFM DRI generally encompasses a mine, beneficiation plant, clay settling areas (CSAs), sand tail disposal areas, and a water recirculation system, all components of phosphate mining operations. The beneficiation plant is located over a mile north of County Road 664 and over one and a half miles east of Mt. Pisgah Road. The beneficiation plant processes mined material from the South Fort Meade Mine, South Fort Meade Mine-Eastern Reserves, and South Fort Meade Mine-Eastern Extension in Hardee County. On July 24, 2023, the Hardee County Board of County Commissioners approved an extension to the DO expiration date to December 31, 2040, for these mines. An extension of time for the County SFM DRI DO expiration date to 2045 is necessary to continue processing mined material.

While under the ownership of Mobil Mining and Minerals Company, the Polk BoCC originally approved the SFM DRI DO with conditions and a corresponding site plan on September 22, 1981. There have been numerous amendments to the SFM DRI over the past four decades, most notably ownership changes, modifications to the DRI boundary, and corresponding DO conditions.

On June 8, 1993, the BOCC approved a Notice of Proposed Change (NOPC) to amend the DO to revise phasing (for draglines), modify filling technique, and revise the overall acreage. Subsequently, on May 23, 1995, the BOCC approved an NOPC to modify the SFM DRI boundary and revise the reclamation/mining plans. In December of 1995, Cargill Fertilizer Inc. and South Fort Meade Partnership L.P. (SFMP) purchased land within the SFM DRI.

Under new ownership, the BOCC approved a Substantial Deviation (SD) to the SFM DRI on August 18, 1998. The following were a result of this SD:

1. An increase in the average annual mining rate from 530 acres per year to 645 acres per year;
2. Short-term trucking in the event of the disruption of rail service; and
3. A decrease in the number of CSAs from 14 CSAs to 8 CSAs (a decrease of 4,800 acres).

At the time of the SD, the DRI boundary encompassed approximately 17,232 acres of land. Shortly thereafter, on June 8, 1999, the BOCC approved the addition of approximately 37.7 acres of land within the SFM DRI boundary.

On September 4, 2002, the BOCC approved an NOPC to modify the SFM DRI boundary to add a one-acre parcel. In 2004, Mosaic was formed as a merger between Cargill and IMC Global Inc. As a result, phosphate-mining land within the SFM DRI was under the control of Mosaic and SFMP.

On May 20, 2009, an NOPC was approved for Mosaic to add approximately 237.5 acres to the SFM DRI boundary, and the Conceptual Mine Plan (CMP) was revised accordingly. The DO conditions were also modified to reflect a change in ownership to Mosaic. The last amendment to the SFM DRI DO was in 2018, to allow for 268 trucks per day of phosphate rock from Hardee County for processing at this Polk County facility.

### **Compatibility with the Surrounding Land Uses and Infrastructure:**

The Comprehensive Plan defines Compatibility in Section 4.400 as “A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion.”

Planning staff analyzes a site plan for compatibility by reviewing several factors: the type and intensity of adjacent uses versus the proposed use; how the proposed development interacts with the surrounding area in relation with existing uses; access to roads and where traffic generated from the site will travel; the proximity to retail, employment, emergency services, mass transit, parks, and other public services; and how the applicant addresses possible incompatibilities that might arise from the proposed use by utilizing mitigating strategies found in the Comprehensive Plan or through Conditions of Approval agreed upon by the applicant and staff.

#### **A. Land Uses:**

The property lies within the Rural Development Area (RDA). The property is designated PM and A/RR but regulated by the Phosphate Mining Ordinance 88-19. The A/RR is not a significant portion of the mine and in many cases has been sold off by Mosaic for agriculture and residential purposes since the mine’s first approval in 1981. The PM Future Land Use designation is for mining and mining related activities which are consistent with the subject property’s current use. Hardee County is to the south of the subject mine. The Future Land Use designation of land in Hardee County to the south is Agriculture.

This request will have no impact on the site plan or current operations at the location. Compatibility with surrounding uses has been established over 40+ years at this site. No changes in the number of haul trucks or changes to the haul route are being proposed. Haul trucks are still limited to the use of County Line Road, US 17, and Manley Road.

**B. Infrastructure:**

The beneficiation plant is currently on well and septic tanks. The access to the beneficiation plant is from Manley Road, which is a private road maintained by Mosaic. Manley Road accesses County Line Road. The pavement of County Line Road and associated road drainage are maintained by Polk County, and Hardee County performs the mowing and tree trimming. County Line Road intersects with US 17 on the west. There are no schools along County Line Road, but some homes do have frontage along County Line Road.

**Nearest and Zoned Elementary, Middle, and High School**

The closest public schools are in Fort Meade and include Lewis Ana Woodbury Elementary School, Fort Meade Middle/Senior, and Fort Meade Senior. This request will not have an impact on school concurrency. However, the trucks leaving the site may travel north on US 17 through Fort Meade. Non-residential developments do not generate a demand for school capacity. Therefore, such data is not provided in this report.

**Nearest Sheriff, Fire, and EMS Station**

Polk County Fire Rescue provides Advanced Life Support transport to all residents and visitors of Polk County. It also provides fire suppression, rescue services, and fire prevention services to unincorporated Polk County and the municipalities of Eagle Lake, Polk City, Mulberry, Lake Hamilton, and Hillcrest Heights. Emergency response is considered effective if response times are within eight (8) minutes in rural and suburban areas and 13 minutes in urban areas.

Fire and EMS response to this project is from Polk County Fire Rescue Station 10 near Fort Meade with a travel distance of 12 miles to the beneficiation plant. The response times should average fifteen minutes.

**Table 2**

|          | <b>Name of Station</b>   | <b>Distance</b> | <b>Response Time*</b>                 |
|----------|--|-----------------|---------------------------------------|
| Sheriff  | Southwest District Headquarters<br>4120 U.S. Highway 98 S.                           | 28± miles       | Priority 1: 8:55<br>Priority 2: 23:43 |
| Fire/EMS | Polk County Fire Rescue Station 10<br>1235 9 <sup>th</sup> Street NE, Ft Meade 33841 | ±12 miles       | 15+ minutes                           |

*Source: Polk County Sheriff's Office and Public Safety*

*\*Response times are based from when the station receives the call, not from when the call is made to 911.*

The site is in the Polk County Sheriff's Office Southwest District, the headquarters of which is located at the entrance to Polk State College on US 98. Sheriff response times are not as much a function of the distance to the nearest Sheriff's substation but more a function of the overall number of patrol officers within the County. Priority 1 Calls are true emergencies, in-progress burglary, robbery, injuries, etc. Priority 2 Calls refer to events that have already occurred, such as a burglary that occurred while the homeowner was on vacation and had just been discovered. Sheriff's response times are not as much a function of the distance to the nearest Sheriff's substation but more a function of the overall number of patrol officers within the County.

The PCSO is always trying to improve response times, especially for Priority 1 Calls, by employing new technologies such as Emergency 1 Dispatch (E1D) and Live911. E1D is a program designed to alert deputies at the earliest possible moment of a call for service that is being classified as a true

emergency. E1D alert notifications are sent to deputies via their agency-issued smart phones as text messages, alerting deputies of the call type and address of the emergency. Similarly, Live911 technology allows deputies to hear emergency calls in real-time as the dispatcher is receiving the information. Both E1D and Live911 enable deputies to self-dispatch to these in-progress, high-risk incidents as dispatchers collect additional information about the call, thus reducing our response time to emergency situations.

Patrol staff in each district also monitors the response times for their areas and tries to manage their shifts according to manpower, hotspots, traffic obstructions/construction sites, etc. Areas that are more spread out tend to have slightly longer response times because of the vast land mass of their district and time of travel. Since patrol deputies are not sitting in the office waiting on a call, it is easier for patrol staff to assign them to certain sectors or beats based on areas with higher call volume to reduce response time; however, this cannot be predicted precisely.

### **Water and Wastewater Demand and Capacity:**

The subject site is in an area of the County without potable water and sewer. The City of Fort Meade's service area does incorporate a small portion of the northwest mining boundary, but any water or wastewater utilized by the beneficiation plant is from on-site wells and septic.

#### **A. Estimated Demand and Service Provider:**

The primary source of potable water for the beneficiation plant originates from the dedicated potable deep well within the facility. Water is drawn from the well, disinfected on site, stored under pressure, and distributed to multiple service connections on demand throughout the facility. Spent potable water is ultimately plumbed to a three-stage septic tank/drain field system located south for the plant.

Non-potable water is drawn from two 14" plant production wells and five six (6) inch sealing wells located within one and a half miles of the plant. These non-potable plant production wells are used periodically through the year as needed for the operation of the plant to process phosphate rock. Each of these production wells has the capacity to draw seven (7) MGD. The five sealing wells are used to seal and lubricate bearings in matrix and tailing lift pumps. This water also ends up in the mine process water system, either back to the plant or out to a sand tailings disposal site. Each sealing well has the capacity to draw 0.3 MGD.

Estimated demand is normally offered in this section for full build out of the subject property. However, this request pertains only to a time extension for the South Fort Meade Mine and associated beneficiation plant and, therefore, has no effect on water and wastewater demand. In addition, estimating an industrial use on 17,506 acres of land is not realistic as there is not industrial facility this size currently in Polk County. Therefore, estimated demand is not being provided.

#### **B. Available Capacity:**

The available capacity information for the onsite wells was provided in the previous section.

#### **C. Planned Improvements:**

There are no public utility system improvements needed to support this request.

## Roadways/ Transportation Network

The Polk County Transportation Planning Organization (TPO) monitors traffic congestion on over 425 roadway segments (950 directional links). The Roadway Network Database contains current traffic data for all arterial and collector roads and includes information on the current traffic volume and level-of-service for these major roads. The report identifies both daily and peak hour traffic volumes. Daily traffic volumes are reported in Annual Average Daily Traffic (AADT) – the typical traffic volume on a weekday over a 24-hour period. Peak hour traffic represents the highest hourly traffic volume for period between 4 – 7 p.m. It is reported as both a two-way volume and as directional volumes (east and west or north and south).

The peak hour traffic volumes are used to estimate the level-of-service for each roadway, in each direction. Level-of-service refers to the quality of traffic flow. It is the primary measure of traffic congestion. Level-of-service (LOS) is measured on a scale of ‘A’ to ‘F’ with LOS ‘A’ being the best (free-flow traffic) and LOS ‘F’ being the worst (severe traffic congestion).

### A. Estimated Demand:

This request will create no additional demand on the traffic network. The mining boundaries have frontage along Dishong Road, Mt. Pisgah Road, and Avon Park Cut Off Road running through the property or adjacent to the property. However, the only access to the mine is from County Line Road. Employee traffic can use any portion of County Line Road to get to the beneficiation plant. Truck traffic originating in Hardee County and further south will typically use US 17 until it intersects with County Line Road and then travel east on County Line Road to access Manley Road. The trucks may turn either north or south on US 17 after they leave the beneficiation plant.

Florida Statutes no longer regulates phosphate mining DRIs; however, the mine remains vested by the valid unexpired Development Order. The Development Order has a condition regarding the use of trucks only when rail service is not available to transport rock mined within the South Fort Meade Mine off site which was addressed through CU 18-06. This modification was very specific to only permit an additional 268 trucks per day to transport phosphate material to and from the South Fort Meade Mine site in addition to the existing employee traffic and other accessory truck traffic for the mining and beneficiation plant activities.

The current approval (Resolution No. 18-007) allows for up to 268 trucks (daily) to be used to transport beneficiated phosphate rock from South Pasture Mine in Hardee County to the South Fort Meade Mine in Polk County. Based on the approved 2017 Traffic Impact Study previously provided, it was determined that the trucks were not anticipated to significantly impact traffic capacity. The P.M. peak hour traffic volumes for the truck traffic of the South Fort Meade Mine were estimated based upon data provided by Mosaic and the 268 approved daily trucks. The truck trips expected to be generated was estimated to be 27 two-way, trip-ends (15 inbound/12 outbound) in the PM Peak Hour of the adjacent roadway (4:00 p.m. to 6:00 p.m.). The existing employee trips and truck trips are not anticipated to notably increase with the extension of mine operations to 2045.

### B. Available Capacity:

This request will not affect traffic capacity. Table 3, to follow, shows the generalized capacity on US 17 as County Line Road is not tracked for concurrency. Haul vehicles will travel up US 17 from Hardee County, turn east on County Line Road, and enter the DRI site on Manley Road, a

private roadway maintained by Mosaic. The trucks can then leave the facility and travel either north or south on US 17.

**Table 3**

| Link # | Road Name  | Current Level of Service (LOS) | Available PM Peak Hour Capacity | Minimum LOS Standard |
|--------|--|--------------------------------|---------------------------------|----------------------|
| 5001N  | US 17 (Hardee County Line to 9 <sup>th</sup> Street) | C                              | 1,200                           | C                    |
| 5001S  | US 17 (Hardee County Line to 9 <sup>th</sup> Street) | C                              | 1,225                           | C                    |

*Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database October 13, 2023*

**C. Roadway Conditions:**

County Line Road is currently being widened and improved, as discussed below. The section of SR 17 that is most applicable to this application is classified as a Principal Arterial roadway. This is a four-lane divided highway with approximately 225 feet of right-of-way where it enters into Polk County north of Bowling Green. No sidewalks or other forms of multi-modal transportation are available.

**D. Planned Improvements:**

The Florida Department of Transportation (FDOT), District One is replacing the CR 664 (County Line Road) Bridge over Peace River in Polk and Hardee Counties. This project is located 1.3 miles east of the Bowling Green city limits.

The bridge, which was constructed in 1958, needs replacement due to the poor condition of the substructure. The existing bridge has two 12-foot travel lanes without shoulders and will be replaced with a new bridge with two 12-foot travel lanes and 8-foot shoulders for safety. The bridge approaches will also be resurfaced or reconstructed as needed and guardrail added. Additionally, a maintenance connection road will be constructed on the north side of County Line Road west of the bridge. The new structure will bring this facility up to current standards and significantly reduce maintenance.

**E. Mass Transit**

There are no mass transit services provided to County Line Road. The services stop in downtown Fort Meade.

**Environmental Conditions**

The property has been mined for several decades. Prior to the mine approval, an environmental analysis addressing all the items in the section was undertaken and addressed throughout the mining of the property. The original environmental features are different now than when mining began. However, the FDEP regulates mining in Florida and the goal is to reclaim mined land to its pre-mined state. However, with that said, there is an extensive network of floodplains, wetlands, streams and river, and endangered species throughout the mine site.

**A. Surface Water:**

The Peace River on the western side of the mine is the most prominent surface water feature, with other tributaries extending throughout the mine boundary (See Exhibit 4). The FDEP has oversight regarding surface water impacts by the mining activity. There should be no further adverse impacts

upon surface waters because of this approval.

**B. Wetlands/Floodplains:**

There is an extensive network of wetlands and floodplains within the mine boundary (See Exhibit 4). As stated above, the FDEP has oversight regarding wetlands and floodplain impacts, and the goal is to reclaim mined land to its pre-mined state.

**C. Soils:**

According to the Soil Survey of Polk County, the entire site is made up of several different soil types that have been altered since the start of the mining. See Exhibit 5 for a list of the soil types. Therefore, the request is not anticipated to be significantly impacted by the soil types.

**D. Protected Species**

According to the Polk County Endangered Habitat Map (Source: Florida Natural Areas Inventory, 2006 & 2011), there are portions of the mine boundary within a one-mile radius of an endangered animal species sighting. The FDEP has oversight in regard to endangered animal impacts and the goal is to reclaim mined land to its pre-mined state.

**E. Archeological and Historical Resources:**

Prior to mining, archeological and historical resources were identified. The impacts to these sites from the mining have been reviewed by the appropriate state agency with jurisdiction. This request is not anticipated to impact any archeological and historical resources.

**F. Wells (Public/Private)**

There is a dedicated deep well within the facility as a primary source of potable water for the beneficiation plant. In addition, non-potable water is drawn from two 14" plant production wells and five six (6) inch sealing wells located within one and a half miles of the plant.

**G. Airports:**

The site is not within any Airport Buffer Zones. This location is far from an airport flight path or protection zone.

**Park Facilities and Environmental Lands:**

This proposed use will have no impact on parks and recreation.

**A. Location:**

Multiple city parks are in Ft. Meade to the north of the subject site. These include facilities with boat ramps, a skateboard park, multi-use fields, and ball fields.

**B. Multi-use Trails:**

There are no public multi-use trails in the area.

C. Environmental Lands:

Environmental lands associated with the Peace River and its tributaries are adjacent to the subject site.

**Economic Factors:**

The request to extend the SFM DRI DO expiration date to 2045 is necessary for Mosaic operations to continue processing mined material. Mosaic operations in Polk County, including the SFM DRI beneficiation plant/mine, employ many County residents and provide a significant tax revenue base. According to the applicant, Mosaic currently employs over 217 people at the SFM facility alone. In 2023, the total employee payroll was over \$20M and vendor payment was over \$213M. In addition to job retention, Mosaic paid over \$11.7M in ad valorem taxes in 2023 to Polk County. Approval of this request will ensure that the SFM plant/mine will continue to provide a significant economic impact to Polk County.

**Consistency with the Comprehensive Plan and Land Development Code:**

The request is consistent with the pertinent policies in the Comprehensive Plan as they pertain to development in the Phosphate Mining (PM) Future Land Use designation, development criteria for phosphate mining, and compatibility standards.

Table 4, below, provides an overview of relevant policies.

**Table 4**

| Comprehensive Plan Policy or LDC Regulation  | Consistency Analysis   |
|--|--|
| <p>Ordinance 88-19 regulates phosphate mining activities related to required reports, operational plans and permits. The purpose of this ordinance is as follows:</p> <p>It is the purpose of this ordinance to regulate the mining of phosphate in a manner that will balance the interests of the phosphate industry with those of the general public; to protect the public health, safety, and general welfare; to insure the orderly development of mineral resources in a manner compatible with the overall development of the county; to conserve natural resources both present and future use; to minimize the adverse impact of mining; to insure that phosphate mining (including debris mining), a temporary land use, is carried out in such a manner as not to preclude future normal uses of mined lands; and to insure that phosphate mining activities are consistent with the Polk County Comprehensive Plan.</p> | <p>The request does not impact the mining activities. Therefore, this Ordinance is not relevant to the request.</p>  |
| <p><u>POLICY 2.114-A3: PERMITTED ACTIVITIES</u> - The following activities shall be permitted within the Phosphate Mining land use category as mapped pursuant to Policy 2.114-A2:</p> <ul style="list-style-type: none"> <li>a. Phosphate mining and allied industries;</li> <li>b. Land reclamation;</li> <li>c. Agriculture and Farmworker housing under specific design parameters listed in the Land Development Code not to exceed an intensity of sixteen (16) workers per acre.</li> <li>d. Other land uses with conditional approval which are compatible and related with the extraction and processing of phosphate; and</li> <li>e. Subject to the adoption of a Comprehensive Plan amendment, any activities permitted within the following land use designations, which are appropriate for the</li> </ul>   | <p>The beneficiation plant is an allied use to phosphate mining. The transporting of off-site phosphate materials and shipping of mined materials are activities and use included in the definition of Phosphate Mining.</p> |

| Comprehensive Plan Policy or LDC Regulation  | Consistency Analysis   |
|--|--|
| <p>redevelopment of lands formally utilized for phosphate mining operations and which demonstrate compliance with the Comprehensive Plan criteria for each use: Preservation; 2. Recreation and Open Space; 3. Leisure/Recreation; 4. Institutional; 5. Rural Cluster Centers; 6. Tourism; Commercial Centers; 7. Business Park Centers; 8. Industrial; 9. Rural Mixed-Use Developments; 10. New Communities; 11. Agricultural/Residential Rural only</p>  |  |
| <p><b><u>POLICY 2.114-B1: DEVELOPMENT CRITERIA FOR PHOSPHATE MINING -</u></b><br/> Development within these districts shall conform to the following criteria:</p> <p>a. All activities within lands designated as PM shall be conducted in a manner that will minimize adverse effects upon water quality, fish and wildlife, and adjacent land uses.</p> <p>b. All mining activities shall require approval through the County's development review procedures. This review will require the approval of a "Conceptual Mine Plan," which shall include, at a minimum:</p> <ol style="list-style-type: none"> <li>1. a "Mine-Area Map" to include, at a minimum, the locations of the mine boundaries, public rights-of-way, existing structures, and environmental features (e.g. topography, watersheds, and any endangered wildlife habitats);</li> <li>2. a "Mine-Area Layout" to include, at a minimum, planned locations for beneficiation operations, waste-storage areas, and any proposed permanent structures and/or roads;</li> <li>3. a "Reclamation Plan" to include, at a minimum, all information required by applicable state regulations; and</li> <li>4. an "Operations Plan" to include, at a minimum: <ol style="list-style-type: none"> <li>(a) phasing plans,</li> <li>(b) an Impact Mitigation Plan, and</li> <li>(c) a Traffic Circulation Plan showing major access routes to the mine site.</li> </ol> </li> </ol> <p>c. Once extraction activities are completed, the site shall be reclaimed (where reclamation is required by Chapter 16C-16, FAC) in accordance with the approved Reclamation Plan. Lands mined prior to reclamation requirements may be developed (reclaimed) without having to file a "reclamation plan."</p> | <p>These standards have been fulfilled through prior approvals. This application will not alter the existing conceptual mine plan. The CMP was revised in accordance with the approved 2009 modification when the SFM DRI DO boundaries were modified.</p> |
| <p><b><u>POLICY 2.114-B2: ADJACENT DEVELOPMENT</u></b> - New mining activities shall be setback and/or buffered from existing subdivisions a minimum of 250 feet, and 500 feet from a residential structure ("Polk County Phosphate Mining Ordinance" - Ordinance 88-19), or as otherwise required by applicable law. New residential development on property adjacent to areas designated "PM" on the Future Land Use Map Series shall be required to provide appropriate buffering, if applicable.</p>   | <p>This request is to extend the SFM DRI DO expiration date to 2045 and there is no change to the current SFM DRI boundaries or location of Facility components. Therefore, the request is consistent with this Policy.</p>                                |

This request is consistent with the pertinent standards in the LDC. A modification to the existing DRI DO and CU (Res. 18-007; CU 18-06), including this request to extend the DO expiration date, requires C4 approval and compliance with the County's Phosphate Mining Ordinance. This ordinance outlines the permitting, setback/buffer, reclamation, and reporting requirements for phosphate mining and related activities, and requires a Conceptual Mine Plan and Operating Permit, both of which are current for CU 18-06. The biennial report was submitted to the County on January 27, 2023, for the reporting period from April 1, 2023, to March 31, 2025. The CMP was

last modified in 2009, and the annual progress report demonstrating compliance was submitted to the County on January 31, 2024, for the 2023 reporting period.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 5 in accordance with Section 906.D.7 of the LDC.

**Table 5**

| <b>The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:</b>   |  |
|---|--|
| <b>Whether the proposed development is consistent with all relevant requirements of this Code;</b>  | <i>Yes, this request is consistent with the LDC, specifically Table 2.1, Section 303, and Section 907 which govern Phosphate Mining and Level 4 Reviews. These can be found in the Findings of Fact in the staff report.</i> |
| <b>Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;</b>   | <i>Yes, this request is consistent with the Comprehensive Plan, as reviewed above.</i>   |
| <b>Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and</b> | <i>Yes, the request is compatible with surrounding uses and the general character of the area, as noted in the staff report.</i>   |
| <b>How the concurrency requirements will be met if the development were built.</b>  | <i>This request will not require concurrency determinations from utilities, the School Board, or TPO. The impact on public services can be found in the staff report.</i>  |

The BoCC, in the review of development plans, shall consider the following factors listed in Table 6 in accordance with Section 907.D.10 of the Land Development Code.

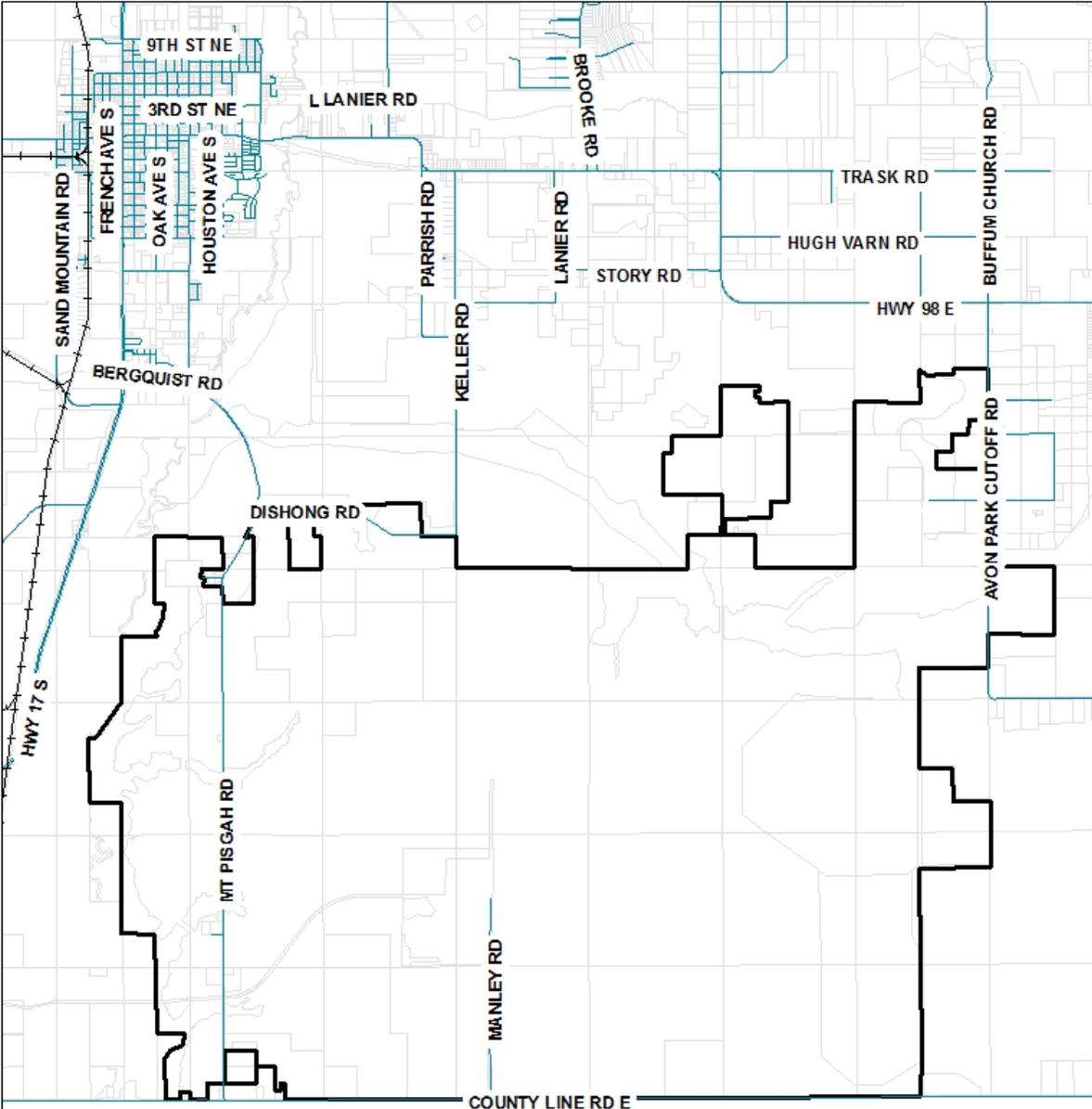
**Table 6**

| <b>The BoCC, in the review of development plans, shall consider the following factors in accordance with Section 907.D.10 of the LDC:</b>   |  |
|---|--|
| <b>Whether the proposed development is consistent with all relevant requirements of this Code;</b>  | <i>Yes, this request is consistent with the LDC, specifically Table 2.1, Section 303, and Section 907 which govern Phosphate Mining and Level 4 Reviews. These can be found in the Findings of Fact in the staff report.</i> |
| <b>Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;</b>   | <i>Yes, this request is consistent with the Comprehensive Plan, as reviewed above.</i>   |
| <b>Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and</b> | <i>Yes, the request is compatible with surrounding uses and the general character of the area, as noted in the staff report.</i>   |
| <b>Any other matter which the BoCC may deem appropriate and relevant to the specific development proposal.</b>  | <i>This request will not require concurrency determinations from utilities, the School Board, or TPO. The impact on public services can be found in the staff report.</i>  |

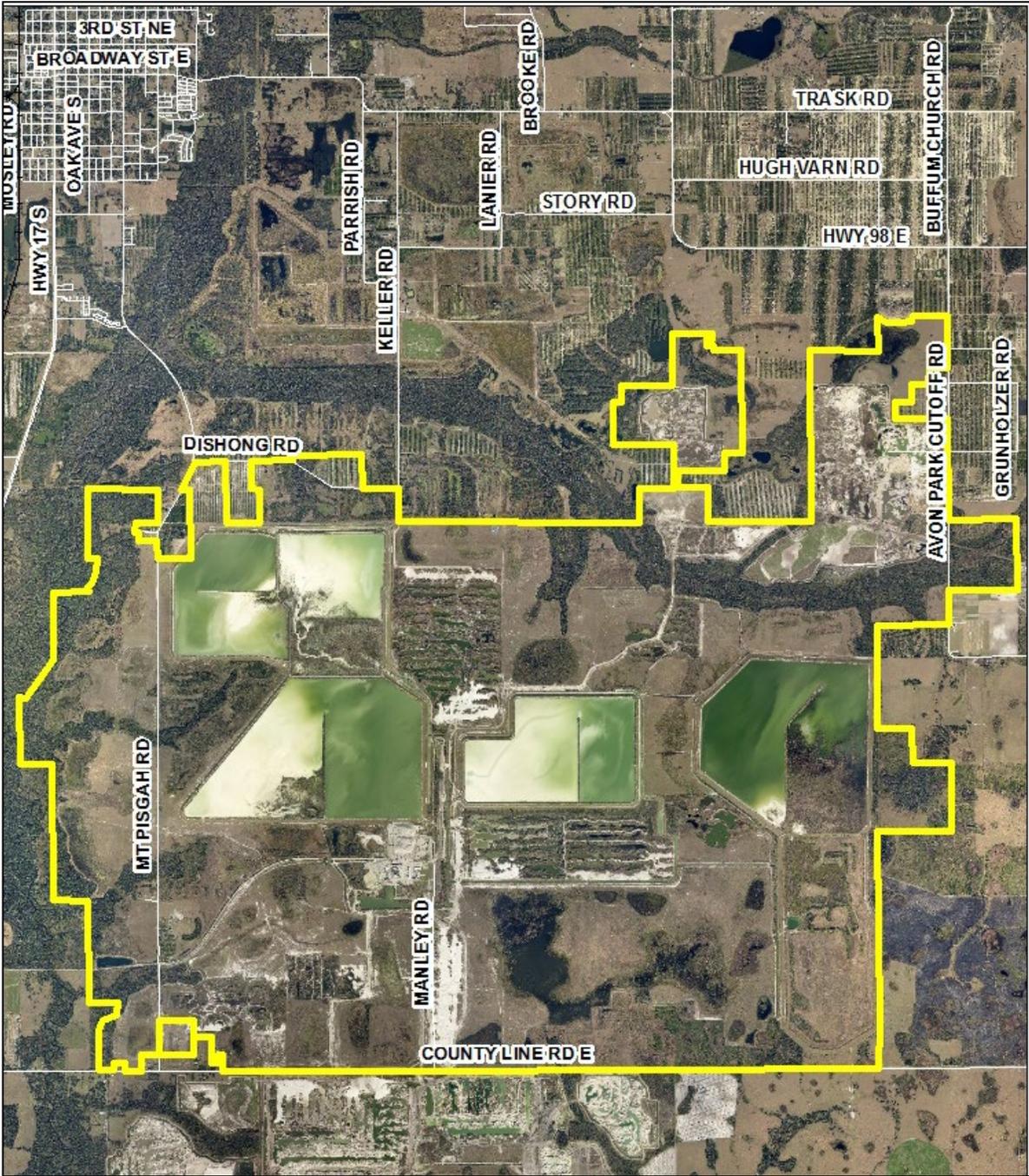
**Comments from other Agencies:** None.

**Exhibits**

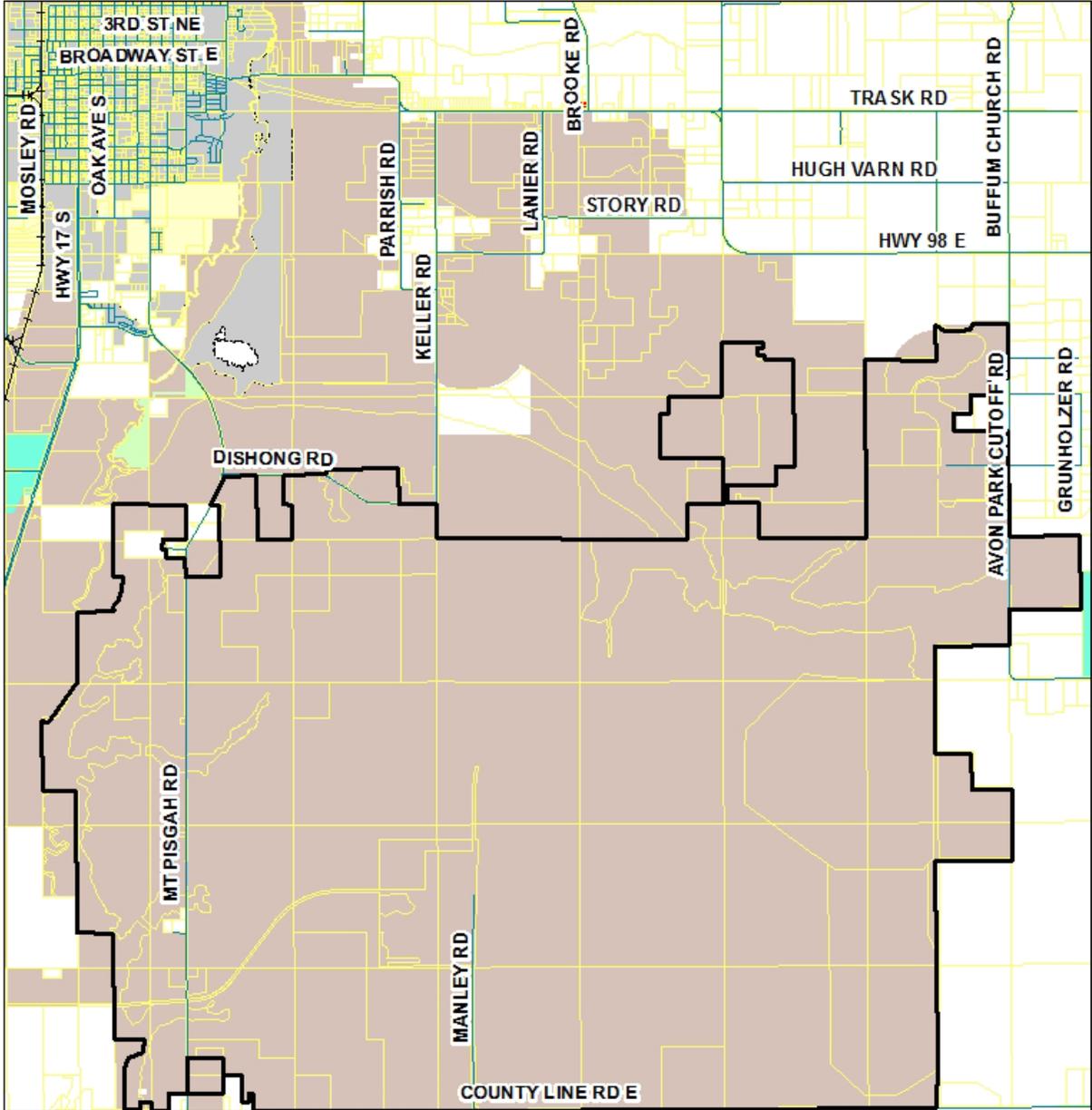
- Exhibit 1 Location Map
- Exhibit 2 Aerial Image
- Exhibit 3 Future Land Use
- Exhibit 4 Wetlands/Floodplains
- Exhibit 5 DRI Map H
- Exhibit 6 CU 18-06 Conditions of Approval



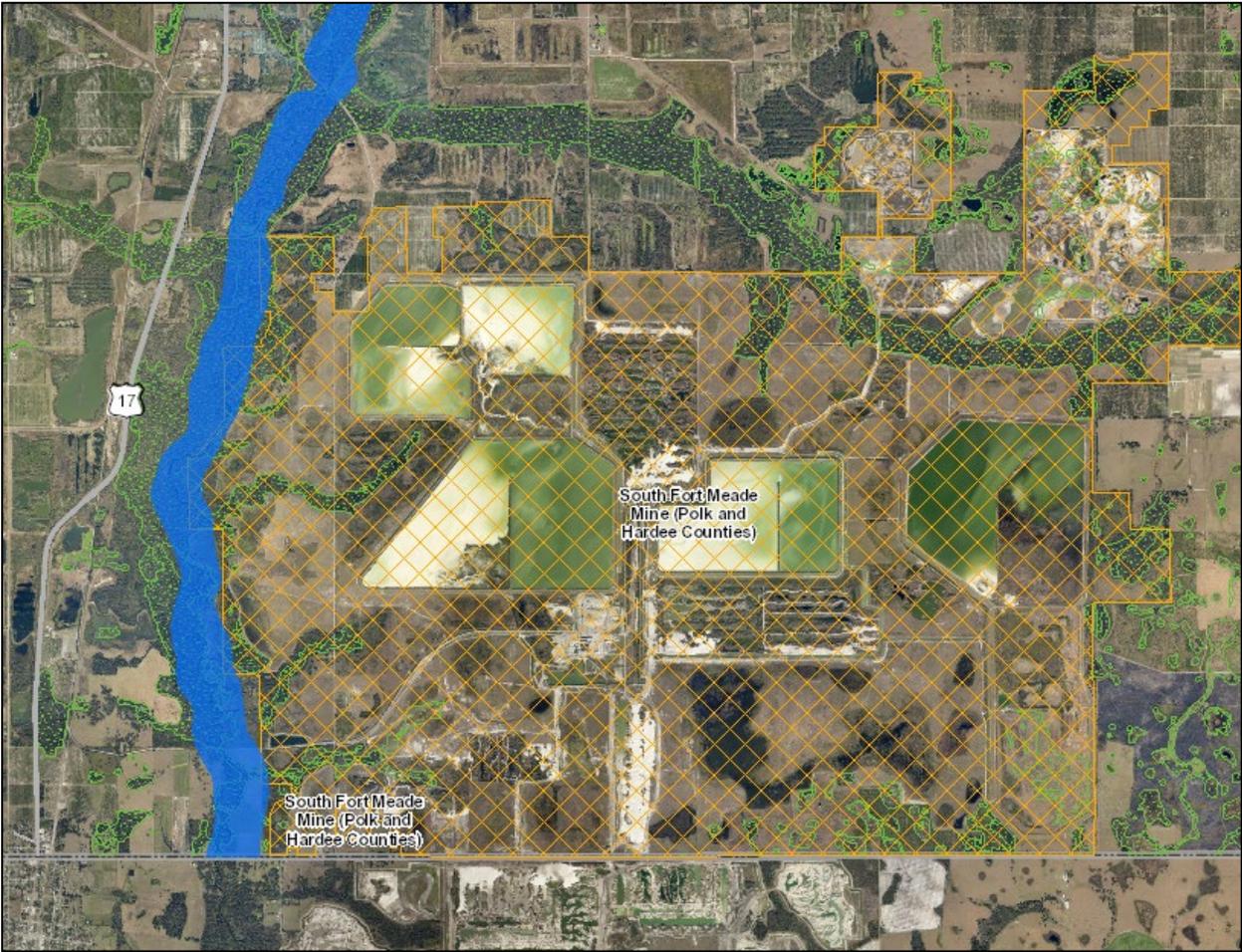
Location Map



Aerial Image



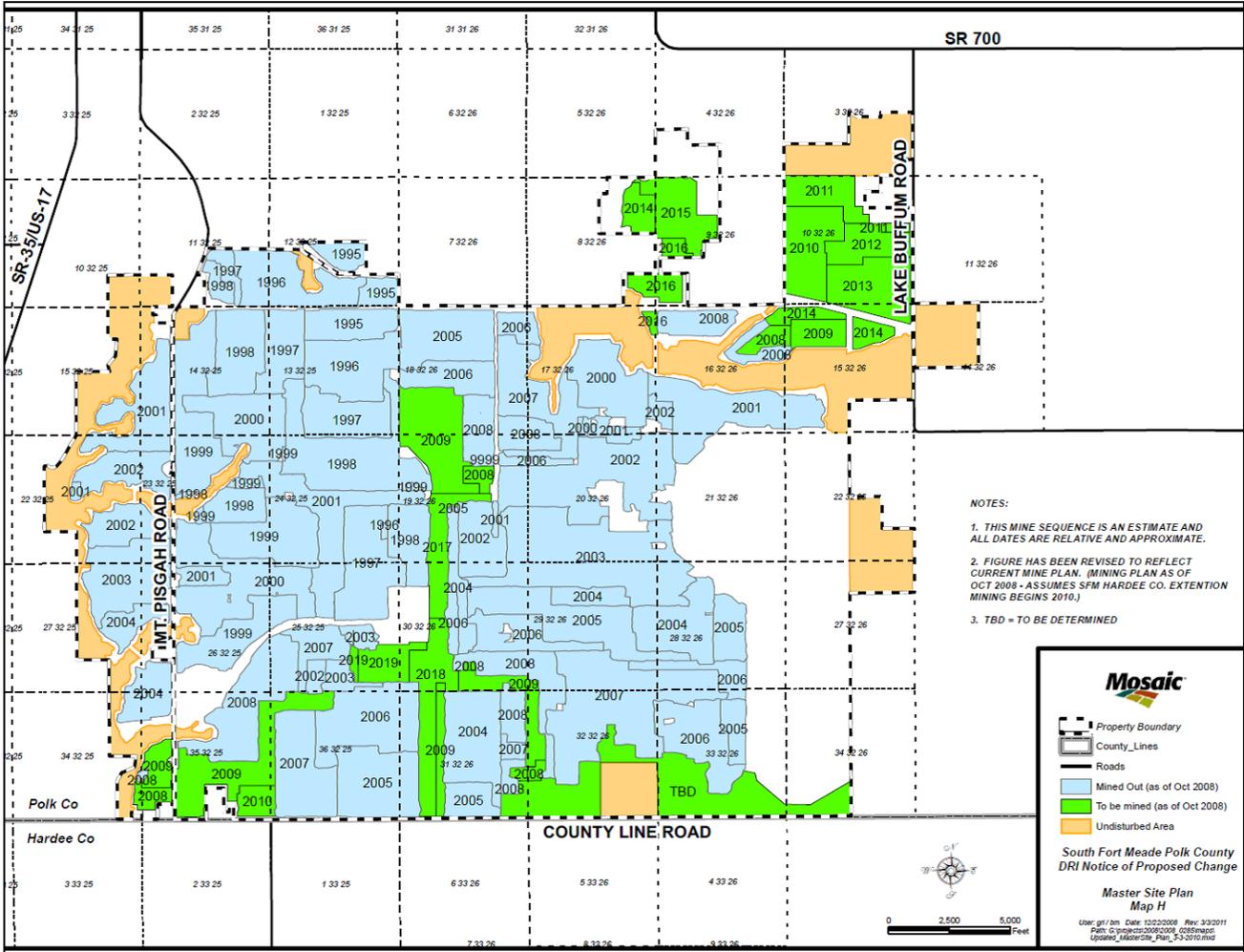
# Future Land Use Designations



# Wetlands and Floodplains

Development of Regional Impact (DRIs)

☒



DRI Map H

**CONDITIONS OF APPROVAL**

Based upon the findings of fact the Development Review Committee recommends **APPROVAL** of CU 18-06 with the following conditions:

1. In addition to the uses permitted under Resolution 09-93, as amended, for the South Fort Meade Mine DRI, the property shall be approved for 268 trucks per day of phosphate material being brought to the beneficiation plant at the South Fort Meade Mine in Polk County from the South Pasture Mine in Hardee County using only the roadways of US 17, County Line Road, and Manley Road. These 268 trucks may transport material off site only using Manley Road to access US 17. [PLG]
2. The applicant shall be responsible to inspect roadway conditions for material spillage and provide for its clean-up and removal at least once a day for each day of operation for roadways within Polk County. [ENG]
3. The applicant shall provide the average number of trucks hauling materials from the South Pasture Mine to the subject facility and leaving in each DRI Annual Report and the Annual Progress Report required by Ordinance 88-19, as amended, the Phosphate Mining Ordinance. [PLG]
4. The CU is valid for the life of the South Fort Meade Mine DRI Development Order which shall not exceed September 22, 2021.
5. By May 1, 2018, the applicant shall provide a surety, to be determined in consultation between the County Engineer and Mosaic, to guarantee the cost of repairing any damage to County Line Road as a result in the increase of 268 trucks per day. This shall include damage to the pavement, shoulders, bridge, and drainage facilities.

## CU 18-06 Conditions of Approval