

LEVEL 4 – NARRATIVE

SOUTH FORT MEADE MINE AND BENEFICIATION PLANT

POLK COUNTY, FL

**Submitted by:
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As of October 23, 2024

Request

Mosaic Fertilizer Inc.'s ("**Mosaic**") South Fort Meade ("**SFM**") Mine is located north of County Line Road (CR-664), adjacent to the border of southern Polk County (the "**County**"), north of Hardee County, and approximately 3 miles southeast of the City of Fort Meade. The SFM beneficiation plant and mine are located within a +/- 17,508.5 acre size former Development of Regional Impact ("**DRI**"), known as the SFM Phosphate Mine DRI ("**SFM DRI**"). **Figure 1 (Attachment 1)** shows the current SFM DRI boundaries and general location.

After significant statutory revisions to the DRI process, the County Land Development Code ("**LDC**") vests DRIs, through a Development Order ("**DO**").¹ Accordingly, subsequent amendments to the SFM DRI DO require a Level 4 Conditional Use ("**C4**") approval and compliance with the County's Phosphate Mining Ordinance 88-19 (the "**PM Ordinance**").² This request is to amend the existing SFM DRI DO and corresponding C4 approval (Res. 18-007; CU 18-06; **Attachments 2 and 3**) to extend the current expiration date an additional 20 years beyond the current DO expiration date of November 4, 2025, extended to November 4, 2045, to continue processing mined material at the SFM beneficiation plant.³

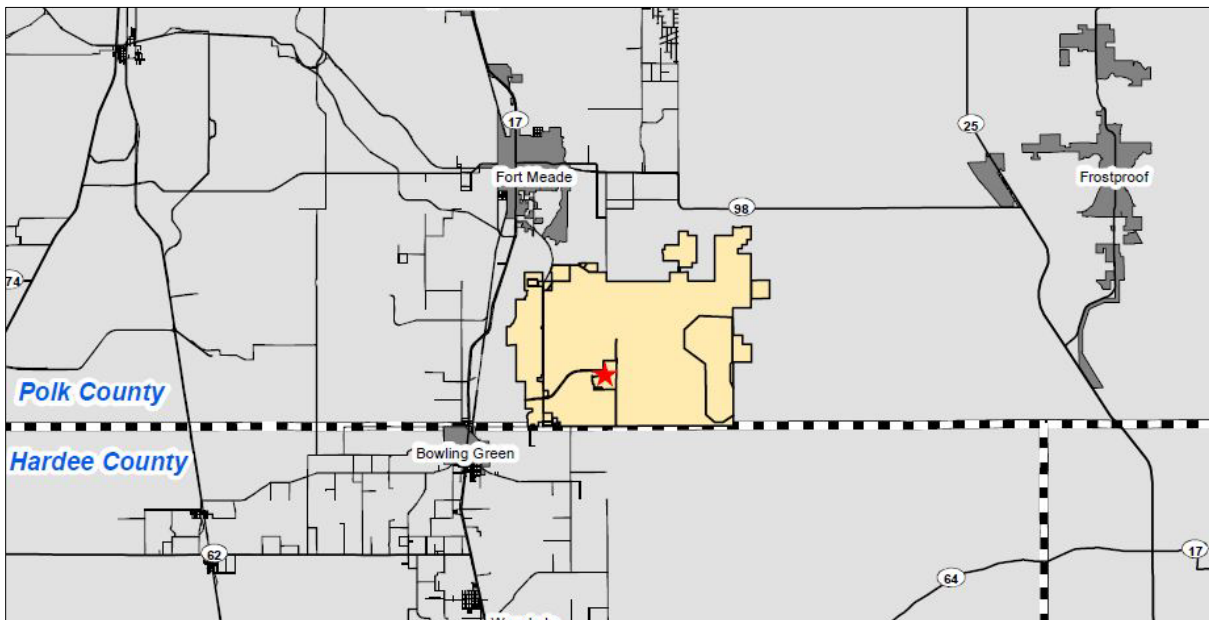


Figure 1. SFM DRI Boundary – General Location Map (Attachment 1)

¹ Sec. 113.J. of the LDC

² Table 2.1 and Section 205.E. of the LDC

³ 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 2, 2025 (**Attachment 5**).

Operation and Need

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, as shown in **Figure 2 (Attachment 4)**.⁴ 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 (“**SFM-HC**”), South Fort Meade Mine-Eastern Reserves (“**SFM-HC-ER**”), and South Fort Meade Mine-Eastern Extension (“**SFM-HC-EE**”) 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 SFM-HC, SFM-HC-ER, and SFM-HC-EE.⁵ An extension of time for the County SFM DRI DO expiration date to 2045 is necessary to continue processing mined material from SFM-HC, SFM-HR-ER, and SFM-HC-EE.

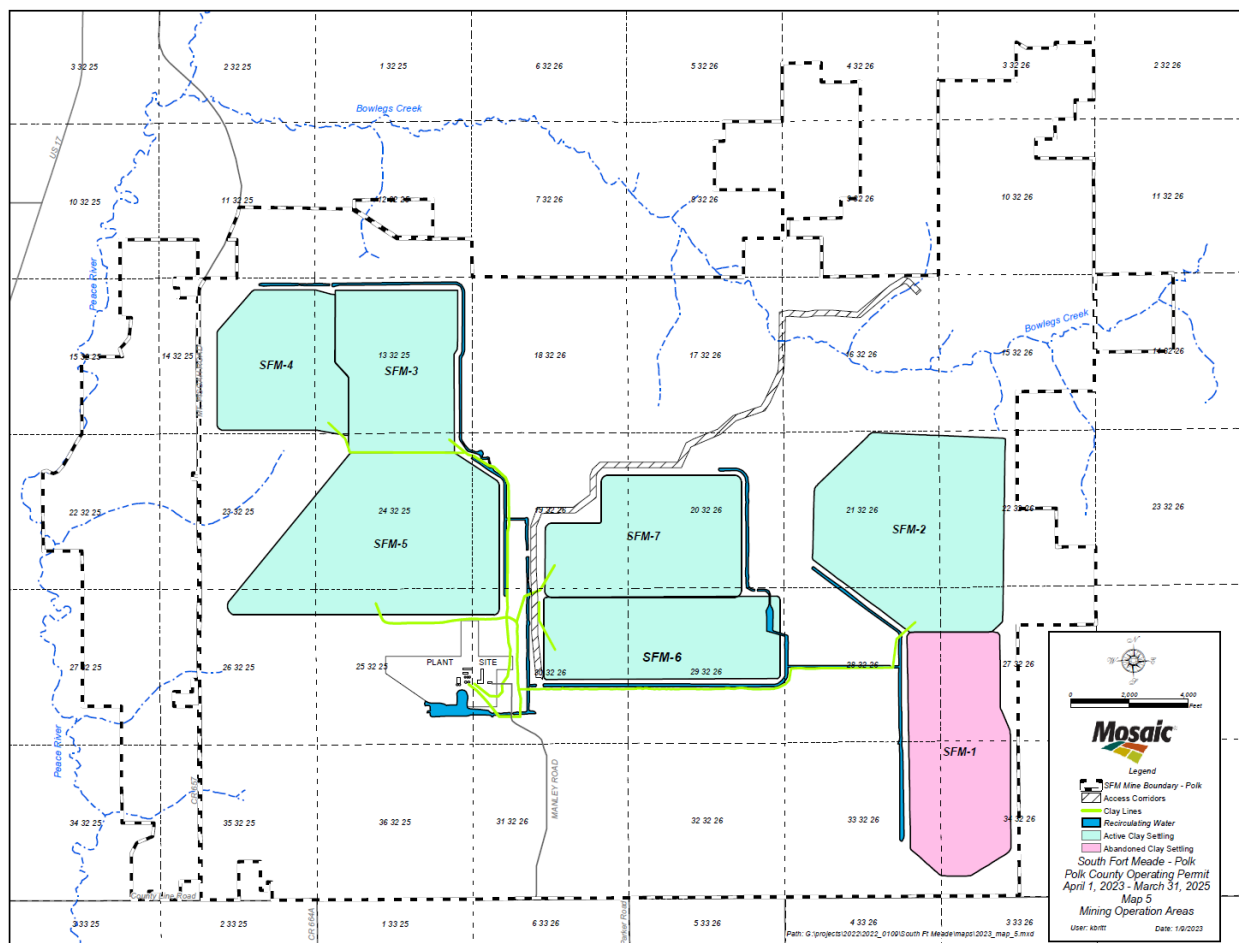


Figure 2. SFM DRI – Operating Permit – Operation Areas (Attachment 4)

⁴ The PM Ordinance defines beneficiation as “... the processing of matrix to separate phosphate rock from the sand and clay soils in which it exists in a natural state.” Furthermore, the PM Ordinance defines CSAs as “area[s] into which fluids such as waste clays are placed for the purpose of separating suspended solid matter from water, but not including mined out areas in which sand/clay reclamation is being conducted.”

⁵ Condition III.C. of the SFM DRI DO (Res 18-007) allows the trucking of mined material from South Pasture Mine in Hardee County to the SFM beneficiation plant.

History

There were numerous amendments to the SFM DRI over the past 40 years, most notably ownership changes, modifications to the DRI boundary and corresponding DO conditions. While under the ownership of Mobil Mining and Minerals Company (“**Mobil**”), the Polk Board of County Commissioners (“**BOCC**”) approved the SFM DRI DO with conditions and a corresponding site plan on September 22, 1981. However, the State Department of Veteran and Community Affairs filed a petition challenging the original DO approval. As a result, there was an amended stipulation modifying the DO on May 12, 1982.

On June 8, 1993, the BOCC approved a Notice of Proposed Change (“**NOPC**”) to amend the DO to revise phasing (for draglines), modify CSA 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. (“**Cargill**”) and South Fort Meade Partnership L.P. (“**SFMP**”) purchased land within SFM DRI. Under new ownership, the BOCC approved a substantial deviation (“**SD**”) to the SFM DRI (**Attachment 6**), 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 parcel, 1-acre in size. 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**”) (**Attachment 7**) 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.⁶

Land Use and Surrounding Area

A majority of the property within the SFM DRI boundary has a Phosphate Mining (“**PM**”) Future Land Use (“**FLU**”) designation. The County Comprehensive Plan (“**Plan**”) designates the PM FLU for all existing phosphate-mining areas and support facilities and any non-reclaimed inactive mining areas.⁷ The County LDC further specifies typical uses within the PM land use district as phosphate mining operations, phosphate mining support facilities, and other compatible

⁶ The additional 268 trucks per a day are not currently being utilized. Accordingly, previous annual reports do no address the CU 18-06 conditions for trucking.

⁷ Policy 2.114-A2 of the Plan

uses.⁸ All Mosaic operations have a PM FLU designation within the SFM DRI boundary, which is consistent and compatible with the Plan and LDC (*further analysis herein*).⁹

The other surrounding FLU designation within the immediate vicinity is the Agricultural/Rural Residential (“A/RR”) FLU. Both the PM and A/RR FLU designations lie within the Rural Development Area (“RDA”). The purpose of the RDA is to “provide areas for rural activities such as agricultural uses, mining activities, and rural residential development.”¹⁰ There are no plans to provide urban utility services (i.e. wastewater infrastructure) to the RDA to support urban development. (*See an analysis of RDA Policies in subsequent section*).

In addition to agricultural uses, there are several residential single-family dwellings on properties with the A/RR FLU designation. However, the existing beneficiation plant is over a mile and a half away from the nearest residence, ensuring further compatibility from other land uses. This request extends the SFM DRI date of expiration and does not amend the FLU or existing uses. The uses/operations are existing and shown to be compatible with the surrounding land uses and development pattern.

Comprehensive Plan

The below analysis of the County Plan Objectives and Policies are supportive of the request, demonstrating a continuation of compatibility and consistency.¹¹

SECTION 2.108 - RURAL-DEVELOPMENT AREAS (RDA)

OBJECTIVE 2.108-A: *The Polk County Plan shall provide areas for rural activities such as agricultural uses, mining activities, and rural residential uses, and for areas to be available for future long-range urban-expansion activities through:*

- a. the designation and mapping of Rural-Development Areas (RDAs), and*
- b. the establishment of policies to govern the development of land within RDAs.*

Discussion: The FLU Element of the Plan identifies five broad, urban form areas or development areas, including the RDA. The Property is within the RDA and the existing Facility is a component of phosphate mining operation, further implementing this Objective.

POLICY 2.108-A1: DESCRIPTION - *Rural-Development Areas (RDA) shall be all unincorporated areas within the County that are not located within a Transit Supportive Development Area, Urban-Growth Area, Suburban-Development Area, or Utility-Enclave Area. Development in these areas is characterized by large open areas, agricultural use, with scattered*

⁸ Sec. 204.C.7. of the LDC

⁹ Sec. 4.400 of the Plan defines compatibility in 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.”

¹⁰ Sec. 202.E. of the LDC

¹¹ Sec. 4.400 of the Plan defines consistency as “compatible with and furthering the goals, objectives and policies of the Comprehensive Plan Elements and this agreement.”

development and rural centers. Services are limited and mostly found in the rural centers and clustered developments.

Discussion: This Policy helps to further implement Objective 2.108-A. The area surrounding the property is rural in nature and the existing SFM DRI uses for mining activities/operations are uses indicative of the RDA.

OBJECTIVE 2.114-A: *The Polk County Plan shall provide for the use and development of mining lands and non-reclaimed phosphate-mined areas within the County through:*

- a. The establishment of a "Phosphate Mining" land use classification;*
- b. The designation of Phosphate Mining lands on the Future Land Use Map Series; and*
- c. Through the establishment of development criteria applicable to the development and location of Phosphate Mining lands within the County.*
- d. Property not meeting the criteria under Policy 2.114-A2 (Designation and Mapping of Phosphate Mining Land) but designated as Phosphate Mining on the Polk County Future Land Use Map, may develop their property residentially but the County must initiate a Comprehensive Plan amendment soon after to recognize the new land use. Agricultural/Residential-Rural (A/RR) development criteria specified under Section 2.121-A with the exception of Policy 2.121-A2.E.2 will be used (Rural Mixed Use Developments).*

Discussion: All Mosaic operations within the SFM DRI have the correct PM land use classification. The SFM DRI DO meets all reporting requirements of the County's PM ordinance, including annual reporting requirements. The request to extend the DO expiration date to continue all existing SFM DRI uses, demonstrates consistency with this Objective.

POLICY 2.114-A1: CHARACTERISTICS - *Phosphate Mining areas are generally characterized by existing or proposed phosphate-mining operations, phosphate-mining support facilities, and non-reclaimed phosphate-mined areas.*

Discussion: This Policy further implements Objective 2.114-A. The SFM DRI PM uses includes a beneficiation plant, mine, CSAs, sand tail disposal areas, and a water recirculation system, all components/characteristics of phosphate mining.

POLICY 2.114-A2: DESIGNATION AND MAPPING - *Phosphate Mining areas shall be designated and mapped on the Future Land Use Map Series as "Phosphate Mining" (PM), and shall include:*

- a. all existing phosphate-mining areas and support facilities for which a "Conceptual Mine Plan" has been accepted by the County, and*
- b. any non-reclaimed inactive mining areas for which foreseeable development is unlikely, as of the adoption date of the Comprehensive Plan.*

Property not meeting the criteria under Policy 2.114-A2 (Designation and Mapping of Phosphate Mining Land) but designated as Phosphate Mining on the Polk County Future Land Use Map Series, may be developed residentially but the County must initiate a Comprehensive Plan amendment soon after to recognize the new land use. Agricultural/Residential-Rural (A/RR) development criteria specified under Section 2.121-A with the exception of Policy 2.121-A2.E.2

(Rural Mixed Use Developments) will be used; and, the applicant must show documentation proving the property was not owned by a phosphate mining company prior to May 1, 1991, the Plan's adoption date. Property purchased from a phosphate company after this date will not be considered an error.

Discussion: The SFM DRI DO outlines all phosphate-mining uses and all specific conditions. A CMP was revised in accordance with any change in DRI boundaries and as land conditions changed (i.e. reclamation and mined land area). Mosaic-controlled land within the SFM DRI DO boundary all have a PM FLU designation, furthering this Policy.

POLICY 2.114-A3: PERMITTED ACTIVITIES - *The following activities shall be permitted within the Phosphate Mining land use category as mapped pursuant to Policy 2.114-A2:*

- a. Phosphate mining and allied industries;*
- b. Land reclamation;*
- 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;*
- d. Other land uses with conditional approval which are compatible and related with the extraction and processing of phosphate; and*
- e. Subject to the adoption of a Comprehensive Plan amendment, any activities permitted within the following land use designations, which are appropriate for the redevelopment of lands formally utilized for phosphate mining operations and which demonstrate compliance with the Comprehensive Plan criteria for each use:*
 - 1. 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.*

Discussion: The SFM DRI uses include phosphate mining/allied industry and corresponding reclamation areas, which are consistent with this Policy. All reclamation activities are addressed in biennial applications to renew the Operating Permit (“OP”).

POLICY 2.114-B1: DEVELOPMENT CRITERIA FOR PHOSPHATE MINING - *Development within these districts shall conform to the following criteria:*

- 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.*

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:

- 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);*
- 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;*
- 3. a "Reclamation Plan" to include, at a minimum, all information required by applicable state regulations; and*
- 4. an "Operations Plan" to include, at a minimum:*
 - (a) phasing plans,*
 - (b) an Impact Mitigation Plan, and*
 - (c) a Traffic Circulation Plan showing major access routes to the mine site.*

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."

Discussion: The CMP was revised in accordance with the approved 2009 NOPC when the SFM DRI DO boundaries were modified. The current CMP is shown below in Figure 3 (Attachment 7), submitted as part of the annual DRI report.

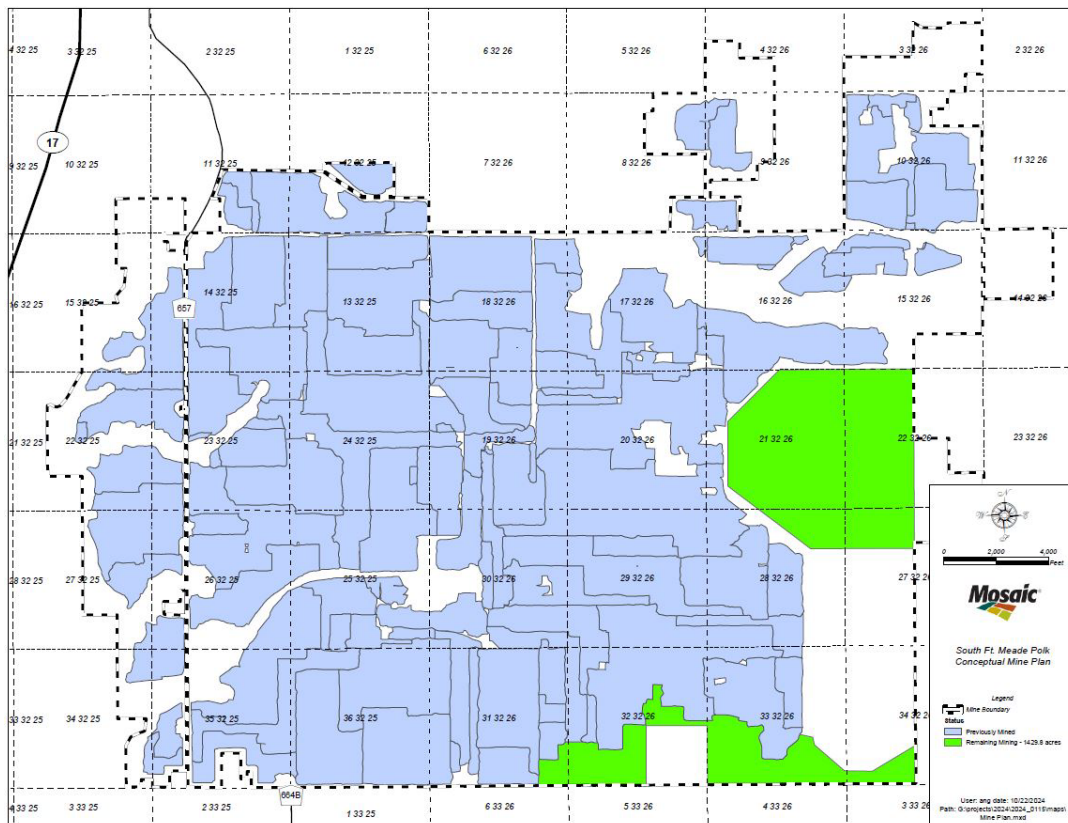


Figure 3. SFM DRI – Conceptual Mine Plan (Attachment 7)

A master site plan with sequencing was approved with the original SFM DRI and modifications were approved over the past 40 years. The SFM DRI DO meets all reporting requirements and updates all plans 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”). There are no changes in traffic circulation, and a map is embedded within the traffic impact statement (“TIS”) provided with this request (Attachment 8). Accordingly, the request to extend the DO expiration date to continue all existing SFM DRI uses continues to demonstrate consistency with this Policy.

POLICY 2.114-B2: ADJACENT DEVELOPMENT - *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.*

Discussion: 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.

POLICY 2.129-A5: *The County shall ensure that development meets the locally established level-of-service standards, and facilities and services are available concurrently with the impacts of development, or that development orders are specifically conditioned upon the availability of the facilities and services necessary to serve the proposed development; and that facilities that provide utility service to the various land uses are authorized at the same time as the land uses are authorized;*

Discussion: There is no additional need for potable water/wastewater (see the Impact Assessment Statement provided submitted with this application). The TIS demonstrates that roadways SR 62, CR 664, and US 17, all currently continue to operate at an acceptable level of service (“LOS”) when analyzing peak p.m. employee and trucking trips. Based on the TIS, these roadways are expected to continue to operate at an acceptable LOS to 2045, the requested date of the SFM DRI DO extension. The request is consistent with this Policy.

OBJECTIVE 2.402-B: *Polk County shall promote the retention and expansion of existing businesses within the County.*

Discussion: Approval of the request allows for the retention of Mosaic operations, which provides a significant economic impact to Central Florida, including Polk County. 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. See the following breakdown of Polk County ad valorem tax expenditures paid by Mosaic.

Ad Valorem Taxes	2023	2022
Real Property	\$5.7 Million	\$3.8 Million
Tangible	\$6.0 Million	\$4.9 Million
Total	\$11.7 Million	\$8.7 Million

Table 1. Mosaic – Polk County Taxes for 2022-2023

Analysis of the County Land Development Code

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 PM Ordinance.¹² The Development Review Committee ("DRC"), Planning Commission ("PC"), and BOCC review a C4 application.¹³ The County's PM Ordinance outlines the permitting, setback/buffer, reclamation, and reporting requirements for phosphate mining and related activities. The PM Ordinance specifically requires a CMP and OP, both of which are current for CU 18-06. The biennial report OP 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. All C4 applications require an Impact Assessment Statement ("IAS"), further demonstrating compliance with the LDC, which is included within the application submittal (**Attachment 9**).¹⁴

The following is an analysis of the LDC's BOCC standard for review of a C4 development application.¹⁵ The request meets the LDC development standards and applicable Plan Objectives/Policies, demonstrating a continuation of compatibility.

Section 907.A of the LDC

The BOCC shall determine whether the proposed development complies with the standards of this Code and the Comprehensive Plan regarding the following issues:

- 1. The compatibility of non-residential uses near or adjacent to residential land uses or vacant land designated as residential;*
- 2. The compatibility of proposed residential uses in proximity to existing residential densities of a significantly different density;*
- 3. Where there are specific characteristics of the proposal which may result in potential adverse off-site impacts. Site characteristics such as a dumpster, driveway, drive-through window, or buffer will be reviewed to determine compatibility and possible mitigation of impacts not deemed compatible;*
- 4. The effects of noise, vibration, air pollution, glare and odor may adversely impact the use of adjacent properties shall be reviewed and, where appropriate, conditions for mitigation imposed;*

¹² Sec. 303 and Sec. 907.E. of the LDC

¹³ Sec. 205.E. and Sec. 907.B. of the LDC

¹⁴ Sec. 910 of the LDC

¹⁵ Sec. 907.A. and 907.10 of the LDC

5. *Whether the requested development meets minimum development standards as stated in this Code, and other County development regulations; and to provide for compatibility; and*
6. *The development plan and impacts are outlined in an Impact Assessment Statement which mitigates any impacts of the project and is prepared pursuant to Section 910. BOCC determines whether the development complies with the LDC and Plan.*

Discussion: The land uses within the SFM DRI DO are not proposed to change as part of this request to extend the DO date. The existing beneficiation plant is over a mile and a half away from the nearest residence, continuing to ensure compatibility. There are no new off-site potential impacts and roadways are continuing to operate at an acceptable LOS and should continue operating at an acceptable LOS to 2045 (refer to the TIS). The IAS demonstrates that there will be no adverse impacts as a part of this request. The SFM DRI DO will continue to comply with all conditions and reporting requirements of all applicable governing bodies (County, DEP, etc.) The request continues to meet all applicable provisions of the Plan and LDC.

Section 907.10 of the LDC

The Board of County Commissioners, in the review of the development application shall consider the following factors:

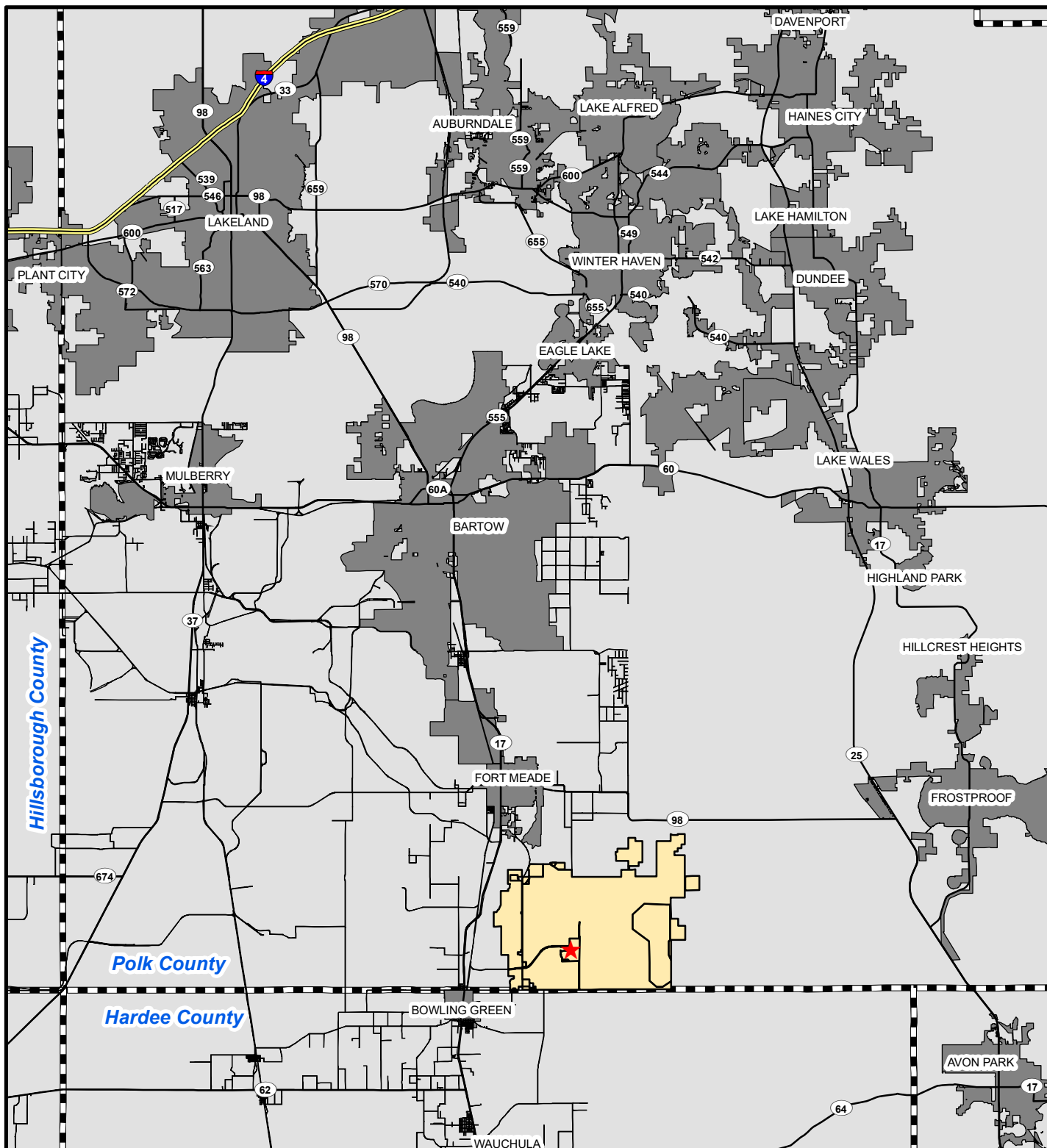
- a. Whether the proposed development is consistent with all relevant requirements of this Code;*
- b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;*
- c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, and noise appearance; and*
- d. Any other matter which the BoCC may deem appropriate and relevant to the specific development proposal.*

Discussion: The request and existing SFM DRI DO uses are consistent with all applicable Plan Objectives and Policies, including Obj. 2.108-A, 2.114-A, 2.402-B, and Policies 2.108-A1, 2.114-A2, 2.114-A3, 2.114-B, 2.114-B2, 2.129-A5). The request and existing SFM DRI are consistent with Sec. 205, 303, 907, 910, and the PM Ordinance, as analyzed herein. The existing uses are not changing and demonstrate a continuation of compatible uses typically found within the RDA. The SFM DRI will continue to comply with all conditions and reporting requirements.

Conclusion

Numerous Objectives/Policies of the Plan are supportive of the request and ensure ongoing compatibility with surrounding land uses pattern. The SFM facility and request also meet all applicable LDC provisions and reporting requirements. 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. Approval of this request will ensure that the SFM plant/mine will continue to provide a significant economic impact to Polk County.

ATTACHMENT 1



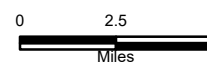
Legend

-  Interstates
-  State Roads
-  South Fort Meade Beneficiation Plant
-  South Fort Meade Polk Boundary
-  City Limits
-  County Line



South Fort Meade Mine Mosaic Fertilizer, LLC

Map A
General Location



ATTACHMENT 2



RESOLUTION NO. 18-007
FOR A RESTATED AND AMENDED
DEVELOPMENT ORDER
POLK COUNTY, FLORIDA

INSTR # 2018105210
BK 10487 Pgs 1517-1531 PG(s) 15
RECORDED 05/16/2018 02:55:35 PM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES \$129.00
RECORDED BY rhoncamp

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, RESTATING AND AMENDING A ~~ISSUING AN AMENDED~~ DEVELOPMENT ORDER ISSUED PURSUANT TO CHAPTER 380, FLORIDA STATUTES THE SOUTH FORT MEADE PHOSPHATE MINE, A DEVELOPMENT OF REGIONAL IMPACT (DRI); SUBMITTED BY MOSAIC FERTILIZER, L.L.C.; SETTING FORTH FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL PURSUANT TO CHAPTER 380, FLORIDA STATUTES.

WHEREAS, the Polk County Board of County Commissioners, hereafter referred to as "the Board", as the governing body of local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider applications for amendment of a Development of Regional Impact ("DRI"); and

WHEREAS, the Mobil Mining and Minerals Company (Formerly Mobil Chemical Company) hereafter referred to as "Mobil", filed the following documents with the Board pursuant to Section 380.06, F.S.:

1. An Application for Development Approval dated May 4, 1981, seeking approval of a phosphate mine DRI; and
2. Amendments to the Polk County mine site plan which conform to the original site plan to the above-referenced application, which amendments are dated August 28, 1981.

WHEREAS, The Board reviewed the evidence and on September 22, 1981, approved, with conditions, a Development Order ("DO") for the South Fort Meade Phosphate Mine DRI; and

WHEREAS, on November 9, 1981, the State Department of Veteran and Community Affairs filed a Notice and Petition Challenging the waste disposal and reclamation plans approved in the Polk County order; and

WHEREAS, Mobil, the Department of Veteran and Community Affairs, Polk County (approved by the Polk County Commission on September 22, 1981) and the Central Florida Regional Planning Council entered into an Amended Stipulation which was adopted as a modification of the Development Order by a Final Order entered on May 12, 1982, by the Florida Land and Water Adjudicatory Commission; and

WHEREAS, on February 26, 1993, Mobil submitted a Notification of Proposed Change to amend the Development Order; and

WHEREAS, on June 8, 1993, the Board found that the requested amendment did not constitute a Substantial Deviation and approved the requested amendment; and

WHEREAS, on November 15, 1994 Mobil proposed changes to the mine that necessitated an amendment to the Development Order; and

WHEREAS, on May 23, 1995, the Board found that the requested amendment did not constitute a Substantial Deviation and approved the requested amendment; and

WHEREAS, in December 1995 Cargill Fertilizer, Inc. ("Cargill") and South Fort. Meade Partnership, L.P. ("SFMP") purchased the land and facilities addressed and regulated by the South Fort Meade Phosphate Mine DRI; and

WHEREAS, Cargill assumed responsibility for the development and operation of the phosphate mining and processing activities approved under the South Ft. Meade Phosphate Mine DRI and agreed to be bound by the terms of this Development Order; and

WHEREAS, on May 22, 1998, a substantial deviation application for certain mining ~~amount~~ amendments was found to be sufficient for review by the staff of the Central Florida Regional Planning Council; and

WHEREAS, the Board held a duly noticed public hearing on said application on August 18, 1998, as required by Section 380.06, Florida Statutes and approved the amendment; and

WHEREAS, Cargill purchased an additional 37.7 acres of land from the area of the "outparcels" adjacent to the then existing South Fort. Meade Mine; and

WHEREAS, because the addition of the 37.7 acres parcel did not constitute a Substantial Deviation to the approved DRI, in October 1998 Cargill filed a Notice of Proposed Change with Polk County, the Central Florida Regional Planning Council and the Florida Department of Community Affairs to add the parcel; and

WHEREAS, Cargill filed an application for an amendment to the Polk County Comprehensive Plan Future Land Use Map for the parcel, which application has been reviewed by all appropriate government agencies; and

WHEREAS, Cargill purchased an additional out-parcel legally described as approximately one (1) acre in the south 150 feet of the north 422 feet of the east 290.4 feet of the north ½ of the northwest ¼ of the northwest ¼ of Section 26, Township 32 South, Range 25 East, less 25.00' right of way of Mt. Pisgah Road, Polk County, Florida; and

WHEREAS, on May 31, 2002, Cargill submitted a Notice of Proposed Change to the Polk County Commission, the Central Florida Regional Planning Council, and to the Florida Department of Community Affairs to add said out parcel to the DRI Development Order; and

WHEREAS, on September 4, 2002, the Board of County Commissioners of Polk County duly passed and adopted the proposed amendment with conditions, as set forth in Resolution No. 02-48; and

WHEREAS, on October 22, 2004, Mosaic Fertilizer, LLC ("Mosaic") was created from a merger between Cargill Crop Nutrition and IMC Global, Inc.; and

WHEREAS, Mosaic assumed responsibility for the Development and operation of the phosphate mining and processing activities approved under the South Ft. Meade Phosphate Mine DRI and agreed to be bound by the terms of this Development Order; and

WHEREAS, on January 14, 2009, Mosaic Fertilizer, LLC submitted a Notification of Proposed Change to amend the Development Order to add 237.5 acres, including the 19.4 acre "Devane" parcel and the 19.8 acre "Best" parcel, the three acre "Sun Grown Citrus" parcel, and an additional 195.3 acres known as the "Old Colony Addition" ~~currently~~ owned by Mosaic Fertilizer, LLC and described in Exhibit E; and

WHEREAS, on May 20, 2009, the Board of County Commissioners conducted a public hearing pursuant to Section 380.06 (19)(f)(3), Florida Statutes, with due public notice having been provided, and adopted the proposed change in the form of a Restated and Amended Development Order for the South Fort Meade Mine cumulatively incorporating all changes to the Development Order through May 20, 2009.

WHEREAS, in 2011, the Florida Legislature amended Section 380.06(24)(t) to exempt changes to solid mineral mines from the DRI review and to provide that DRI development orders for solid mineral mines shall continue to enjoy vested rights and continue to be effective unless rescinded by the developer;

WHEREAS, Section 380.06(24)(t) requires changes to solid mineral mines to comply with applicable local government regulations in lieu of DRI review:

WHEREAS, the Polk County Land Development Code provides that Phosphate Mining is subject to Level 4 Conditional Use Review,

WHEREAS, on December 12, 2017, Mosaic submitted an application for Level 4 Conditional Use Review to amend the Development Order to add 268 trucks to the South Fort Meade mine transportation approval during normal operations ("Proposed Change");

WHEREAS, this Development Order is being amended to include reference to a Conditional Use Level 4 approval issued pursuant to local law and procedures and which is being issued contemporaneously with this amendment to the Development Order;

WHEREAS, on February 20, 2018, the Board of County Commissioners conducted a public hearing with due public notice having been provided, and determined that the Proposed Change is not subject to DRI review but that amendment of this Development Order is necessary to reference the Conditional Use Level 4 Review process and approval; and

WHEREAS, the Board also determined that approval of Proposed Change requires the adoption of a Restated and Amended Development Order for the South Fort Meade Mine cumulatively incorporating all previous changes to the Development Order through February 20, 2018.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, THAT THE APPLICATION FOR AN AMENDMENT SUBMITTED BY MOSAIC IS HEREBY APPROVED WITH CONDITIONS; SAID APPROVAL AND FINDINGS BEING BASED UPON THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW.

I. FINDINGS OF FACT

- A. The Application for Development Approval dated May 4, 1981, seeking approval of a phosphate mine DRI is being incorporated and made a part of this resolution by reference.
- B. Mosaic submitted this request for an amendment to the Development Order, in the form of a Level 4 Conditional Use application on December 12, 2017, said application being incorporated and made a part of this resolution by reference.

- C. The South Fort Meade Mine currently covers approximately 17,508.5 acres as described in Exhibit B.
- D. The Development Order covers the construction of ore processing and mine facilities. The average annual mining rate will remain 645 acres per year.
- E. The ~~proposed~~ development is not located in an area of critical state concern as designated pursuant to Section 380.05, F.S.
- F. The Board has adopted a Comprehensive Plan for Polk County pursuant to Section 163.161, F.S., which is applicable to the South Fort Meade Mine DRI. The land within the mine is currently designated as PM (Phosphate Mining).
- G. Subject to the conditions provided herein, the Proposed Change will not have an unfavorable impact on the environment and natural resources of the region.
- H. The Proposed Change and the development will have a favorable impact on the economy of the region.
- I. The Proposed Change will not significantly burden the existing public facilities of the region, including transportation facilities.
- J. The Proposed Change will not adversely affect the ability of people to find adequate housing reasonable accessible to their place of employment.
- K. Existing sources of energy are sufficient and will not be unduly burdened by the proposed amendment.
- L. Waste disposal and land reclamation technologies have been thoroughly evaluated by Mosaic and considered by the Board and are unchanged by the Proposed Change.
- M. When the South Fort. Meade mine was originally approved, the property contained several "out parcels" not owned or controlled by Mobil at the time the original application was made. The "out parcels" are located within the interior of the South Fort Meade Mine. Although the Application did not include the mining of these "out parcels", Mobil did plan to purchase and mine these parcels. The original DO stated that "inclusion of these parcels into the mining plan and subsequent reclamation will not result in any increased regional impacts." Although Additional Lands ~~to be~~ added by the 2009 NOPC change were not within the "out parcels" boundary, they were adjacent to the current mine boundary. The inclusion of the additional 237.5 acres into the mine and reclamation plans has been evaluated pursuant to Section 380.06, F.S., and will not result in any increased regional impacts.

II. CONCLUSIONS OF LAW

- A. The Board's review of the application for the amendment of the Development Order has been conducted pursuant to and complied with the provisions of Section 380.06(24)(t).
- B. The amendment is consistent with the Polk County Comprehensive Plan, and local land development regulations.

- C. The amendment is consistent with and applicable portion of the State Comprehensive Plan. The amendment does not unreasonably interfere with the achievement of the objectives of any applicable state land development plan.
- D. All development activities described in the application shall be subject to the terms of this Development Order and pursuant to Section 380.06(24)(t), F.S. shall not be subject to future DRI but shall instead be reviewed pursuant to local Polk County requirements.
- E. The provisions of the Development Order shall not be construed as a waiver or exception of any rules, regulations, or ordinances of Polk County and, therefore, any further review and approval required by Polk County shall be subject to all such applicable rules, regulations or ordinances in effect at the time of review.
- F. The annual report of mining operations required by Polk County regulations is an appropriate vehicle for monitoring the development, as required by Section 380.06(15)(c)(1) Florida Statutes and further is an appropriate vehicle for the biennial report required by Section 380.06(15)(c)4 Florida Statutes, and shall be utilized to satisfy those provisions of Chapter 380, F.S.
- G. The Polk County Code Enforcement Director shall be the local official responsible for assuring compliance with this Development Order.

BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA THAT THE APPLICATION FOR THE AMENDMENT OF THE DEVELOPMENT ORDER IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS.

III. CONDITIONS

- A. Location of Above Grade Clay Settling Areas
No above grade clay settling areas shall be allowed within 100 year floodplain of Bowlegs Creek.
- B. Reclamation of Freshwater Marsh
Prior to the commencement of their reclamation, Mosaic shall provide a plan for the reclamation of non-forested wetlands which shall reflect the most recent, accepted technology, the most economically and technologically sound approach, and the best management practices for such reclamation. The plan shall address water quality, plant and animal species diversity, and techniques, such as natural revegetation, the transplanting of desired vegetation, and the utilization of substrate from existing marshes as a seed source. The plan shall be submitted to and approved by the Florida Department of Environmental Protection.

C. Rail Service and Truck Transportation

Should rail service from the mine site be interrupted for a period of more than five consecutive days for reasons beyond Mosaic's control, Mosaic will be allowed to utilize truck transportation from the mine site to its existing fertilizer manufacturing locations in Polk and Hillsborough counties. Prior to initiating trucking, Mosaic will submit to the Central Florida Regional Planning Council and Polk County a proposed route study for the truck traffic.

Mosaic is authorized to transport 268 truckloads of rock from the South Pasture Mine in Hardee County to the South Fort Meade Mine. Conditions related to these additional truck trips are further addressed in CU 18-06.

D. Mining Rate

Mosaic is authorized to mine at an average rate of 645 acres per year.

E. Substantial Deviation

1. Any proposal to mine within the 25-year floodplain of Bowlegs Creek shall be considered by the Board as a substantial deviation subject to a Level 4 Conditional Use Review.
2. Any proposed changes to the application which involve the following shall be submitted to the Board for a determination if such change constitutes a substantial deviation subject to a Level 4 Conditional Use Review.
 - a. Any increase in the area to be mined except for any "out parcels" located within the Mosaic Tract.
 - b. Any increase in the above grade clay settling areas except for waste clay disposal resulting from the mining of "out parcels," provided such disposal and reclamation if performed in the same methodology used for the South Fort Meade Mine and otherwise complies with the conditions of this Development Order.
 - c. Any change which would result in an increase in the regional impacts.
3. The following changes shall be presumed not to be a substantial deviation subject to a Level 4 Conditional Use Review:
 - a. Any decrease in the area used for above grade clay settling.
 - b. A decrease in the regional impact of the development.
 - c. A change required by permit conditions or requirements imposed by the Department of Environmental Protection (DEP), the Department of Natural Resources, the Southwest Florida Water Management District, or any of their successor agencies of by and appropriate federal regulatory agency.

F. Restriction as to Additional Land Subject to Resolution 99-39

Mosaic's mining operations on the Additional Land from the 1999 NOPC, subject to Resolution 99-39, amending the Development Order to add 37.7 acres from the area of the out-parcels shall be limited to 11.8 acres in the southeast portion of the Additional Land from the 1999 NOPC, in order to maximize buffering along the north and west boundaries.

- G. Polk County Mining Regulation
This Development Order approves conceptual mining and reclamation plans. Actual mining operation implementing these plans shall comply with the Polk County Mining Ordinance (88-19) in effect at the time of mining. This condition shall not restrict or preclude Mosaic from participating fully in amendments to the Polk County mining ordinance or adoption of new ordinances, or otherwise seek relief from regulations imposed by the board. Mosaic shall submit the necessary applications to amend the South Fort Meade's Conceptual Plan and Operating Permit to add the 237.5 acres of Additional Land as described in the 2009 NOPC prior to mining any area within the Additional Land.
- H. Review and Comment on Permits for the Additional Land
Portions of the additional lands that are apart of the 2009 NOPC applications appear to contain sensitive lands that may require inspection/permits to determine the limits of mining in these areas. Environmental Resource Permits may be required to determine the exact limits of mining in these areas. Mosaic shall provide Polk County and the CFRPC the opportunity to participate in the field inspections for these permits and provide copies of these permits and any correspondence regarding these permits to Polk County and the CFRPC and allow comments on the permits.
- I. Biennial Report
Mosaic shall submit the biennial report of mining operations as required by Polk County regulations to the Polk County Code Enforcement Director, the Central Florida Regional Planning Council, the Florida Department of Economic Opportunity and the affected permit agencies pursuant to Section 380.06(16), F.S. on or before the fifteenth day of February of each year. The annual report shall include the status of all permits for the added parcels.
- J. Expiration
This Development Order shall take effect upon approval and shall remain in effect for the life of the mine, not to exceed September 22, 2021.
- K. Recording of Notice of Adoption
In addition to the requirements of Section 380.06(15) (f) Florida Statutes, this Development Order shall be recorded by the developer in accordance with the provisions of the Polk County Land Development Code within fifteen (15) days after its rendering to the applicant.

Resolution 09- List of Exhibits

- Exhibit A – Description of SFM from Approved DRI Area, September 1998
Exhibit B – Description of SFM from NOPC, January 2009
Exhibit C – Legal Description of Devane and Best properties
Exhibit D – Legal Description of Sun Grove Citrus property
Exhibit E – Legal Description of Old Colony Addition

DULY PASSED AND ADOPTED BY THE Board of County Commissioners of Polk County, Florida this 20th day of February, 2018.

Description of SFM from Approved DRI Arca, September 1998

Township 32 South, Range 25 East			Township 32 South, Range 25 East (cont.)		
<u>Section 10</u>	SE 1/4 of SE 1/4	40 ac	<u>Section 35</u>	SE 1/4 of SE 1/4	40 ac
<u>Section 11</u>	NW 1/4 of SE 1/4	33 ac	(cont.)	SW 1/4 of SE 1/4	15 ac
	NE 1/4 of SE 1/4	32 ac		NW 1/4 of SW 1/4	39 ac
	SE 1/4 of SE 1/4	40 ac		NE 1/4 of SW 1/4	20 ac
	SW 1/4 of SE 1/4	40 ac		SE 1/4 of SW 1/4	19 ac
	NE 1/4 of SW 1/4	3 ac		SW 1/4 of SW 1/4	32 ac
	SW 1/4 of SW 1/4	40 ac	<u>Section 36</u>	ALL	641 ac
<u>Section 12</u>	NW 1/4 of SE 1/4	39 ac		Subtotal	6,544 ac
	NE 1/4 of SW 1/4	39 ac	Township 32 South, Range 26 East		
	NW 1/4 of SW 1/4	33 ac	<u>Section 3</u>	NW 1/4 of SE 1/4	34 ac
	S 1/4	160 ac		NE 1/4 of SE 1/4	40 ac
<u>Section 13</u>	ALL	649 ac		SE 1/4 of SE 1/4	30 ac
<u>Section 14</u>	NW 1/4 of NW 1/4	30 ac		SW 1/4 of SE 1/4	40 ac
	SE 1/4 of NW 1/4	39 ac		SE 1/4 of SW 1/4	40 ac
	SW 1/4 of NW 1/4	39 ac		SW 1/4 of SW 1/4	40 ac
	E 1/2	322 ac	<u>Section 4</u>	NW 1/4 of SW 1/4	18 ac
	NW 1/4 of SW 1/4	39 ac		SE 1/4 of SW 1/4	12 ac
	NE 1/4 of SW 1/4	39 ac		SW 1/4 of SW 1/4	30 ac
	SE 1/4 of SW 1/4	39 ac	<u>Section 8</u>	NE 1/4 of NE 1/4	30 ac
<u>Section 15</u>	SW 1/4 of SW 1/4	39 ac		SE 1/4 of NE 1/4	25 ac
	NE 1/4 of NE 1/4	40 ac		SE 1/4 of SE 1/4	40 ac
	SE 1/4 of NE 1/4	34 ac	<u>Section 9</u>	NW 1/4 of NW 1/4	40 ac
	SE 1/4	160 ac		NE 1/4 of NW 1/4	7 ac
<u>Section 22</u>	NE 1/4 of NW 1/4	14 ac		SW 1/4 of NW 1/4	40 ac
	SE 1/4 of NW 1/4	40 ac		SE 1/4 of NW 1/4	9 ac
	E 1/2	320 ac		NW 1/4 of SW 1/4	2 ac
	NE 1/4 of SW 1/4	40 ac		SW 1/4 of SW 1/4	40 ac
<u>Section 23</u>	NW 1/4 of NW 1/4	39 ac	<u>Section 10</u>	NW 1/4	160 ac
	NE 1/4 of NW 1/4	39 ac		NW 1/4 of NE 1/4	31 ac
	SE 1/4 of NW 1/4	39 ac		SE 1/4 of NE 1/4	40 ac
	SW 1/4 of NW 1/4	38 ac		SW 1/4 of NE 1/4	40 ac
	E 1/2	323 ac		S 1/2	320 ac
	NW 1/4 of SW 1/4	40 ac	<u>Section 14</u>	NW 1/4	161 ac
	NE 1/4 of SW 1/4	39 ac	<u>Section 15</u>	W 1/2	322 ac
	SE 1/4 of SW 1/4	39 ac		NE 1/4	161 ac
	SW 1/4 of SW 1/4	40 ac		NW 1/4 of SE 1/4	40 ac
<u>Section 24</u>	ALL	648 ac		NE 1/4 of SE 1/4	40 ac
<u>Section 25</u>	ALL	644 ac	<u>Section 16</u>	ALL	643 ac
<u>Section 26</u>	NW 1/4 of NW 1/4	38 ac	<u>Section 17</u>	ALL	642 ac
	NE 1/4 of NW 1/4	39 ac	<u>Section 18</u>	ALL	641 ac
	SE 1/4 of NW 1/4	39 ac	<u>Section 19</u>	ALL	641 ac
	SW 1/4 of NW 1/4	39 ac	<u>Section 20</u>	ALL	642 ac
	E 1/2	323 ac	<u>Section 21</u>	ALL	644 ac
	NW 1/4 of SW 1/4	29 ac	<u>Section 22</u>	W 1/2	324 ac
	NE 1/4 of SW 1/4	39 ac		NW 1/4 of SE 1/4	40 ac
	SE 1/4 of SW 1/4	39 ac		SE 1/4 of SE 1/4	40 ac
	SW 1/4 of SW 1/4	39 ac		SW 1/4 of SE 1/4	40 ac
<u>Section 27</u>	NE 1/4	161 ac	<u>Section 27</u>	W 1/2	320 ac
	NW 1/4 of SE 1/4	40 ac		NW 1/4 of NE 1/4	39 ac
	NE 1/4 of SE 1/4	40 ac		NE 1/4 of NE 1/4	39 ac
	SE 1/4 of SE 1/4	40 ac	<u>Section 28</u>	ALL	639 ac
<u>Section 34</u>	NE 1/4 of NE 1/4	40 ac	<u>Section 29</u>	ALL	645 ac
	SE 1/4 of NE 1/4	40 ac	<u>Section 30</u>	ALL	640 ac
	NE 1/4 of SE 1/4	20 ac	<u>Section 31</u>	ALL	637 ac
	SE 1/4 of SE 1/4	27 ac	<u>Section 32</u>	ALL	641 ac
<u>Section 35</u>	NW 1/4 of NW 1/4	39 ac	<u>Section 33</u>	ALL	639 ac
	NE 1/4 of NW 1/4	39 ac	<u>Section 34</u>	W 1/2	320 ac
	SE 1/4 of NW 1/4	39 ac		Subtotal	10,688 ac
	SW 1/4 of NW 1/4	39 ac		Total	17,232 ac
	NE 1/4	160 ac			
	NW 1/4 of SE 1/4	40 ac			
	NE 1/4 of SE 1/4	40 ac			

Description of SFM from NOPC, January 2009

Township 32 South, Range 26 East

Section	Quarter	Quarter Quarter	Acres
10	SE	SE	40
11	SE	NE	32
		NW	33
		SE	40
		SW	40
	SW	NE	3
		SW	40
12	SE	NW	39
		SE	40
		SW	40
	SW	NE	39
		NW	32
		SE	41
		SW	41
13	All	All	649
14	NE	All	161
	NW	NE	38
		NW	29
		SE	39
		SW	40
	SE	All	161
	SW	NE	39
		NW	39
		SE	39
		SW	40
15	NE	NE	40
		SE	33
	SE	All	161
22	NE	All	161
	NW	NE	13
		SE	40
	SE	All	160
	SW	NE	40
23	NE	All	161
	NW	NE	39
		NW	40
		SE	39
		SW	39
	SE	All	161
	SW	NE	39
		NW	40
		SE	39
		SW	40
24	All	All	648
25	All	All	644
26	NE	All	160
	NW	NE	39
		NW	40
		SE	40
		SW	39
	SE	All	161
	SW	NE	40
		NW	28
		SE	40
		SW	39

Description of SFM from NOPC, January 2009 (continued)

Township 32 South, Range 25 East (Continued)

Section	Quarter	Quarter Quarter	Acres
27	NE	All	160
	SE	NE	40
		NW	40
		SE	40
34	NE	NE	40
		SE	40
	SE	NE	19
		SE	27
35	NE	All	161
	NW	NE	39
		NW	40
		SE	39
		SW	40
	SE	NE	40
		NW	40
		SE	40
		SW	14
	SW	NE	39
		NW	40
		SE	38
		SW	29
36	NE	All	641
Subtotal			6,623

Description of SFM from NOPC, January 2009 (continued)

Township 32 South, Range 26 East

Section	Quarter	Quarter Quarter	Acres
3	SE	NE	39
		NW	35
		SE	29
		SW	40
	SW	SE	40
		SW	40
4	SW	NW	20
		SE	40
		SW	40
8	NE	NE	40
		NW	25
		SE	30
		SW	23
	SE	SE	40
9	NW	NE	40
		NW	40
		SE	40
		SW	40
	SW	NE	10
		NW	23
10	NE	SW	40
		SE	39
		NW	30
	NW	All	161
	SE	All	159
	SW	All	161
14	NW	All	161
15	NE	NE	39
		NW	40
		SE	40
		SW	40
	NW	All	162
	SE	NE	40
16	SW	NW	40
		SE	40
		SW	41
	SW	All	161
	NE	NE	40
		NW	40
27	NW	All	159
	SW	All	159
28	All	All	639
29	All	All	645
30	All	All	640
31	All	All	637
32	All	All	641
33	All	All	639
34	NW	All	161
	SW	All	159
Subtotal			10,885
Grand Total			17,508

Legal Description of Sun Grove Citrus property

West 200 feet (approximately 3.0 acres) of the S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9,
Township 32S, Range 26E.

Legal Description of Old Colony Addition

IN TOWNSHIP 32 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA:

Section 4:

- a) SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$.
- b) E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$.
- c) W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$.
- d) N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$.
- e) E $\frac{3}{4}$ of the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$.

Section 8:

- a) N $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$.
- b) NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$.
- c) E $\frac{3}{4}$ of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$.
- d) E $\frac{3}{4}$ of the N $\frac{3}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$.
- e) W $\frac{1}{4}$ of the N $\frac{3}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ LESS the N $\frac{1}{4}$ thereof.

Section 9:

- a) NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$.
- b) S $\frac{3}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$.
- c) N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$.
- d) E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$.
- e) S $\frac{3}{4}$ of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$.
- f) SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$.
- g) W $\frac{3}{4}$ of the N $\frac{1}{4}$ of the SW $\frac{1}{4}$ LESS: the N $\frac{1}{2}$ of the W $\frac{1}{4}$ of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$.
- h) West 200 feet of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$.

POLK COUNTY BOARD OF COUNTY COMMISSIONERS
Polk County, Florida

STATE OF FLORIDA)
)
COUNTY OF POLK)

I, Stacy M. Butterfield, Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Resolution No. 18 - 007 of the Board of County Commissioners, which was adopted by the said Board on the 20th day of February, 2018.

WITNESS by hand and official seal on this 20 day of Feb, 2018.

Stacy M. Butterfield
Clerk and Auditor

Stacy M. Butterfield

(SEAL)



By: *Jim Valle*
Deputy Clerk

STATE OF FLORIDA)
)
COUNTY OF POLK)

I, Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Resolution No. 18-007 approving the South Fort Meade Phosphate Mine Development of Regional Impact approved by the Polk County Board of County Commissioners Board meeting held on February 20, 2018.

WITNESS my hand and official seal on this 1st day of May 2018.

STACY M. BUTTERFIELD, CLERK

By: _____

Erin Valle

Erin Valle
Deputy Clerk



ATTACHMENT 3



330 West Church Street
PO Box 9005 • Drawer GM03
Bartow, Florida 33831-9005

PHONE: 863-534-6792
FAX: 863-534-6407
www.polk-county.net

LAND DEVELOPMENT DIVISION

March 21, 2018

Mosaic Fertilizer LLC
13830 Circa Crossing Drive
Lithia, Florida 33547

Re: Case File: CU 18-06/DMS #59949

Request: CU to bring Phosphate Rock from Hardee County and amend a resolution adopting a Development Order

Location: 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, Florida, in S-10-15, 22-27 and 34-36, T-32, R-25 and S-03, 04, 07 through 10, 14-22, 27-34, T-32, R-26

Dear Sir/Madame:

This is to officially notify you of the action taken by the Board of County Commissioners on Tuesday, February 20, 2018, regarding the above captioned request for a Conditional Use (CU) for the South Fort Meade Mine Development of Regional Impact (DRI) to bring phosphate rock via trucks from Hardee County to the Beneficiation Plant at the South Fort Meade Mine site. This request also includes amending the resolution adopting a Development Order for the South Fort Meade Mine DRI on 17,509 +/- acres.

The Board of County Commissioners voted 5/0 to approve the request subject to the following condition:

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.

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 LDC Section 930 D.

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.

GENERAL NOTES

NOTE: Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with LDC Section 930 D.

NOTE: All conditions of approval, unless otherwise specified, shall be met prior to the effectiveness and validity of the variance approval.

NOTE: All written commitments 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 commitments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

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.

For further information, please call (863) 534-6084.

Sincerely,



Erik E. Peterson, AICP
Principal Planner
Planning Commission Coordinator

c: County Attorney (Elizabeth Voss)
South Ft. Meade Partnership LP

Case File

ATTACHMENT 4

ATTACHMENT 5

Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No. (850) 222-7500
Writer's E-mail: VinetteG@hgslaw.com

March 13, 2019

VIA OVERNIGHT DELIVERY AND ELECTRONIC MAIL

Ms. Chanda Bennett, AICP, CPM
Comprehensive Planning Administrator
Office of Planning & Development / Long Range Planning
330 West Church St.
Bartow, Florida 33813-9005
chandabennett@polk-county.net

*Re: Notice of Expiration Date Extension to Mosaic South Fort Meade
Phosphate Mine Development of Regional Impact Development Order
pursuant to Section 252.363, Florida Statutes*

Dear Ms. Bennett:

The purpose of this letter is to file notice on behalf of my client, Mosaic Fertilizer, LLC ("Mosaic"), pursuant to Section 252.363, Florida Statutes (2018) ("F.S.") regarding an expiration date extension to Mosaic's South Fort Meade Phosphate Mine Development of Regional Impact Development Order (Polk County Resolution No. 18-007) (the "Development Order").

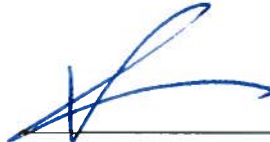
The Development Order is currently scheduled to expire on September 22, 2021. However, according to Section 252.363(1)(a), F.S., "[t]he declaration of a state of emergency by the Governor tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration[.]" including among (other things) "[t]he expiration of a development order issued by a local government[.]" for a period of six months in addition to the tolled period. See § 252.363(1)(a), F.S. The holder of the authorization must notify the issuing authority of the intent to exercise the tolling and extension provisions of this statutory provision within 90 days after expiration of the declaration. See § 252.363(1)(b), F.S.

Based upon the emergency declarations issued by former Governor Rick Scott and current Governor Ron DeSantis identified in Exhibit "A" attached hereto, and calculated pursuant to Section 252.363, F.S., Mosaic requests written recognition by Polk County of an extension of four (4) years and forty-three (43) days to the expiration date for the Development Order, making the new expiration date **November 4, 2025**.

I hereby request a letter from your office confirming that the new expiration date for the Development Order is now **November 4, 2025**. Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact me at the number provided above.

Best Regards,

HOPPING GREEN & SAMS, P.A.



Vinette Godelia

cc (email only): Ms. Rita Karacson, CPM, CPS
Development Coordination Supervisor
Land Development Division
Office of Planning & Development
RitaKaracson@polk-county.net

EXHIBIT "A"
EXECUTIVE ORDER EXTENSION CALCULATION

State of Emergency Declaration	Executive Order Declaration and Extension Dates	Additional Time per Section 252.363, F.S.
Opioid Epidemic	17-146 (May 3, 2017) 17-177/178 (Jun. 29, 2017) 17-230 (Aug. 28, 2017) 17-285 (Oct. 27, 2017) 17-329 (Dec. 22, 2017) 18-047 (Feb. 19, 2018) 18-110 (Apr. 19, 2018) 18-177 (Jun. 20, 2018) 18-235 (Aug. 17, 2018) 18-279 (Oct. 16, 2018) 18-362 (Dec. 5, 2018) 19-036 (Feb. 1, 2019)	1 year, 10 months, 30 days tolled between May 3, 2017 (date of the initial declaration) and Apr. 2, 2019 (scheduled expiration date unless extended), plus 6 months.
Hurricane Maria	17-259 (Oct. 2, 2017) 17-304 (Nov. 28, 2017) 18-017 (Jan. 25, 2018) 18-080 (Mar. 23, 2018) 18-135 (May 22, 2018) 18-214 (Jul. 20, 2018) 18-236 (Aug. 17, 2018) 18-281 (Oct. 16, 2018)	1 year, 2 months, 13 days tolled between Oct. 2, 2017 (date of the initial declaration) and Dec. 15, 2018 (the expiration date), plus 6 months.
TOTAL:		September 22, 2021 (current expiration date for the Developer Order) plus 4 years and 43 days is <u>Nov. 4, 2025</u>.

ATTACHMENT 6

RESOLUTION

A Resolution of the Board of County Commissioners of Polk County, Florida, issuing an amended Development Order of approval with conditions for an Application for Approval of a Development of Regional Impact known as the South Fort Meade Phosphate Mine, submitted by Cargill Fertilizer, Inc.; setting forth findings of fact, conclusions of law, and conditions of approval pursuant to Chapter 380, Florida Statutes.

WHEREAS, the Polk County Board of County Commissioners, hereafter referred to as "the Board," as the governing body of local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider applications for a development of regional impact ("DRI"); and

WHEREAS, the Mobil Mining & Minerals Company (formerly Mobil Chemical Company), hereafter referred to as "Mobil," filed the following documents with the Board pursuant to Section 380.06, F.S.;

1. An Application for Development Approval, hereafter referred to as "the Application," dated May 4, 1981, seeking approval of a phosphate mine development of regional impact; and
2. Amendments to the Polk County mine site plan, hereafter referred to as "Amendments," which conform the original site plan to the above-referenced application, which amendments are dated August 28, 1981.

WHEREAS, the Board held a duly noticed public hearing on said application on September 15, 1981, as required by Section 380.06, Florida Statutes; and

WHEREAS, Mobil, other units of Government, local agencies and interested citizens were afforded the opportunity to participate in all proceedings before the Board relating to the application and were provided the opportunity to present witnesses, evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence; and

CARGILL FERTILIZER, INC.
3900 PEEPLES RD
FT. MEADE, FL 33841

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WHEREAS, the Board reviewed all of the above referenced evidence and, on September 22, 1981, approved, with conditions, a Development Order ("DO") for the South Ft. Meade Phosphate Mine DRI; and

WHEREAS, on November 9, 1981, the State Department of Veteran and Community Affairs ("DVCA") filed a Notice of Appeal and Petition challenging the waste disposal and reclamation plans approved in the Polk County Order; and

WHEREAS, Mobil, the Department of Veteran and Community Affairs, Polk County (approved by the Polk County Commission on September 22, 1981) and the Central Florida Regional Planning Council entered into an Amended Stipulation which was adopted as a modification of the Development Order by a Final Order entered on May 12, 1982, by the Florida Land and Water Adjudicatory Commission; and

WHEREAS, on February 26, 1993, Mobil submitted a Notification of Proposed Change to amend the Development Order; and

WHEREAS, on June 8, 1993, the Board found that the requested amendment did not constitute a substantial deviation and approved the requested amendment; and

WHEREAS, on November 15, 1994 Mobil proposed changes to the mine that necessitated an amendment to the Development Order; and

WHEREAS, the Board held a duly noticed public hearing on said application on May 23, 1995, as required by Section 380.06, Florida Statutes; and

WHEREAS, on May 23, 1995, the Board found that the requested amendment did not constitute a substantial deviation and approved the requested amendment; and

WHEREAS, in December 1995 Cargill Fertilizer, Inc. ("Cargill") and South Ft. Meade Partnership, L.P. ("SFMP") purchased the land and facilities addressed and regulated by the South Fort Meade Phosphate Mine DRI; and

WHEREAS, Cargill has assumed responsibility for the development and operation of the phosphate mining and processing activities approved under the South Ft. Meade Phosphate Mine DRI

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and, by this application for Substantial Deviation, agrees to be bound by the terms of this Development Order; and

WHEREAS, Cargill proposes, in its operation of the South Fort Meade Mine, to increase the phosphate production rate, including increasing the mining rate, and proposes to provide for the short term alternative use of distribution of minerals by truck, in the event of a disruption of rail service; and

WHEREAS, because the proposed increase in the average annual acreage to be mined exceeded the threshold established by Chapter 380.06(19), Florida Statutes, for changes constituting a substantial deviation to an approved DRI, in January 1998 Cargill filed a substantial deviation application with Polk County, the Central Florida Regional Planning Council and the Florida Department of Community Affairs; and

WHEREAS, on May 22, 1998, the substantial deviation application was found to be sufficient for review by the staff of the Central Florida Regional Planning Council; and

WHEREAS, on July 8, 1998, a public hearing was held by the Central Florida Regional Planning Council and the substantial deviation was recommended for approval; and

WHEREAS, the Board held a duly noticed public hearing on said application on August 18, 1998, as required by Section 380.06, Florida Statutes; and

WHEREAS, Cargill, other units of Government, local agencies and interested citizens were afforded the opportunity to participate in all proceedings before the Board relating to the application and were provided the opportunity to present witnesses, evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence; and

WHEREAS, the Board has reviewed all of the above referenced evidence;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, THAT THE AMENDMENTS SUBMITTED BY CARGILL ARE HEREBY APPROVED WITH CONDITIONS; SAID APPROVAL AND FINDING BEING BASED UPON THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW.

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I. FINDING OF FACT

- A. Mobil submitted the application to the Board on May 12, 1981, said application being incorporated and made a part of this resolution by reference.
- B. Cargill submitted this request for an amendment to the approved DO, in the form of an application for substantial deviation, to the Board on January 21, 1998, said application being incorporated and made a part of this resolution by reference.
- C. The South Fort Meade Mine involves approximately 17,232¹ acres which are currently owned or controlled by Cargill. A complete legal description is attached as Exhibit A. Recovery of the reserves on this tract will require the mining or disturbance of approximately 15,176 acres, with the remaining 2,055 acres left undisturbed primarily due to environmental considerations.
- D. The Application also involves the construction of ore processing and mine facilities. Cargill proposes to increase the average annual mining rate from 530 acres per year to 645 acres per year. The increased mining rate will be accomplished with additional draglines.
- E. The proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, F.S.
- F. The Board has adopted a Comprehensive Plan for Polk County pursuant to Section 163.3161, F.S., which is applicable to the development site.
- G. The property encompassed by the proposed amendment is presently zoned Rural Conservation (RC) and no specific rezoning is required for mining, provided that all other local permits, including an up-to-date mine site plan, are approved by the Board.

¹ A more accurate survey of the total lands described within the South Fort Meade Phosphate Mine DRI indicates that the correct size is 17,232 acres, rather than 17,123 acres.

- H. The proposed amendment is part of a temporary land use and is compatible with surrounding adjacent land uses, including citrus production and other agricultural activities.
- I. Subject to the conditions provided herein, the proposed amendment will not have an unfavorable impact on the environment and natural resources of the region.
- J. The proposed amendment and the development will have a favorable impact on the economy of the region.
- K. The proposed amendment will not significantly burden the existing public facilities of the region, including transportation facilities.
- L. The proposed amendment will not adversely affect the ability of people to find adequate housing reasonably accessible to their place of employment.
- M. Existing sources of energy are sufficient and will not be unduly burdened by the proposed amendment.
- N. Waste disposal and land reclamation technologies have been thoroughly evaluated by Cargill and considered by the Board. Specifically, the Board finds that:
1. The waste disposal and reclamation plan proposed by Cargill is in compliance with the requirements of the State of Florida;
 2. The configuration of tailings fill areas proposed provides a desirable buffer for the Peace River and Bowlegs Creek;
 3. The tailings fill and overburden fill areas provide for a variety of ultimate land uses and have a more positive ad valorem tax impact than those areas containing clay wastes;
 4. The number of clay settling areas has been reduced from the originally approved 14 settling areas to 8, and the acreage devoted to waste clay settling areas has been reduced from the originally approved 9,683 acres to approximately 4,800 acres.

- O. Cargill proposes to mine approximately 941 and reclaim approximately 1,179 acres of non-forested wetlands (freshwater marsh). Cargill agrees to utilize the best state of the art technology available.
- P. The property encompassed by the proposed development contained several "out parcels" not owned or controlled by Mobil at the time the original application was made. These parcels are located within the interior of the South Fort Meade Mine. Although the application did not include the mining of these "out parcels," Mobil did plan to purchase and mine these parcels. Mobil purchased many of these "out parcels" and included three "out parcels" under the 1995 amendment to the DO. The original DO stated that "Inclusion of these parcels into the mining plan and subsequent reclamation will not result in any increased regional impacts."
- Q. One of the parcels Mobil has purchased was not classified for phosphate mining under Polk County's Comprehensive Plan. Several other parcels were erroneously excluded from the phosphate mining category when the Comprehensive Plan was adopted in 1991. The amendment of the one parcel and the correction of these errors were included as an accompaniment to the 1995 amendment.
- R. Mobil surveyed and analyzed the parcels added since the final DO and made the analysis a part of the application for the 1995 amendment of the DO. Portions of the added parcels exhibited moderate or high potential for occurrence of archaeological and historical resources which warranted further investigation. Cargill has had these areas investigated and the findings submitted to the Florida Department of State, Division of Historical Resources. The Division concurred with the findings that the sites were either not potentially eligible for designation as a historic property or the excavations carried out sufficiently mitigated any adverse impact to the sites. Therefore, no further analysis of these sites is necessary.
- S. Cargill has requested that, in the event of a disruption of rail service, phosphate materials could be shipped to the processing facilities by truck.

- T. The data and information contained within the application for the substantial deviation amendment of the DO were sufficient for the Board to perform the impact review required by Section 380.06, F.S.
- U. On August 18, 1998, the Board convened the required public hearing on the application, heard testimony and received evidence and documents pertaining to the substantial deviation application for the amendment of the DO including the report and recommendation of the Central Florida Regional Planning Council and the report and recommendation of the Polk County Planning Division.

II. CONCLUSION OF LAW

- A. The Board's review of the application for the amendment of the DO has been conducted pursuant to and complied with the provisions of Chapter 380, F.S.
- B. The application for the amendment of the DO as submitted, complies with the requirements of Section 380.06, F.S. and Chapter 22-F, Florida Administrative Code.
- C. The amendment is consistent with the report and recommendation of the Central Florida Regional Planning Council.
- D. The amendment is consistent with the Polk County Comprehensive Plan and local land development regulations.
- E. The amendment is consistent with any applicable portion of the State Comprehensive Plan. The amendment does not unreasonably interfere with the achievement of the objectives of any applicable state land development plan.
- F. All development activities described in the application shall be subject to the terms of this Development Order and shall not be subject to future development of regional impact review pursuant to Section 380.06, F.S. unless the Board determines that any proposed changes to the development constitutes a substantial deviation

pursuant to Section 380.06(17), F.S. and the conditions herein.

- G. The provisions of this Development Order shall not be construed as a waiver or exception of any rule, regulation, or ordinance of Polk County and, therefore, any further review and approval required by Polk County shall be subject to all such applicable rules, regulations or ordinances in effect at the time of review.
- H. The annual report of mining operations required by Polk County regulations is an appropriate vehicle for monitoring the development, as required by Section 380.06(15)(c)(1) and further is an appropriate vehicle for the annual report required by Section 380.06(15)(c)(3) and 9J-2.025(7), Florida Administrative Code, and shall be utilized to satisfy those provisions of Chapter 380, F.S.
- I. The Polk County Code Enforcement Director shall be the local official responsible for assuring compliance with this Development Order.

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BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA THAT THE APPLICATION FOR THE AMENDMENT OF THE DEVELOPMENT ORDER IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

III. CONDITIONS

A. Location of Above Grade Clay Settling Areas

No above grade clay settling areas shall be allowed within 100 year floodplain of Bowlegs Creek.

B. Reclamation of Freshwater Marsh

Prior to the commencement of their reclamation, Cargill shall provide a plan for the reclamation of non-forested wetlands which shall reflect the most recent, accepted technology, the most economically and technologically sound approach, and the best management practices for such reclamation. The plan shall address water quality, plant and animal species diversity, and techniques, such as natural revegetation, the

transplanting of desired vegetation, and the utilization of substrate from existing marshes as a seed source. The plan shall be submitted to and approved by the Florida Department of Environmental Protection.

- C. Should rail service from the mine site be interrupted for a period of more than five consecutive days for reasons beyond Cargill's control, Cargill will be allowed to utilize truck transportation from the mine site to its existing fertilizer manufacturing locations in Polk and Hillsborough counties. Prior to initiating trucking, Cargill will submit to the Central Florida Regional Planning Council a proposed route study for the truck traffic.
- D. Cargill is authorized to increase the rate of mining to an average of 530 acres per year to 645 acres per year.
- E. Substantial Deviation
 - 1. Any proposal to mine within the 25 year floodplain of Bowlegs Creek shall be considered by the Board as a substantial deviation.
 - 2. Any proposed changes to the application which involve the following shall be submitted to the Board for a determination if such change constitutes a substantial deviation and, therefore, requiring further review pursuant to Section 380.06, F.S.
 - a. Any increase in the area to be mined except for any "out parcels" located within the Cargill Tract.
 - b. Any increase in the above grade clay settling areas except for waste clay disposal resulting from the mining of "out parcels," provided such disposal and reclamation is performed in the same methodology used for the South Fort Meade Mine and otherwise complies with the conditions of this Development Order.

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- c. Any change which would result in an increase in the regional impacts.
- 3. The following changes shall be presumed not to be substantial deviations requiring further review.
 - a. Any decrease in the area used for above grade clay settling.
 - b. A decrease in the regional impact of the development.
 - c. A change required by permit conditions or requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, the Southwest Florida Water Management District, or any of their successor agencies or by any appropriate federal regulatory agency.

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F. Polk County Mining Regulation

This Development Order approves conceptual mining and reclamation plans. Actual mining operation implementing these plans shall comply with the Polk County mining ordinance in effect at the time of mining. This condition shall not restrict or preclude Cargill from participating fully in amendments to the Polk County mining ordinance or adoption of new ordinances, or otherwise seek relief from regulations imposed by the Board.

G. Annual Report

Cargill shall submit the annual report of mining operations as required by Polk County regulations to the Polk County Code Enforcement Director, the Central Florida Regional Planning Council, the state planning agency, and all affected permit agencies pursuant to Section 380.06(16), F.S. on or before the fifteenth day of February of each year.

Table 1A. Description of Cargill's application area for conceptual plan modification CAR-SFM-CPB, 1.98

Township 32 South, Range 25 East			Township 32 South, Range 25 East (cont)		
Section 10	SE 1/4 of SE 1/4	40 ac	Section 35		
Section 11	NW 1/4 of SE 1/4	33 ac	(cont)	SE 1/4 of SE 1/4	40 ac
	NE 1/4 of SE 1/4	32 ac		SW 1/4 of SE 1/4	15 ac
	SE 1/4 of SE 1/4	40 ac		NW 1/4 of SW 1/4	39 ac
	SW 1/4 of SE 1/4	40 ac		NE 1/4 of SW 1/4	20 ac
	NE 1/4 of SW 1/4	3 ac		SE 1/4 of SW 1/4	19 ac
	SW 1/4 of SW 1/4	40 ac		SW 1/4 of SW 1/4	32 ac
Section 12	NW 1/4 of SE 1/4	39 ac	Section 36	ALL	641 ac
	NE 1/4 of SW 1/4	39 ac		Subtotal	6,544 ac
	NW 1/4 of SW 1/4	33 ac			
	S 1/4	160 ac	Township 32 South, Range 26 East		
Section 13	ALL	649 ac	Section 3	NW 1/4 of SE 1/4	34 ac
Section 14	NW 1/4 of NW 1/4	30 ac		NE 1/4 of SE 1/4	40 ac
	SE 1/4 of NW 1/4	39 ac		SE 1/4 of SE 1/4	30 ac
	SW 1/4 of NW 1/4	39 ac		SW 1/4 of SE 1/4	40 ac
	E 1/2	322 ac		SE 1/4 of SW 1/4	40 ac
	NW 1/4 of SW 1/4	39 ac		SW 1/4 of SW 1/4	40 ac
	NE 1/4 of SW 1/4	39 ac	Section 4	NW 1/4 of SW 1/4	18 ac
	SE 1/4 of SW 1/4	39 ac		SE 1/4 of SW 1/4	12 ac
	SW 1/4 of SW 1/4	39 ac		SW 1/4 of SW 1/4	30 ac
Section 15	NE 1/4 of NE 1/4	40 ac	Section 8	NE 1/4 of NE 1/4	30 ac
	SE 1/4 of NE 1/4	34 ac		SE 1/4 of NE 1/4	25 ac
	SE 1/4	160 ac		SE 1/4 of SE 1/4	40 ac
Section 22	NE 1/4 of NW 1/4	14 ac	Section 9	NW 1/4 of NW 1/4	40 ac
	SE 1/4 of NW 1/4	40 ac		NE 1/4 of NW 1/4	7 ac
	E 1/2	320 ac		SW 1/4 of NW 1/4	40 ac
	NE 1/4 of SW 1/4	40 ac		SE 1/4 of NW 1/4	9 ac
Section 23	NW 1/4 of NW 1/4	39 ac		NW 1/4 of SW 1/4	2 ac
	NE 1/4 of NW 1/4	39 ac		SW 1/4 of SW 1/4	40 ac
	SE 1/4 of NW 1/4	39 ac	Section 10	NW 1/4	160 ac
	SW 1/4 of NW 1/4	38 ac		NW 1/4 of NE 1/4	31 ac
	E 1/2	323 ac		SE 1/4 of NE 1/4	40 ac
	NW 1/4 of SW 1/4	40 ac		SW 1/4 of NE 1/4	40 ac
	NE 1/4 of SW 1/4	39 ac	Section 14	S 1/2	320 ac
	SE 1/4 of SW 1/4	39 ac	Section 15	NW 1/4	161 ac
	SW 1/4 of SW 1/4	40 ac		W 1/2	322 ac
Section 24	ALL	648 ac		NE 1/4	161 ac
Section 25	ALL	644 ac		NW 1/4 of SE 1/4	40 ac
Section 26	NW 1/4 of NW 1/4	38 ac		NE 1/4 of SE 1/4	40 ac
	NE 1/4 of NW 1/4	39 ac	Section 16	ALL	643 ac
	SE 1/4 of NW 1/4	39 ac	Section 17	ALL	642 ac
	SW 1/4 of NW 1/4	39 ac	Section 18	ALL	641 ac
	E 1/2	323 ac	Section 19	ALL	641 ac
	NW 1/4 of SW 1/4	29 ac	Section 20	ALL	642 ac
	NE 1/4 of SW 1/4	39 ac	Section 21	ALL	644 ac
	SE 1/4 of SW 1/4	39 ac	Section 22	W 1/2	324 ac
	SW 1/4 of SW 1/4	39 ac		NW 1/4 of SE 1/4	40 ac
Section 27	NE 1/4	161 ac		SE 1/4 of SE 1/4	40 ac
	NW 1/4 of SE 1/4	40 ac		SW 1/4 of SE 1/4	40 ac
	NE 1/4 of SE 1/4	40 ac	Section 27	W 1/2	320 ac
	SE 1/4 of SE 1/4	40 ac		NW 1/4 of NE 1/4	39 ac
Section 34	NE 1/4 of NE 1/4	40 ac		NE 1/4 of NE 1/4	39 ac
	SE 1/4 of NE 1/4	40 ac	Section 28	ALL	639 ac
	NE 1/4 of SE 1/4	20 ac	Section 29	ALL	645 ac
	SE 1/4 of SE 1/4	27 ac	Section 30	ALL	640 ac
Section 35	NW 1/4 of NW 1/4	39 ac	Section 31	ALL	637 ac
	NE 1/4 of NW 1/4	39 ac	Section 32	ALL	641 ac
	SE 1/4 of NW 1/4	39 ac	Section 33	ALL	639 ac
	SW 1/4 of NW 1/4	39 ac	Section 34	W 1/2	320 ac
	NE 1/4	160 ac		Subtotal	10,688 ac
	NW 1/4 of SE 1/4	40 ac			
	NE 1/4 of SE 1/4	40 ac		TOTAL	17,232 ac

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H. Expiration

This Development Order shall take effect upon approval and shall remain in effect for the life of the mine, not to exceed thirty (30) years from the date of the adoption of this amendment.

I. Recording of Notice of Adoption

Notice of the adoption of this Development Order shall be recorded by Cargill in accordance with the provisions of Section 380.06(14)(d), F.S. within 15 days after its adoption.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA THIS 18th Day of August, 1998.

Board of County Commissioners of Polk
County

By: _____

Jerry L. Carter
Jerry L. Carter, Chairman

Attest: Richard M. Weiss, Clerk

BY: _____

Freda L. Webb
Deputy Clerk

BCCC 8/18/98

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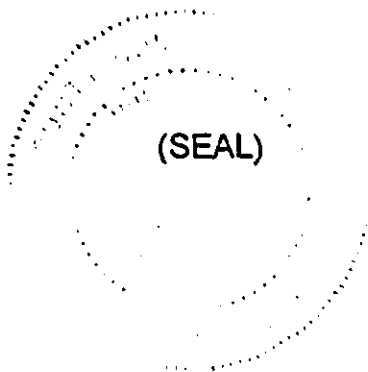
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STATE OF FLORIDA)
)
COUNTY OF POLK)

I, Richard M. Weiss, Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of the Resolution approving a Development Order to a Development of Regional Impact known as **South Fort Meade Phosphate Mine**, which was adopted by the said Board on August 18, 1998,.

Witness my hand and seal this 19th day of August, 1998.

RICHARD M. WEISS
Clerk and Auditor



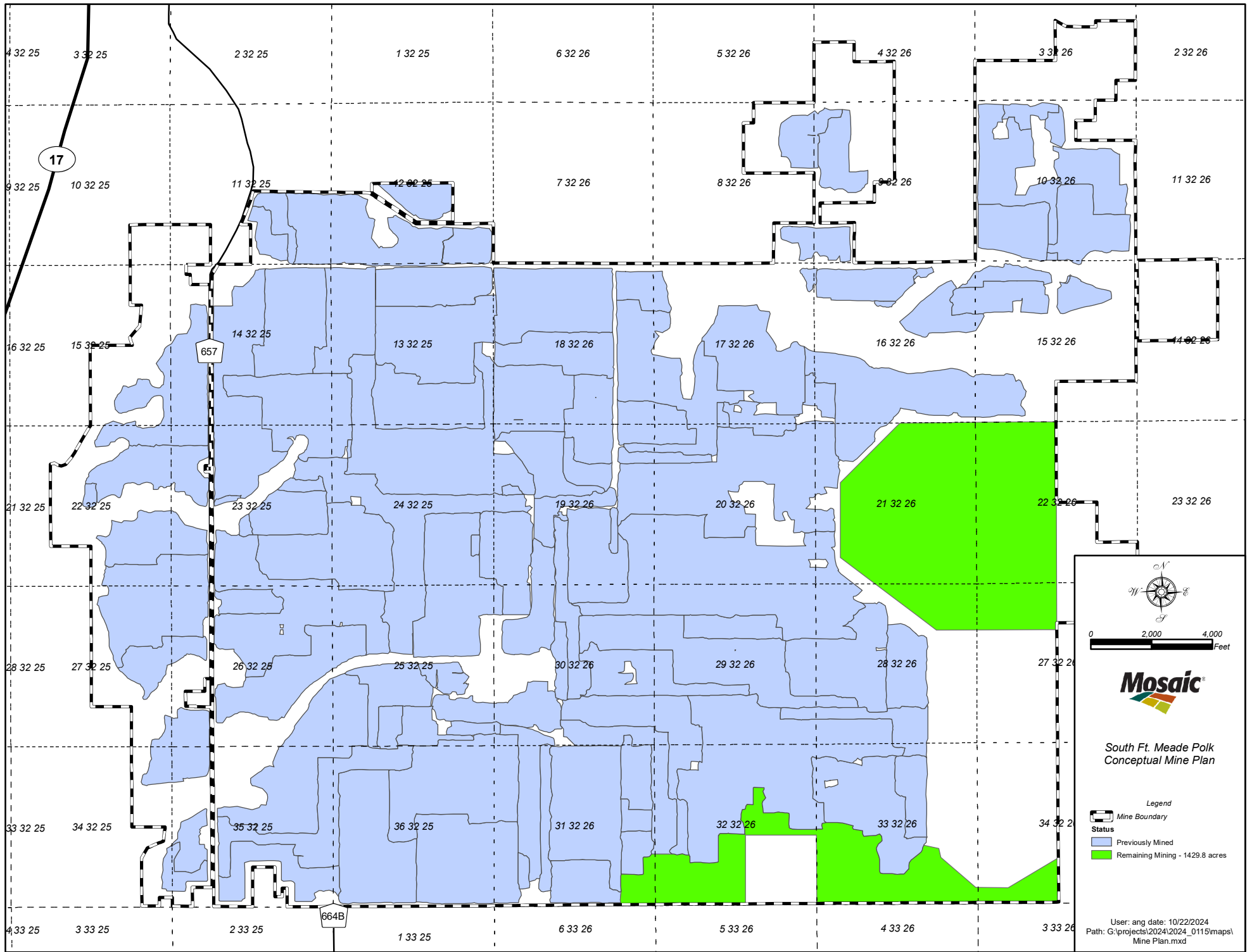
By *Freda L. Wade*
Freda L. Wade
Deputy Clerk

DEPT 115 53.00
DEPT 291 7.00
CASH 60.00
8835A

08/21/98

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ATTACHMENT 7



ATTACHMENT 8



October 15, 2024

Ms. Chanda Bennett, AICP, CPM
Polk County Planning Division
Comprehensive Planning Administrator
330 West Church Street
Bartow, Florida 33813

**RE: *South Fort Meade Mine
Traffic Impact Statement (TIS)
Polk County, Florida***

Dear Ms. Bennett:

This traffic impact statement includes a p.m. peak-hour trip generation estimate and a review of the potential project traffic impact on roadways in 2045 (requested DRI extension date) for the South Fort Meade Mine.

Daily Trip Generation

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 are not anticipated to impact the transportation network.

In addition to the truck trip generation, employees that currently access South Fort Meade Mine are anticipated to remain the same. The existing employees and schedules are as follows:

- (2) 12 hour shifts each day
 - Shift 1: 6:00am-6:00pm (approximately 40 employees on a given day)
 - Shift 2: 6:00pm-6:00am (approximately 25 employees on a given day)
- Approximately 95 employees report to South Fort Meade Mine for a 7:00am to 3:30pm schedule on Monday through Friday.

Based on these schedules, up to 160 employees access the South Fort Meade Mine daily. The existing employee trips and truck trips are not anticipated to increase with the extension of mine operations to 2045.

Truck traffic is approved to travel north along US 17 to CR 664/West County Line Road to the South Fort Meade Mine. Trucks will then travel back to either the South Pasture Mine Beneficiation Plant or other Mosaic plant destinations, as needed, along CR 664/West County Line Road and either south or north on US 17. US 17 is the only Strategic Intermodal System (SIS) facility on the route. **Figure 1** illustrates the proposed truck route.



Roadway Conditions

US 17 and CR 664 / West County Line Road are identified in Figure 2 below as the adjacent roadways to South Fort Meade Mine in Polk County. Figure 2 includes the Traffic Circulation Map showing the adjacent roads, maintenance jurisdiction, and pavement and right-of-way widths.

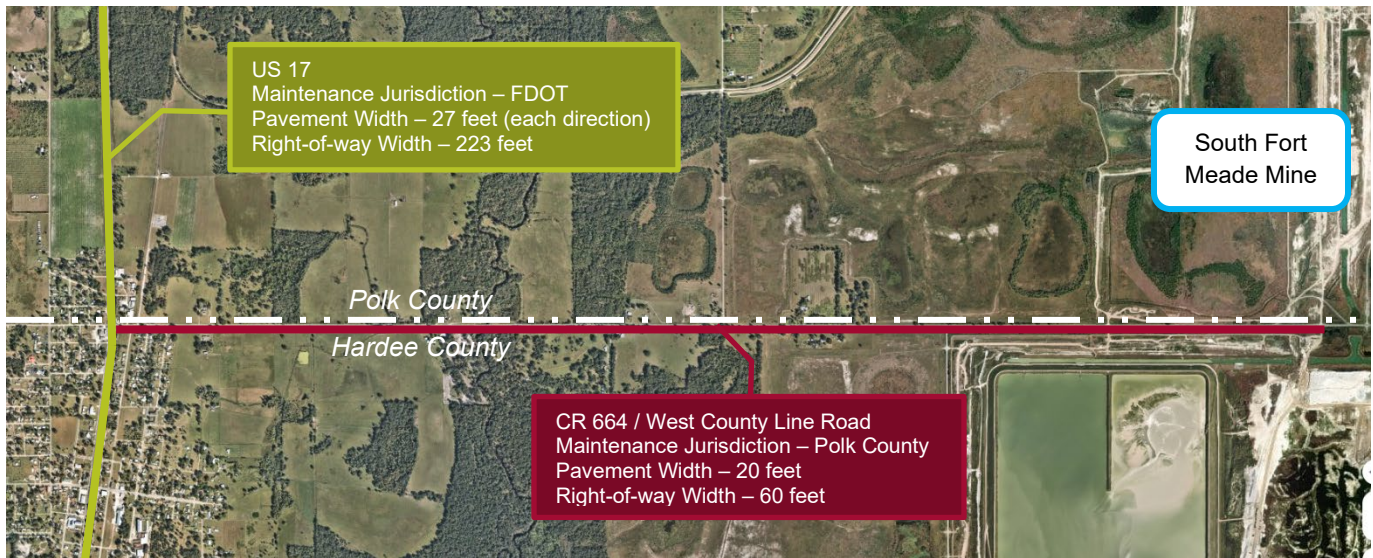


Figure 2: Traffic Circulation Map

SR 62, US 17, and CR 664 / West County Line Road were evaluated based upon the 2023 Florida Department of Transportation (FDOT) Quality/Level of Service Handbook generalized tables for peak-hour two-way volumes for rural areas. The peak hour two-way volumes are based on available 2023 volumes from FDOT and the approved peak-hour truck volumes. Future background traffic is defined as expected traffic on the roadway network in the future year 2045 as the last year of the requested DRI extension. To adjust to 2045 volumes, an annual growth rate of 2% was utilized to reflect average growth over a long-term period. Future total conditions are defined as the expected p.m. peak-hour traffic conditions in 2045 with the approved truck traffic at SFM. The results are summarized below in Table 1.

Table 1: P.M. Peak-Hour Roadway Conditions

Roadway Segment	FROM	TO	Adopted Standards		Existing Conditions		Future Background Conditions (2045)		Future Total Conditions (2045)	
			LOS ¹	Service Vol.	v/c	Pk. Hr. Two-Way Vol.	v/c	Pk. Hr. Two-Way Vol.	v/c	Pk. Hr. Two-Way Vol.
SR 62	Mine View Road	US 17	D	1,330	0.39	522	0.59	791	0.62	818
US 17	SR 62	CR 664 / West County Line Road	D	3,968	0.42	1,683	0.64	2,551	0.65	2,578
US 17	Hardee County Line	9 th Street SE	D	5,290	0.24	1,272	0.36	1,928	0.37	1,955
CR 664/ West County Line Road	US 17	South Fort Meade Mine	D	1,330	0.05	72	0.08	109	0.10	136

1. Level of Service (LOS D) is defined based upon available information regarding the road segments and information from 2023 FDOT Generalized Volume Tables

Conclusion

Based upon the roadway analysis, SR 62, US 17, and CR 664/ West County Line Road are currently operating at an acceptable level of service with volume to capacity ratios all less than 1.0 and are expected to continue to operate at an acceptable level of service for future background and total traffic conditions.

If you have any questions regarding this analysis, please contact us to discuss.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



Caroline Fraser, P.E., RSP1
Project Manager, Transportation Engineer



Mitch Parsons, E.I.
Transportation Analyst

ATTACHMENT 9

IMPACT ASSESSMENT STATEMENT Land Development Code Section 910

Section 910 of the Land Development Code defines 8 parameters to be addressed for all Level 3 and Level 4 reviews. To facilitate the County's review of the application, each parameter is addressed in the following sub-sections.

A. Land and Neighborhood Characteristics

To assess the compatibility of the requested land use district with the adjacent property and to evaluate the suitability of the site for development, the applicant shall:

- 1. Show how and why is the site suitable for the proposed uses;**
- 2. Provide a site plan showing each type of existing and proposed land use;**
- 3. Describe any incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses;**
- 4. Explain how the requested district may influence future development patterns if the proposed change is located in an area presently undeveloped; and**
- 5. Describe each of the uses proposed in a Planned Development and identify the following:**
 - a. The density and types of residential dwelling units;**
 - b. The type of commercial and industrial uses;**
 - c. The approximate customer service area for commercial uses; and**
 - d. The total area proposed for each type of use, including open space and recreation.**

The request to extend the expiration date of the existing Development Order for the South Fort Meade Mine does not require changes to the approved conceptual mine plan or biennial operating permits. No changes to the mining unit or reclamation area footprint or schedules are necessary or proposed to support the extension of the Development Order. Because no mining areas are impacted, and no changes are proposed to the footprint of the beneficiation plant, the proposal will not trigger an evaluation of setbacks for mining activities or variances or waivers from setbacks. Further, the application narrative demonstrates that the uses/operations are existing and shown to be compatible with the surrounding land uses and development pattern and the site remains suitable for the historic and existing mine uses.

B. Access to Roads and Highways

To assess the impact of the proposed development on the existing, planned and programmed road system, the applicant shall:

- 1. Calculate the number of vehicle trips to be generated daily and at PM peak hour based on the latest ITE or provide a detailed methodology and calculations;**
- 2. Indicate what modifications to the present transportation system will be required as a result of the proposed development;**

3. **List the total number of parking spaces and describe the type of parking facilities to be provided in the proposed development;**
4. **Indicate the proposed methods of access to the existing public roads (e.g., direct frontage, intersecting streets, frontage roads); and**
5. **Indicate the modes of transportation, other than the automobile, that have been considered (e.g., pedestrian, bicycle, bus, train or air) and describe the modes.**

No changes are proposed to the South Fort Meade Mine that will result in any changes to the existing, planned and programmed road system. This application proposes to extend the expiration of the Development Order to 2045. The current approval – (Resolution No. 18-007) expires November 4, 2025.

The South Fort Meade Mine has approximately 217 total employees. Shift work consists of two, twelve hour shifts. Shift One is from 6:00 am – 6:00 pm; and Shift Two is from 6:00 pm – 6:00 am. The Day Shift consists of approximately 40 employees, while the Night Shift has roughly 25 employees. Additionally, approximately 95 employees report to the Mine for a 7:00 am – 3:30 pm work day schedule on Monday thru Friday.

An updated traffic impact statement (TIS) prepared by Kimley Horn to document the results of its traffic impact study is included with this submittal. As set forth in the TIS, Kimley Horn determined:

- 1) the surrounding public roadway system operates at Level of Service (LOS) D or better during existing and future 2045 conditions; and
- 2) the surrounding roadways have adequate roadway capacity to accommodate current traffic and future 2045 traffic conditions.
- 3) No roadway or access improvements are necessary for access to the South Fort Meade Mine.

C. Sewage

To determine the impact caused by sewage generated from the proposed development, the applicant shall:

1. **Calculate the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development;**
2. **Describe the proposed method and level of treatment, and the method of effluent disposal for the proposed sewage treatment facilities if on-site treatment is proposed;**
3. **Indicate the relationship of the proposed sewage system to Polk County's plans and policies for sewage treatment systems;**
4. **Identify the service provider; and**
5. **Indicate the current provider's capacity and anticipated date of connection.**

The primary source of potable water for the facility originates from a 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 of the plant. Bottled drinking water is also available for employee use.

Non-potable water is drawn from two 14" plant production wells and five 6" sealing wells located within 1½ 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 7MGD. The five sealing wells are used to seal and lubricate bearings in matrix and tailings 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.

No changes are proposed to the South Fort Meade Mine that will result in any changes to sewage. This application proposes to extend the expiration of the Development Order to 2045. The current approval – (Resolution No. 18-007) expires November 4, 2025.

D. Water Supply

To determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area, the applicant shall:

- 1. Indicate the proposed source of water supply and, the type of treatment;**
- 2. Identify the service provider;**
- 3. Calculate the estimated volume of consumption in gallons per day (GPD); and**
- 4. Indicate the current provider's capacity and anticipated date of connection.**

No changes are proposed to the South Fort Meade Mine that will result in any changes to water supply. This application proposes to extend the expiration of the Development Order to 2045. The current approval – (Resolution No. 18-007) expires November 4, 2025.

E. Surface Water Management and Drainage

To determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development, the applicant shall:

- 1. Discuss the impact the proposed development will have on surface water quality;**
- 2. Describe the alteration to the sites natural drainage features, including wetland, that would be necessary to develop the project;**
- 3. Describe the impact of such alterations on the fish and wildlife resources of the site; and**
- 4. Describe local aquifer recharge and groundwater conditions and discuss the changes to these water supplies which would result from development of the site.**

No changes are proposed to the South Fort Meade Mine that will result in any changes to surface water management and drainage. This application proposes to extend the expiration of the

Development Order to 2045. The current approval – (Resolution No. 18-007) expires November 4, 2025.

F. Population

To determine the impact of the proposed developments additional population, the applicant shall:

1. Calculate the projected resident (and transient) population of the proposed development and the generated population in the case of commercial or industrial uses;
2. Describe, for commercial and industrial projects, the employment characteristics including the anticipated number of employees, type of skills or training required for the new jobs, the percentage of employees that will be found locally or are expected to be drawn from outside the county or state, and the number of shifts per day and employees per shift;
3. Indicate the expected demographic composition of the additional population (age/socio-economic factors); and
4. Describe the proposed service area and the current population thereof.

The South Fort Meade Mine has approximately 235 total employees. Shift work consists of two, twelve hour shifts. Shift One is from 6:00 am – 6:00 pm; and Shift Two is from 6:00 pm – 6:00 am. The Day Shift consists of approximately 40 employees, while the Night Shift has roughly 25 employees. Additionally, approximately 95 employees report to the Mine for a 7:00 am – 3:30 pm work day schedule on Monday thru Friday.

No changes are proposed to the South Fort Meade Mine that will result in any changes to the employment characteristics of the employees at the South Fort Meade Mine. This application proposes to extend the expiration of the Development Order to 2045. The current approval – (Resolution No. 18-007) expires November 4, 2025.

G. General Information

To determine if any special needs or problems will be created by the proposed development, the applicant shall:

1. List and discuss special features of the proposed development that promote desirability and contribute to neighborhood needs; and
2. Discuss the demand on the provision for the following services:
 - a. Parks and Recreation;
 - b. Educational Facilities (preschool/elementary/middle school/high school);
 - c. Health Care (emergency/hospital);
 - d. Fire Protection;
 - e. Police Protection and Security; and
 - f. Electrical Power Supply

No changes are proposed to the South Fort Meade Mine that will result in any changes to services provided by Polk County. This application proposes to extend the expiration of the Development Order to 2045. The current approval – (Resolution No. 18-007) expires November 4, 2025.

H. Maps

- 1. Maps shall be used to give the public agencies a clear graphic illustration and visual understanding of the proposed development and the potential positive and negative impacts resulting from the development.**
- 2. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scales shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps. The following maps shall accompany all Impact Assessment Statements:**
- 3. Map A: A location map showing the relationship of the development to cities, highways, and natural features;**
- 4. Map B: A Topographical Map with contour intervals of no greater than five feet, the identification of the property boundaries, and a delineation of the areas of special flood hazard (100 year flood plain) as shown on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) for Polk County;**
- 5. Map C: A Land Use and Land Use District Map showing the existing land use designations and districts on and abutting the proposed development, including lot sizes and density;**
- 6. Map D: A Soils Map with soils designated according to Natural Resources Conservation Service classifications. If available, USDA Natural Resources Conservation Service (NRCS) soil surveys are preferable;**
- 7. Map E: A Traffic Circulation Map identifying any existing roads on or adjacent to the proposed development and indicating the name of the roads, maintenance jurisdiction, and pavement and right-of-way widths;**
- 8. Map F: A Site Plan showing land uses, the layout of lots, the type and maximum density for each type of residential area; the typical minimum lot sizes and dimensions for each use and unit type, and the dimensions, locations, and types of buffers, easements, open space areas, parking and loading areas, setbacks, and vehicular circulation; and**
- 9. Map G: A Drainage Map delineating existing and proposed drainage areas, water retention areas, drainage structures, drainage easements, canals, wetlands, watercourses, and other major drainage features.**

Map A and Map E (see the Traffic Impact Statement) are provided with this submittal. All other maps are not applicable to this request to extend the expiration of the Development Order to 2045.