

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

| | | | |
|---|---|--|--|
| SUBJECT | PDR-11-14(G) MML I, LLC & PGCI IV, LLC/Silverleaf | TYPE AGENDA ITEM | Advertised Public Hearing – Consent |
| DATE REQUESTED | 01/12/12 PC | DATE SUBMITTED/REVISED | 01/04/12 |
| BRIEFINGS? Who? | No | CONSEQUENCES IF DEFERRED | N/A |
| DEPARTMENT/DIVISION | Building & Development Services/Comprehensive Planning and Public Hearings | AUTHORIZED BY TITLE | Robert Schmitt, AICP Planning Division Manager <i>RS</i> |
| CONTACT PERSON TELEPHONE/EXTENSION | Katie LaBarr, AICP / Principal Planner / 748-4501 ext. 6828 / DTS #20110225/B000071 | PRESENTER/TITLE TELEPHONE/EXTENSION | Katie LaBarr, AICP/ Principal Planner / 748-4501 ext. 6828 |
| ADMINISTRATIVE APPROVAL | | | |

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

I move to continue the public hearing for PDR-11-14(G) to February 9, 2012 at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administrative Center, 1st Floor Chambers.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION

- Continued from 12/08/11

COUNTY ATTORNEY REVIEW

| | |
|-------------------------------------|--|
| Check appropriate box | |
| <input type="checkbox"/> | REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials:) |
| <input checked="" type="checkbox"/> | NOT REVIEWED (No apparent legal issues.) |
| <input type="checkbox"/> | NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.) |
| <input type="checkbox"/> | OTHER |

| | |
|---|--|
| ATTACHMENTS: (List in order as attached) | INSTRUCTIONS TO BOARD RECORDS: |
| n/a | n/a |
| COST: n/a | SOURCE (ACCT # & NAME): n/a |
| COMMENTS: | AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT) |

MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

| | | | |
|---|--|--|---|
| SUBJECT | PA-12-03/Proposed Ord 12-06 Comprehensive Plan Text Amendment | TYPE AGENDA ITEM | Advertised Public Hearings - Consent |
| DATE REQUESTED | 01/12/12 PC | DATE SUBMITTED/REVISED | 01/04/12 |
| BRIEFINGS? Who? | None | CONSEQUENCES IF DEFERRED | Would not allow use within school setting |
| DEPARTMENT/DIVISION | Building and Development Services / Comprehensive Planning and Public Hearings | AUTHORIZED BY TITLE | Robert Schmitt, AICP, Planning Division Manager <i>RS</i> |
| CONTACT PERSON TELEPHONE/EXTENSION | Kathleen Thompson, AICP 748-4501 ext. 6841 | PRESENTER/TITLE TELEPHONE/EXTENSION | Kathleen Thompson, AICP, Planning Manager 748-4501 ext. 6841 |
| ADMINISTRATIVE APPROVAL | | | |

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

I move to recommend transmittal of PA-12-03 (Ord. 12-06) per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Manatee County Comprehensive Plan and Manatee County Land Development Code

BACKGROUND/DISCUSSION

- The RES-9 and RES-12 future land use categories currently allow consideration of schools.
- RES-9 and RES-12 FLU categories do not clearly allow consideration of a dormitory associated with a school.
- Dormitories are included within the definition for "lodging places" which also allows more intense uses such as hotels that may not be appropriate in the RES-9 and RES-12 future land use categories.
- In order to allow a request for a dormitory within these categories, where a dormitory would be an appropriate use, this proposed text amendment would include dormitories in the range of potential uses in the RES-9 and RES-12 future land use categories.
- Lodging places, where currently allowed, would remain unchanged.
- Staff Recommends Approval

COUNTY ATTORNEY REVIEW

Check appropriate box

REVIEWED

Written Comments:

Attached

Available from Attorney (Attorney's initials:)

AGENDA MEMORANDUM (continued)

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | NOT REVIEWED (No apparent legal issues.) |
| <input type="checkbox"/> | NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.) |
| <input type="checkbox"/> | OTHER |

| | | | |
|---|-----|--|-----|
| ATTACHMENTS: (List in order as attached) | | INSTRUCTIONS TO BOARD RECORDS: | |
| Staff Report | | n/a | |
| COST: | n/a | SOURCE (ACCT # & NAME): | n/a |
| COMMENTS: | n/a | AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT) | n/a |

P.C. 01/12/12

PLAN AMENDMENT PA-12-03 (PROPOSED ORDINANCE 12-06)

Transmittal of a Plan Amendment of the Board of County Commissioners of Manatee County, Florida, amending Ordinance 89-01, as amended, (the Manatee County Comprehensive Plan); providing a Purpose and Intent; providing for a Text Amendment to the Future Land Use Element to add dormitories to the Range of Potential Uses in the RES-9 (Residential – 9 dwelling units per acre) and RES-12 (Residential – 12 dwelling units per acre) future land use categories, providing severability; and providing an effective date.

P.C. 01/12/12

B.C.: 02/02/12

App.Rec. County Initiated

Type of Amendment: Text

RECOMMENDED MOTION:

Based upon the evidence presented, comments made at the Public Hearing, the technical support documents and finding the request to be in compliance with the provisions of Chapter 163, Part II, Florida Statutes, and consistent with the Manatee County Comprehensive Plan, I move to recommend TRANSMITTAL of Manatee County Plan Amendment 12-03 as recommended by staff.

PLAN AMENDMENT SUMMARY SHEET

Name: County Initiated Text Amendment

File Number: PA-12-03 Proposed Ordinance-12-06

REQUEST: Transmittal of a Comprehensive Plan text amendment to the Future Land Use Element to include an additional use to the Range of Potential Uses in the RES-9 (Residential – 9 dwelling units per acre) and RES-12 (Residential – 12 dwelling units per acre) future land use designations

PLAN AMENDMENT DETAILED REVIEW

The Comprehensive Plan currently allows consideration of schools in the RES -9 and RES-12 future land use categories. However, it does not clearly allow consideration of a dormitory associated with a school. Dormitories are included within the definition for “lodging places” which also allows more intense uses such as hotels that may not be appropriate in the RES-9 and RES-12 future land use categories. In order to allow a request for a dormitory within these categories, where a dormitory would be an appropriate use, this proposed amendment to the text of the Comprehensive Plan would include dormitories in the range of potential uses in the RES-9 and RES-12 future land use categories. Lodging places, where currently allowed, would remain unchanged.

PROPOSED LANGUAGE (shown in strikeout and underline format)

Policy: 2.2.1.13 **RES-9:** Establish the Residential-9 Dwelling Units/Gross Acre future land use category as follows:

Policy: 2.2.1.13.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban residential uses, neighborhood retail uses, dormitories, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).

Policy: 2.2.1.14 **RES-12:** Establish the Residential-12 Dwelling Units/Gross Acre future land use category as follows:

Policy: 2.2.1.14.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban residential uses,

neighborhood retail uses, dormitories, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).

ATTACHMENTS:

- 1. Consistency with State Statutes**
- 2. Copy of Newspaper Advertising**

ATTACHMENT #1

CONSISTENCY OF THE LOCAL COMPREHENSIVE PLAN AMENDMENT WITH FLORIDA STATUTES

PA-12-02 (Proposed Ordinance 12--06)

The proposed amendment is consistent with
Florida Statutes 163 Part II

163.3184 Process for adoption of comprehensive plan or plan amendment states "in compliance" means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245 and 163.3248

163.3177 Required and optional elements of comprehensive plan; studies and surveys
**This plan amendment request maintains the structure of the
Comprehensive Plan.**

163.3178 Coastal Management
**This plan amendment request maintains the structure of the
Comprehensive Plan.**

163.3180 Concurrency
**This plan amendment request maintains the structure of the
Comprehensive Plan.**

163.3191 Evaluation and appraisal of comprehensive plan
**Manatee County completed the required EAR and the EAR based plan
amendments in 2004 and 2006. The next EAR update is scheduled for
December 2013.**

163.3245 Sector plans
There are no sector plans established at this time.

163.3248 Rural Land Stewardship areas
There are no Rural Land Stewardship areas established at this time.

All State goals and policies taken from Chapter 187.201, Florida Statutes.

The proposed amendment is consistent with the following goals and policies
of the State Comprehensive Plan:

187.201(21)(b)(6)

Copy of Newspaper Advertising

Sarasota Herald Tribune

NOTICE OF LAND USE CHANGE

**OFFICIAL ACTIONS AFFECTING OR REGULATING USE OR REAL PROPERTY IN UNINCORPORATED
MANATEE COUNTY – NOTICE TO REAL PROPERTY OWNERS AND GENERAL PUBLIC**

The Manatee County Planning Commission will hold a public hearing to consider an amendment to the Manatee County Comprehensive Plan and changes to the use of certain lands within the unincorporated area of Manatee County with the intent to make a recommendation to the Board of Manatee County Commissioners:

Date: Thursday, January 12, 2012
Time: 9:00 A.M. or soon thereafter
Place: Manatee County Government Administrative Center
1112 Manatee Ave. West; Board Chambers (1st Floor)

Additional amendments to the following may be necessary to implement these changes and ensure internal consistency.

PA-12-03/ORD 12-06 – ADDITIONAL POTENTIAL USE IN RES-9 AND RES-12 FUTURE LAND USE CATEGORIES

Transmittal of a Plan Amendment of the Board of County Commissioners of Manatee County, Florida, amending Ordinance 89-01, as amended, (the Manatee County Comprehensive Plan); providing a Purpose and Intent; providing for a Text Amendment to the Future Land Use Element to add dormitories to the Range of Potential Uses in the RES-9 (Residential – 9 dwelling units per acre) and RES-12 (Residential – 12 dwelling units per acre) future land use categories, providing severability; and providing an effective date.

Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Planning Commission to consider.

Rules of Procedure for this public hearing are in effect pursuant to Resolution 05-239(PC). Copies of this Resolution may be obtained from the Planning Department (See address below).

Please Send Comments To: Manatee County Building and Development Services Department
Attn: Project Coordinator
1112 Manatee Ave. West, 2nd Floor
Bradenton, FL 34206
planning.agenda@mymanatee.org

All written comments will be entered into the record.

For More Information: Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling 748-4501, Ext. 6878, between 8:00 AM and 5:00 PM.

Americans with Disabilities: The Manatee County Planning Commission does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Commission's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 second; FAX 745-3790.

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Copy of Newspaper Advertising

Bradenton Herald

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IN UNINCORPORATED MANATEE COUNTY – NOTICE TO REAL PROPERTY
OWNERS AND GENERAL PUBLIC**

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**PA-12-03/ORD 12-06 – ADDITIONAL POTENTIAL USE IN RES-9 AND RES-12
FUTURE LAND USE CATEGORIES**

Transmittal of a Plan Amendment of the Board of County Commissioners of Manatee County, Florida, amending Ordinance 89-01, as amended, (the Manatee County Comprehensive Plan); providing a Purpose and Intent; providing for a Text Amendment to the Future Land Use Element to add dormitories to the Range of Potential Uses in the RES-9 (Residential – 9 dwelling units per acre) and RES-12 (Residential – 12 dwelling units per acre) future land use categories, providing severability; and providing an effective date.

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Attn: Project Coordinator
1112 Manatee Ave. West, 2nd Floor
Bradenton, FL 34206
planning_agenda@mymanatee.org

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According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

038014

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

| | | | |
|---|--|--|--|
| SUBJECT | Ordinance 12-08 – Land Development Code Text Amendment Affordable Housing | TYPE AGENDA ITEM | Advertised Public Hearing – Consent |
| DATE REQUESTED | 01/12/12 PC | DATE SUBMITTED/REVISED | 01/04/12 |
| BRIEFINGS? Who? | None | CONSEQUENCES IF DEFERRED | N/A |
| DEPARTMENT/DIVISION | Building and Development Services / Comprehensive Planning and Public Hearings | AUTHORIZED BY TITLE | Robert Schmitt, AICP Planning Division Manager RS |
| CONTACT PERSON TELEPHONE/EXTENSION | Kathleen Thompson, AICP 941-748-4501 x 6841 | PRESENTER/TITLE TELEPHONE/EXTENSION | Kathleen Thompson, AICP, Planning Manager 941-748-4501 x 6841 |
| ADMINISTRATIVE APPROVAL | | | |

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

I move to recommend approval of Ordinance 12-08 per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Manatee County Comprehensive Plan

BACKGROUND/DISCUSSION

Section 1 – Consistency with State Law

- Participation in the State Housing Initiatives Partnership (SHIP) program requires a Local Housing Assistance Plan (LHAP).
- The Plan (LHAP) identifies strategies and incentives, per Florida Statutes 420.9076(4), to meet the needs of very low, low and moderate income households and to preserve affordable housing options.
- The Affordable Housing Advisory Committee is tasked with reviewing and evaluating incentives and requesting modifications as necessary.
- Several incentives are being incorporated into the Land Development Code that satisfies state law.

Section 2 – Transfer of Development Rights

- The intent of Transfer of Development Rights (TDR) was to increase the density of affordable units. However, the intent was not to allow TDRs that would place affordable units all in one project.
- To ensure the transferred units do not accumulate in one project site resulting in the entire project built with affordable housing units, staff recommends the receiving project not exceed more than a total of thirty-five (35%) affordable units to ensure a true mix of incomes are realized throughout the project

Section 3 - Definitions

- The definition of *Eligible Affordable Housing* and *Special Needs Population* are being updated for consistency with state definitions.
- A new definition of *Extremely Low Income Household* is being added.

Staff recommends approval

COUNTY ATTORNEY REVIEW

Check appropriate box



REVIEWED

Written Comments:

| | |
|--------------------------|--|
| | <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: SS) |
| <input type="checkbox"/> | NOT REVIEWED (No apparent legal issues.) |
| <input type="checkbox"/> | NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.) |
| <input type="checkbox"/> | OTHER |

| | | | |
|---|-----|--|-----|
| ATTACHMENTS: (List in order as attached) | | INSTRUCTIONS TO BOARD RECORDS: | |
| Staff Report | | n/a | |
| COST: | n/a | SOURCE (ACCT # & NAME): | n/a |
| COMMENTS: | | AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT) | |

P.C. 01/12/12

ORDINANCE 12-08 LAND DEVELOPMENT CODE TEXT AMENDMENT AFFORDABLE HOUSING

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE TO ALLOW SITE IMPROVEMENT INCENTIVES FOR AFFORDABLE HOUSING; AMENDING CHAPTER 13 TO BE CONSISTENT WITH STATE LAW; AMENDING CHAPTER 13 TRANSFER OF DEVELOPMENT RIGHTS (TDR) TO ESTABLISH MAXIMUM TRANSFERABLE PERCENTAGE, AMENDING SEVERAL DEFINITIONS IN CHAPTER 2 AND AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

P.C.: 01/12/12

B.O.C.C. : 02/02/12

RECOMMENDED MOTION

Based upon the staff report, evidence presented, comments made at the Public hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, I move to recommend ADOPTION of Manatee County Ordinance 12-08, amending the Manatee County Land Development Code (Ordinance 90-01, as amended), as recommended by staff.

SECTION 1

Participation in the State Housing Initiatives Partnership (SHIP) program requires a Local Housing Assistance Plan (LHAP). The Plan identifies strategies and incentives to meet the needs of very low, low and moderate income households and to preserve affordable housing options. The Affordable Housing Advisory Committee is tasked with reviewing and evaluating incentives and requesting modifications as necessary.

The affordable housing incentives, as established by § 420.9076, and status of those incentives, are as follows:

| Incentive | Status |
|---|--|
| a) The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects. | This incentive is already offered in the LDC (Section 1302 – Affordable Housing Incentives) |
| b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing. | This incentive is already offered in LDC (Section 1302.1.3) |
| c) The allowance of flexibility in densities for affordable housing. | <p>This incentive was achieved in the CRA and UIRA areas of the unincorporated area of Manatee County by establishing a <u>minimum</u> density for those projects that had at least 25% designated as affordable housing. (PA-10-25).</p> <p>LDC Section 1302.1.8. (Density Bonus) may allow the maximum project density to increase to the maximum density in the next highest future land use category.</p> |
| d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons. | Proposing new section as shown below |
| e) The allowance of affordable accessory residential units in residential zoning districts. | <p>Florida State Statutes 163.31771 <u>encourages</u> the permitting of accessory dwelling units in single family residential areas to provide affordable rentals/housing for the extremely low, very low, low and moderate income persons.</p> <p>This incentive needs to be fully vetted with the Board of County Commissioners and community before creating a provision in the LDC. Therefore, the incentive is not part of this amendment proposal.</p> |

| | |
|--|---|
| f) The reduction of parking and setback requirements for affordable housing. | Proposing new section as shown below |
| g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing. | Proposing new section as shown below |
| h) The modification of street requirements for affordable housing. | Proposing new section as shown below |
| i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing. | This incentive is already approved in the current Local Housing Assistance Plan. |
| j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing. | This inventory has been produced. However, updates can be produced as necessary. (LDC Section 1306) |
| k) The support of development near transportation hubs and major employment centers and mixed use developments. | This incentive was achieved in the CRA and UIRA areas of the unincorporated area of Manatee County by establishing a <u>minimum</u> density and <u>increased intensity</u> for those projects that had at least 25% designated as affordable housing. (PA-10-25). LDC Section 1302.1.8. (Density Bonus) may allow the maximum project density to increase to the maximum density in the next highest future land use category. |

Incentives (a), (b), (c), (i), (j) and (k) have been addressed through existing Comprehensive Plan or Land Development Code provisions or exist in the Local Housing Assistance Plan.

Incentives (d), (f), (g) and (h) are proposed to be included in the Land Development Code (LDC) Section 13 – Housing Program for consistency with § 420.9076 (Affordable Housing Incentives Strategies).

Incentive (e) related to affordable accessory is not proposed with this amendment. The issue needs to be fully vetted before the Board of County Commissioners and the public before creating a provision in the LDC.

Proposed Text Amendments:

The following text, shown in underline format, satisfies incentive (d) regarding the reservation of concurrency

1302.1.10 Upon receiving a request for an extension of an initial transportation component of a Certificate of Level of Service (CLOS) for a residential project designated affordable housing, as certified by the Manatee County Neighborhood Services Department, Manatee County shall prioritize such extension request for processing ahead of residential project(s) not containing affordable housing if the residential project containing affordable housing is located (1) within the Urban Core and (2) within one-quarter (1/4) mile of a public transit stop.

The following text, shown in underline format, satisfies incentives (f), (g) and (h) regarding parking, setbacks, zero lot configurations and street requirement modifications:

1302.1.11 Site Improvement Incentives. To promote affordable housing in Manatee County, any project which provides at a minimum 25 percent (25%) of the overall units as affordable housing, as certified by the Manatee County Neighborhood Services Department, may request one or all of the following requirements be modified through the planned development rezone process:

1. Parking requirements provided the parking shall be located so as not to obstruct sidewalks, roadways or required street trees. (see Section 710.1.4)
2. Buffering requirements
3. Right of Way and street construction requirements
4. Setback requirements

1302.1.11.1 Projects rezoned to a planned development district that provide twenty-five percent (25%) or more of their residential units as affordable housing may opt to utilize zero lot line. Privacy walls shall be required on the common walls. Developers may request a reduced setback for such developments if parking is designed not to obstruct sidewalks, roadways or street tree requirements. Additionally, developments utilizing the above designs may reduce the required lot size to no less than 3,500 square feet.

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SECTION 2

The intent of Transfer of Development Rights (TDR) was to increase the density of affordable units. The intent was not to allow TDRs that would place affordable units all in one project. To ensure the transferred units do not accumulate in one project site resulting in the entire project built with affordable housing units, the following text, shown in underline format, is proposed:

1302.1.9. *Transfer of Development Rights.*

1302.1.9.1. The transfer of development rights (which may include approved residential units, zoned units or comprehensive plan potential units) from elsewhere in the unincorporated county to a project with a minimum of twenty-five (25) percent affordable units is encouraged. The receiving project shall not

exceed a total of thirty-five (35%) affordable units to ensure a true mix of incomes are realized throughout the project.

1302.1.9.4. If the transfer of units is granted, the applicant shall enter into a land use and deed restriction agreement with the County. The agreement shall provide for the number of units which can be built subject to the transfer and to ensure that the units designated affordable are retained as affordable units for a period of time to be designated by the Board of County Commissioners. The agreement shall also ensure development rights are limited on the sending parcel, and identify any legally enforceable mechanisms necessary to ensure such limitations. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

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SECTION 3

The Florida Administrative Rule 67-37.002 Definitions for the SHIP program was amended in 2009 but not updated in the Land Development Code (LDC). This update will bring the LDC into conformance with State definitions. The revisions are shown in underline / ~~strikethrough~~ format below:

Eligible Affordable Housing shall mean any real or personal property dwelling unit located within the County which is designed and intended for the primary purpose of providing decent, safe and sanitary residential units that are designed to meet the standards of the Florida Building Code or previous building codes adopted under Chapter 553, or manufactured housing constructed after June 1994 and installed in accordance with the installation standards for mobile or manufactured homes contained in rules of the Department of Highway Safety and Motor Vehicles, Chapter 553, Florida Statutes, (excluding mobile and manufactured homes) for home ownership or rental for eligible persons. Eligible affordable housing units shall not exceed the maximum values as defined by Manatee County's Local Housing Assistance Plan.

Special Needs Population shall mean individuals ~~those persons~~ who have incomes not exceeding moderate income and, because of particular social, economic, or health related circumstances have greater difficulty acquiring or maintaining affordable housing. Such persons ~~may include those who have encountered resistance to their residing in particular communities; suffered increased housing costs resulting from their unique needs and high risk of institutionalization; but not be limited to,~~ persons with development disabilities; persons with mental illnesses or chemical dependency; persons with Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) disease; runaways and abandoned youth; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.

A new definition, shown in underline format, is proposed as follows:

Extremely Low Income Household shall mean one or more natural persons or a family that has a total annual gross household income that does not exceed 30 percent of the area median income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest.

ATTACHMENTS:

1. Ordinance 12-08
2. Copy of Newspaper and Advertising



ORDINANCE 12-08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE TO ALLOW SITE IMPROVEMENT INCENTIVES FOR AFFORDABLE HOUSING; AMENDING CHAPTER 13 TO BE CONSISTENT WITH STATE LAW; AMENDING CHAPTER 13 TRANSFER OF DEVELOPMENT RIGHTS (TDR) TO ESTABLISH MAXIMUM TRANSFERABLE PERCENTAGE, AMENDING SEVERAL DEFINITIONS IN CHAPTER 2 AND AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163, Florida Statutes, as amended and retitled the Community Planning Act in House Bill 7207 and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings for the adoption of this ordinance:

1. Section 1302 of the Manatee County Land Development Code ("the Code"), and Definitions, in Section 201 of the Code set forth the procedures for consideration of various applications for development approval and permitting, including Affordable Housing Programs.
2. It is in the interest of the public health, safety and welfare to adopt the amendments to Section 1302 and Section 201 of the Code, in order to establish Affordable Housing Incentives, Amend the Transfer of Development Rights and add several new definitions.
3. The Manatee County Planning Commission held a duly noticed and advertised public hearing on January 12, 2012 the staff report has reviewed the amendments set forth in this ordinance and has found these amendments to the Land Development Code to be consistent with the Manatee County Comprehensive Plan and recommended their adoption to the Board.
4. The Board of County Commissioners held a duly noticed public hearing on February 2, 2012 on proposed Ordinance 12-08 to receive public comment and review and consider the Staff Report and the report of the Planning Commission on this proposed ordinance.
5. The Board of County Commissioners after considering public comment, the recommendations of the Planning Commission and Planning staff, has found proposed Ordinance 12-08 consistent with the Comprehensive Plan, and in furtherance of the public health, safety and welfare and has adopted this ordinance as set forth herein.

Section 3. Amendment of Chapter 2, Definitions and Rules of Construction, Land Development Code.

Chapter 2, Section 201 is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike-out~~:

Eligible Affordable Housing shall mean any real or personal property dwelling unit located within the County which is designed and intended for the primary purpose of providing decent, safe and sanitary residential units that are designed to meet the standards of the Florida Building Code or previous building codes adopted under Chapter 553, or manufactured housing constructed after June 1994 and installed in accordance with the installation standards for mobile or manufactured homes contained in rules of the Department of Highway Safety and Motor Vehicles, Chapter 553, Florida Statutes, (excluding mobile and manufactured homes) for home ownership or rental for eligible persons. Eligible affordable housing units shall not exceed the maximum values as defined by Manatee County's Local Housing Assistance Plan.

Special Needs Population shall mean individuals ~~these persons~~ who have incomes not exceeding moderate income and, because of particular social, economic, or health related circumstances have greater difficulty acquiring or maintaining affordable housing. Such persons ~~may include those who have encountered resistance to their residing in particular communities;~~ suffered increased housing costs resulting from their unique needs and high risk of institutionalization; ~~but not be limited to,~~ persons with development disabilities; persons with mental illnesses or chemical dependency; persons with Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) disease; runaways and abandoned youth; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.

Extremely Low Income Household shall mean one or more natural persons or a family that has a total annual gross household income that does not exceed 30 percent of the area median income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest.

Section 4. Amendment of Chapter 13, Housing Program Chapter 13, Housing Program, Section 1302 is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike-out~~:

1302.1.9. *Transfer of Development Rights.*

1302.1.9.1. The transfer of development rights (which may include approved residential units, zoned units or comprehensive plan potential units) from elsewhere in the unincorporated county to a project with a minimum of twenty-five (25) percent affordable units is encouraged. The receiving project shall not exceed a total of thirty-five (35%) affordable units to ensure a true mix of incomes are realized throughout the project.

1302.1.9.4. If the transfer of units is granted, the applicant shall enter into a land use and deed restriction agreement with the County. The agreement shall provide for the number of units which can be built subject to the transfer and to

ensure that the units designated affordable are retained as affordable units for a period of time to be designated by the Board of County Commissioners. The agreement shall also ensure development rights are limited on the sending parcel, and identify any legally enforceable mechanisms necessary to ensure such limitations. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

1302.1.10 Upon receiving a request for an extension of an initial transportation component of a Certificate of Level of Service (CLOS) for a residential project designated affordable housing, as certified by the Manatee County Neighborhood Services Department, Manatee County shall prioritize such extension request for processing ahead of residential project(s) not containing affordable housing if the residential project containing affordable housing is located (1) within the Urban Core and (2) within one-quarter (1/4) mile of a public transit stop.

1302.1.11 Site Improvement Incentives. To promote affordable housing in Manatee County, any project which provides at a minimum 25 percent (25%) of the overall units as affordable housing, as certified by the Manatee County Neighborhood Services Department, may request one or all of the following requirements be modified through the planned development rezone process:

1. Parking requirements provided the parking shall be located so as not to obstruct sidewalks, roadways or required street trees. (see Section 710.1.4)
2. Buffering requirements
3. Right of Way and street construction requirements
4. Setback requirements

1302.1.11.1 Projects rezoned to a planned development district that provide twenty-five percent (25%) or more of their residential units as affordable housing may opt to utilize zero lot line. Privacy walls shall be required on the common walls. Developers may request a reduced setback for such developments if parking is designed not to obstruct sidewalks, roadways or street tree requirements. Additionally, developments utilizing the above designs may reduce the required lot size to no less than 3,500 square feet.

Section 5. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3 and 4 of this ordinance into the Land Development Code, but shall not codify the remaining Sections.

Section 6. Applicability. The amendments set forth in this ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 7. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 8. Effective Date. This Ordinance shall become as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 2nd day of February, 2012.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: _____
John R. Chappie, Chairman

ATTEST: R.B. SHORE
Clerk of the Circuit Court

By: _____
Deputy Clerk

Copy of Newspaper Advertising

Date to be Published: Wednesday, December 28, 2011

Sarasota Herald Tribune

NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY

The Manatee County Planning Commission will hold a public hearing to consider amendments to certain provisions of the Manatee County Land Development Code (Ordinance 90-01, as amended) and make a recommendation to the Board of County Commissioners as to the consistency of the proposed Ordinances with the Comprehensive Plan and as to whether the proposed ordinance should be adopted, adopted with modifications, or denied.

Date: Thursday, January 12, 2012
Time: 9:00 AM or soon thereafter
Place: Manatee County Government Administrative Center
1112 Manatee Avenue West,
1st Floor Chambers

ORDINANCE 12-08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE TO ALLOW SITE IMPROVEMENT INCENTIVES FOR AFFORDABLE HOUSING; AMENDING CHAPTER 13 TO BE CONSISTENT WITH STATE LAW; AMENDING CHAPTER 13 TRANSFER OF DEVELOPMENT RIGHTS (TDR) TO ESTABLISH MAXIMUM TRANSFERABLE PERCENTAGE, AMENDING SEVERAL DEFINITIONS IN CHAPTER 2 AND AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The public may also provide written comments for the Planning Commission to consider.

Interested parties may examine the proposed Ordinances and related documents and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2ND Floor, Bradenton, Florida; telephone number (941) 748-4501 EXT. 6878; e-mail to: planning.agenda@mymanatee.org

Rules of procedure for this public hearing are in effect pursuant to Resolution 05-239(PC). A copy of this Resolution is available for review or purchase from the Building and Development Services Department (see address below).

Please send comments to: Manatee County Building and Development Services Department
Attn: Project Coordinator
1112 Manatee Ave. West 2ND Floor
Bradenton, FL 34205

All written comments will be entered into the record.

For More Information: Copies of the proposed amendment will be available for review and copying at cost approximately ten (10) days prior to the public hearing. Information may also be obtained by calling 748-4501 x 6878, between 8:00 AM - 5:00 PM.

Americans With Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, FAX 745-3790.

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

1574069

Copy of Newspaper Advertising

Bradenton Herald

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CODE CHANGES IN UNINCORPORATED
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SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

03/04/12

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

| | | | |
|---|--|--|---|
| SUBJECT | Z-11-02 – Mosaic Fertilizer, LLC/Wingate Extension (DTS #20110036) | TYPE AGENDA ITEM | Advertised Public Hearing - Regular |
| DATE REQUESTED | 01/12/12 PC | DATE SUBMITTED/REVISED | 01/04/12 |
| BRIEFINGS? Who? | No | CONSEQUENCES IF DEFERRED | N/A |
| DEPARTMENT/DIVISION | Building and Development Services/Comprehensive Planning and Public Hearings | AUTHORIZED BY TITLE | Robert Schmitt, Planning Division Manager/Ext. 6836 MS |
| CONTACT PERSON TELEPHONE/EXTENSION | Lisa Barrett/Ext. 6884 | PRESENTER/TITLE TELEPHONE/EXTENSION | Lisa Barrett/Planning Manager/Ext. 6884 |
| ADMINISTRATIVE APPROVAL | | | |

| |
|---|
| ACTION DESIRED |
| INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED |
| I move to recommend APPROVAL of Z-11-02 per the recommended motion in the staff report attached to this memo. |

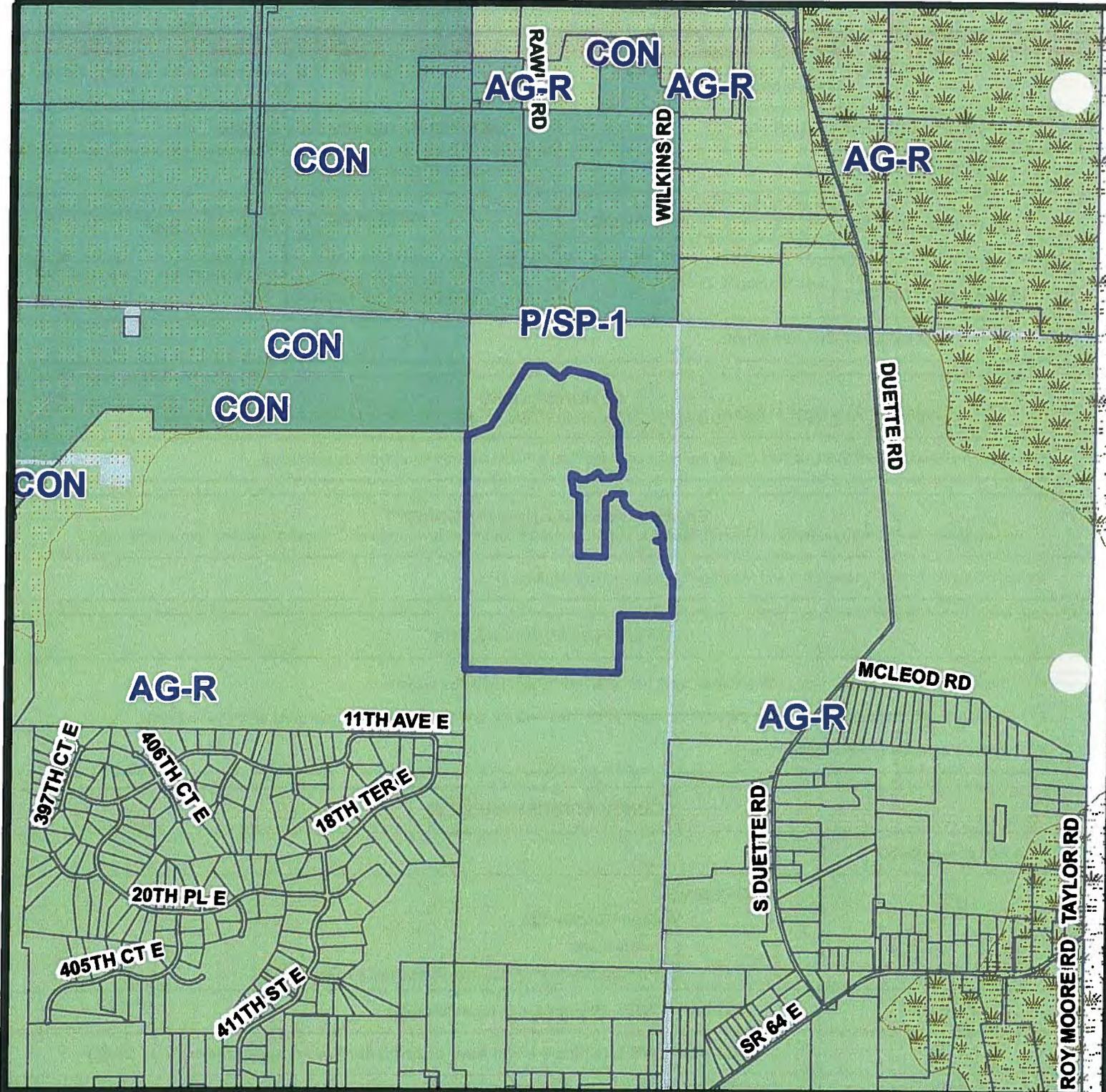
| |
|---|
| ENABLING/REGULATING AUTHORITY |
| Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy |
| Manatee County Comprehensive Plan and Manatee County Land Development Code. |

| |
|---|
| BACKGROUND/DISCUSSION |
| <ul style="list-style-type: none"> • This is a rezone of approximately 645.9 acres from A (General Agriculture) to EX (Extraction). • The site is east of the existing Wingate Creek Mine, south of Duette Preserve, west of Duette Road, and north of SR 64, in Duette. • Staff recommends approval of the request. |

| | |
|-------------------------------------|--|
| COUNTY ATTORNEY REVIEW | |
| Check appropriate box | |
| <input checked="" type="checkbox"/> | REVIEWED Written Comments: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: WC) |
| <input type="checkbox"/> | NOT REVIEWED (No apparent legal issues.) |
| <input type="checkbox"/> | NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.) |
| <input type="checkbox"/> | OTHER |

| | | | |
|---|-----|--|-----|
| ATTACHMENTS: (List in order as attached) | | INSTRUCTIONS TO BOARD RECORDS: | |
| Staff Report | | n/a | |
| COST: | n/a | SOURCE (ACCT # & NAME): | n/a |
| COMMENTS: | | AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT) | |

FUTURE LAND USE



Parcel ID #(s) 45400059

Project Name: Mosaic / Wingate Extension
 Project #: Z-11-02
 DTS#: 20110036
 Proposed Use: Rezone

S/T/R: Sec 22, 27 Twn 34 Rng 22
 Acreage: 645.9
 Existing Zoning: A, EX
 Existing FLU: AG-R
 Overlays: NONE
 Special Areas: Greenway

CHH: NONE
 Watershed: NONE
 Drainage Basin: LAKE MANATEE, HORSE CREEK, WINGATE CREEK
 Commissioner: Larry Bustle

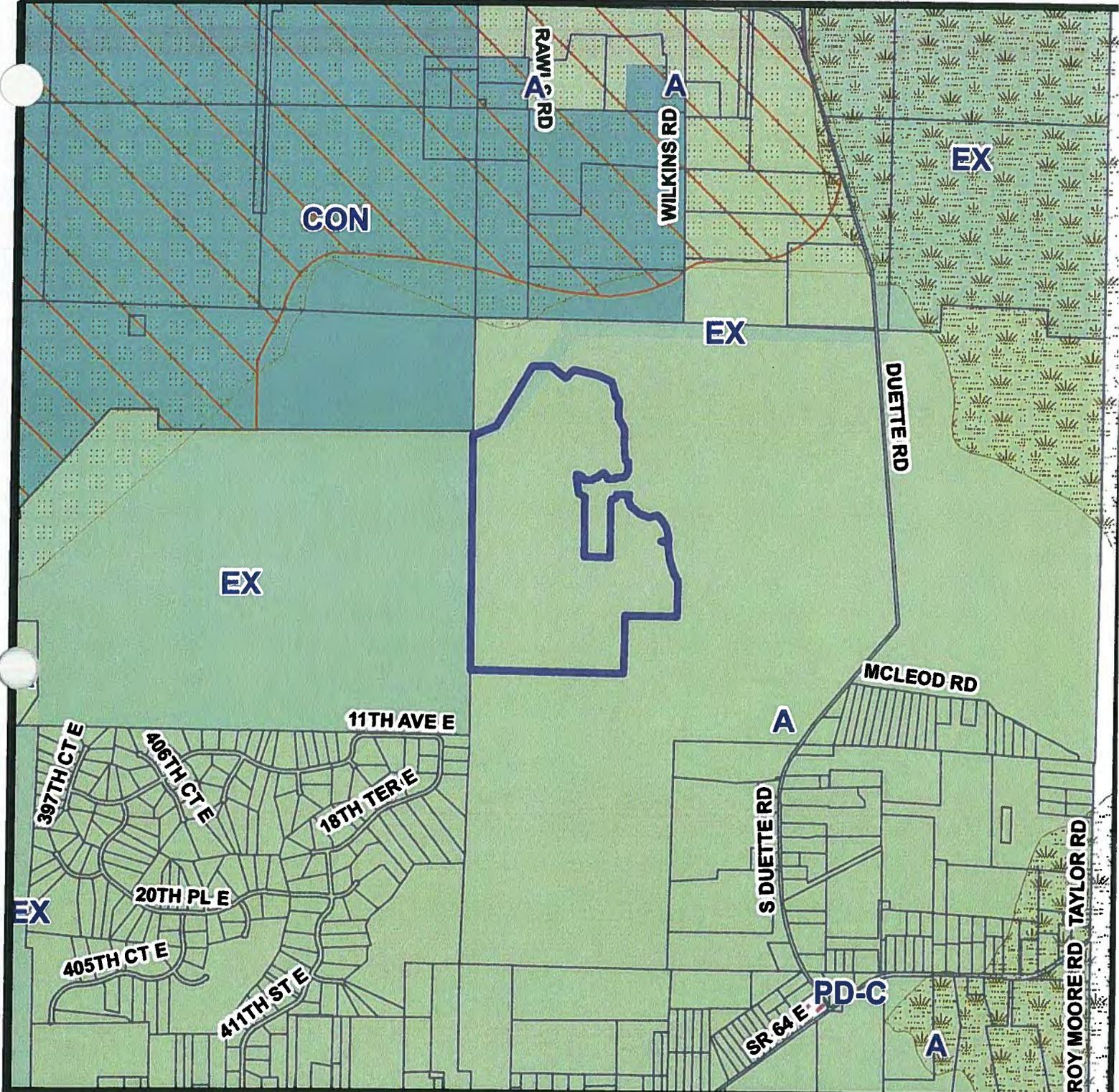


Manatee County
 Staff Report Map

Map Prepared 3/14/2011

1 inch = 3,446 feet

ZONING



Parcel ID #(s) 45400059

Project Name: Mosaic / Wingate Extension
 Project #: Z-11-02
 DTS#: 20110036
 Proposed Use: Rezone

S/T/R: Sec 22, 27 Twn 34 Rng 22
 Acreage: 645.9
 Existing Zoning: A, EX
 Existing FLU: AG-R
 Overlays: NONE
 Special Areas: Greenway

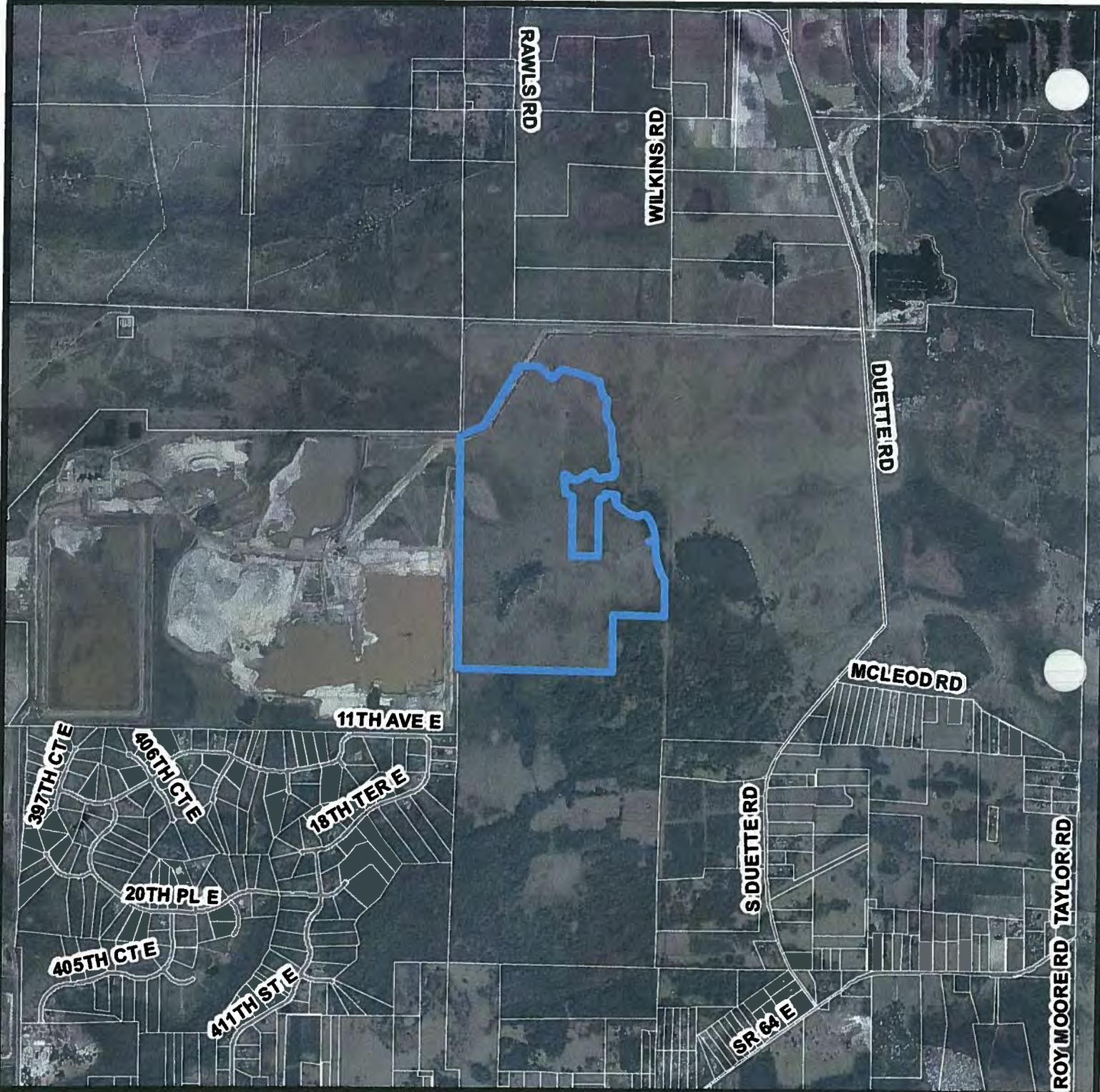
CHH: NONE
 Watershed: NONE
 Drainage Basin: LAKE MANATEE, HORSE CREEK, WINGATE CREEK
 Commissioner: Larry Bustle



Manatee County
 Staff Report Map
 Map Prepared 3/14/2011
 1 inch = 3,446 feet

-  Special Treatment
-  Manatee Watershed (WPM)

AERIAL



Parcel ID #(s) 45400059

Project Name: Mosaic / Wingate Extension
Project #: Z-11-02
DTS#: 20110036
Proposed Use: Rezone

S/T/R: Sec 22, 27 Twn 34 Rng 22

Acreage: 645.9
Existing Zoning: A, EX
Existing FLU: AG-R
Overlays: NONE
Special Areas: Greenway

CHH: NONE
Watershed: NONE
Drainage Basin: LAKE MANATEE, HORSE CREEK, WINGATE CREEK
Commissioner: Larry Bustle



Manatee County
Staff Report Map
Map Prepared 3/14/2011
1 inch = 3,446 feet

P.C. 01/12/12

Z-11-02 – MOSAIC FERTILIZER, LLC - WINGATE EXTENSION (DTS #20110036)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 645.9 acres located on the east side of the Wingate Creek Mine, south of Duette Park, west of Duette Road, and north of SR 64, in Duette from the A (General Agriculture) to the EX (Extraction) zoning district; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

P.C.: 01/12/12

B.O.C.C.: 02/02/12

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, I move to recommend ADOPTION of Manatee County Zoning Ordinance No. Z-11-02, as recommended by staff.

| PROJECT SUMMARY | |
|------------------------------|---|
| CASE# | Z-11-02 (DTS # 20110036) |
| PROJECT NAME | Mosaic Fertilizer, LLC - Wingate Extension |
| APPLICANT(S): | Mosaic Fertilizer, LLC |
| PROPOSED ZONING: | EX (Extraction) |
| EXISTING ZONING: | A (General Agriculture – 1 Dwelling Unit per 5 Acres) |
| CASE MANAGER: | Lisa Barrett |
| STAFF RECOMMENDATION: | APPROVAL |

DETAILED DISCUSSION

Request:

The request is for rezone from A (General Agriculture) to EX (Extraction). The site is located adjacent to the existing Wingate Creek Mine to the west and is a portion of a site also known as the Texaco Tract.

Mosaic Fertilizer seeks to rezone the ±645.9 acres (known as the Wingate Extension) to Extraction to allow phosphate mining. This request is accompanied by a Master Mining Plan (Resolution R-12-01) to allow mining of the resource on the Wingate Extension. The Master Mining Plan (MMP) is for ±661 acres (of which includes 14.9 acres and is the Utility Corridor which was rezoned to EX in 2008).

The existing Wingate Mine is a Development of Regional Impact (DRI). In February 2011, the applicant submitted for a Substantial Deviation Application for Development Approval to extend the Wingate Creek mine further to the east (Wingate Extension). The applicant submitted two responses to comments issued by Manatee County and the Tampa Bay Regional Planning Council. However, pursuant to House Bill 7207, the applicant withdrew the Application for Development Approval, as the Statute no longer requires solid mineral mines to go through the DRI process. The applicant is still required, by local requirements, to obtain the rezone, MMP, and Operating Permits.

History:

The original DRI Development Order for the Wingate Creek Mine (to the west) was approved on October 11, 1975 for twenty-three (23) years. The Development Order (DO) was amended in 1987 to reflect Manatee County's purchase of ±4,000 acres from the mine for watershed

protection purposes. The DO was again amended and a revised DO issued in 1988 (R-88-236). Since 1988, the DO has been amended nine times, as summarized below:

1. July 17, 1990. Resolution No. R-90-60 amended the legal description to delete the lands purchased by the County in 1987 and lands deleted from the DO in 1988.
2. August 14, 1990. Resolution No. R-90-147 to modify the haul route to allow the transport of phosphate rock by truck to the Piney Point Phosphates Plant; and
3. November 5, 1991. Resolution No. R-91-250 to amend the haul route to allow 650,000 lbs. to go east to Hardee County; and
4. July 25, 1996. Resolution No. R-96-188 to amend to the legal description of the Wingate Creek Mine to reflect the deletion of 845 acres as a result of the Manatee County Archery and Gun Club settlement with Manatee County.
5. December 16, 1997. Resolution No. R-97-241 to amend the expiration date for Wingate Creek Mine Development Order to July 31, 2004, extending the life of the authorized haul routes to July 31, 2004, and the completion of mining reclamation to December 31, 2008. The Master Mine Plan and Operating Permit were amended to conform with the amended Development Order.
6. November 24, 1998. Resolution No. R-98-182 to amend the Development Order to add a haul route between the mine and Mulberry, Florida utilizing a new haul road and Duette Road.
7. March 4, 1999. Resolution No. R-99-89, the Florida Department of Community Affairs, Nu-Gulf Industries, and Manatee County entered into an agreement pursuant to Section 380.032(3), Florida Statutes, for temporary use of Duette Road haul route until July 31, 1999 and before certain improvements to the State Road system were complete. Resolution R-99-89 contained extensive development conditions and agreements binding on the operator of the Wingate Creek Mine.
8. August 8, 2004. Ordinance 04-21 was approved amending the Development Order to: 1) extend the life of mining to July 31, 2011, 2) extend the life of reclamation to July 31, 2015, 3) extend the expiration date of the authorized truck hauling routes to July 31, 2011, 4) delete two approved haul route along SR 64, 5) delete 80.75± acres along the east side of Logue Road from the DRI, and 6) change the name of the mine owner to Cargill Fertilizer, LLC.

In 2004, Cargill Fertilizer, LLC. and IMC Phosphates Co. merged and formed Mosaic Fertilizer, LCC. This merger placed both SE Tract and Wingate Creek Mines under the same ownership. The main reason for the linkage of the two mines is because the Wingate's plant is much closer to the SE Tract than the Four Corners Plant (approx. 4 miles closer). Therefore, it is more energy efficient for Mosaic to pump and process the SE Tract's ore to Wingate than to Four Corners.

9. May, 1, 2008. Ordinance 08-21 was approved linking the SE Tract to the Wingate Creek Mine by adding the "Wingate Creek Utility Corridor" to the SE Tract. The corridor (approximately 103 acres) is for pipelines, powerlines, a maintenance road,

etc. that allow the linkage and completion of the mining of the SE Tract reserves.

Recommendation:

The ±645.9 acre site is in the AGR (Agricultural/Rural) Future Land Use Category (FLUC) of the Comprehensive Plan. Uses potentially allowed within the AG/R FLUC include agriculture, rural residential uses, mining, agro-industrial uses, commercial uses related to agriculture, convenience retail uses, and professional/personal services. EX zoning is consistent with the FLUC of AG/R and consistent with the zoning and use of the existing Wingate Creek Mine to the west.

Staff recommends approval of the rezone. A rezone of the site to EX - Extraction will allow mining to occur if the Board approves the accompanying Master Mining Plan.

SITE CHARACTERISTICS AND SURROUNDING AREA

| | |
|-------------------------------------|--|
| ADDRESS: | Part of 655 Duette Road, Duette |
| GENERAL LOCATION: | The east side of the Wingate Creek Mine, south of Duette Preserve, west of Duette Road, and north of SR 64 |
| ACREAGE: | 645.9 ± acres |
| EXISTING USE(S): | Agricultural – Pastureland |
| PROPOSED USE(S): | Phosphate mining |
| FUTURE LAND USE CATEGORY(S): | AG-R (Agriculture-Rural) |
| OVERLAY DISTRICT(S): | None |

SURROUNDING USES & ZONING

| | |
|--------------|--|
| NORTH | Agriculture zoned A and Duette Preserve zoned CON |
| SOUTH | Undeveloped Agriculture & Residential zoned A |
| EAST | Undeveloped Agriculture & Residential zoned A |
| WEST | Phosphate mining zoned EX. To the southwest is Winding Creek Residential Subdivision zoned A |

SITE DESIGN DETAILS

| | |
|--------------------|--|
| OPEN SPACE: | 645.9 ± acres – 0% required in EX zoning. No site plan submitted at this time. |
| ACCESS: | Through existing Wingate Creek mine access corridor from Duette Road. |

| | |
|--------------------------------|--|
| FLOOD ZONE(S): | X – Panel 120153 0450C |
| AREA OF KNOWN FLOODING: | Myakka River Watershed and Horse Creek (Peace River Watershed) – areas not classified as prone to flooding. |
| UTILITY CONNECTIONS: | Water and Sewer are not available |

ENVIRONMENTAL INFORMATION

| | |
|---------------------------------|-------------------|
| Overall Wetland Acreage: | 48.4 acres |
|---------------------------------|-------------------|

The proposed wetland impacts are discussed in detail in item #12 of the rezone criteria listed below and in the MMP staff report.

NEARBY DEVELOPMENT

| NON-RESIDENTIAL | | | | |
|---|--------------|------------------|------|---------------|
| PROJECT | SQ. FT. | FAR | FLUC | YEAR APPROVED |
| Wingate Creek Mine (DRI #4) | n/a | n/a | AG-R | 1975 |
| RESIDENTIAL | | | | |
| PROJECT | LOTS / UNITS | DENSITY | FLUC | YEAR APPROVED |
| Winding Creek Subdivision [00-S-26(F)] | 202 | 0.10 1,956 ac | AG-R | 2002 |

POSITIVE ASPECTS

- EX zoning is consistent with the AG/R (Agriculture/Rural) Future Land Use Category.
- EX zoning is a logical expansion of EX zoning in this area.
- The site is adjacent to the existing Wingate Creek Phosphate Mine in Manatee County.
- The site is in a fairly sparsely populated area of Manatee County used for agricultural purposes, thereby minimizing the number of residents that may be impacted by extraction activities.

NEGATIVE ASPECTS

- Mining activities may create adverse noise and odor impacts.
- ±48.4 acres of wetlands will be impacted.

MITIGATING MEASURES

- **Impacts of future mining activities will be reviewed with the companion Master Mine Plan and mitigated through stipulations.**
- **Off-site noise and odor impacts are limited because there are few residences in close proximity to the property.**
- **The ±48.4 acre wetland is of moderate quality, 0.53 UMAM.**
- **Avoiding the ±48.4 acre wetlands would restrict the ability to mine 30 acres of otherwise minable upland areas, due to setbacks for BMPs, sloping and operational constraints.**
- **The applicant has committed to developing a comparative hydrologic model of 1,400 acres within the Lake Manatee watershed in Duette Preserve for the purpose of assisting the County in permitting a hydrologic restoration project.**

STAFF RECOMMENDED STIPULATIONS

Not applicable. This is a “straight rezone” from A to EX. All requirements of the AG-R FLUC and EX zoning district will be reviewed with the Master Mining Plan and Operating Permits.

**REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED
(Note: Stipulations cannot be attached to a straight rezone)**

None

**COMPLIANCE WITH THE LAND DEVELOPMENT CODE
SECTION 504.5 - REZONE CRITERIA**

1. Compatibility with Neighbors. Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

The requested change is compatible with the existing development pattern and zoning in the area. The adjacent zoning is Extraction to the west (Wingate Creek Mine) and General Agriculture to the north, east, and south. Other zoning districts in the area are Conservation to the north associated with Duette Preserve and Extraction associated with the Wingate Mine Infrastructure Corridor and the Four Corners Mine Southeast Tract (SE Tract) located to the northeast. The Wingate Mine Infrastructure Corridor property was rezoned in 2008 to allow for pipeline and other linear facilities that connect the Wingate Creek and Four Corners SE Tract Mines. The proposed rezoning of the Wingate Extension is immediately adjacent to the existing, active Wingate Creek Mine. The Extraction Zoning district allows for mining. The proposed rezoning of the subject property is, therefore, compatible with both the existing development pattern and the zoning of nearby properties in Manatee County.

2. Changes from Original Conditions. Has there been a change in the conditions upon which the original zoning designation was based? Have major land uses or conditions changed since the zoning was established?

There have been changes in conditions since the original zoning designation. The first change

was to establish a specific zoning district, Extraction, for mining activities. The Wingate Creek Mine was approved in 1975 as a Special Exception in the Agricultural zoning district. Manatee County later amended the zoning classification from Agricultural to Extraction. In 2000, mining of the Four Corners Mine SE Tract was approved, including the rezoning of the SE Tract to Extraction. The Wingate Creek Mine infrastructure corridor connecting the two mines was approved in 2008. The other significant change is associated with the ownership or control of the Wingate Creek Mine, the Four Corners Mine SE Tract, and the Wingate Extension property. In 2004, Cargill Fertilizer, LLC (Cargill) acquired the Wingate Creek Mine and the Wingate Extension. Later in 2004, Cargill merged with IMC to form Mosaic Fertilizer, LLC. At that time, the Wingate Creek Mine, the Four Corners Mine SE Tract, and the Wingate Extension came under the same ownership/control for the first time. The proposed mining of the Wingate Extension will use the Wingate Creek Mine facilities to wash and beneficiate the phosphate ore. The Four Corners SE Tract will be used for deposition of the clay residues, thus allowing for more efficient operation to complete the mining and reclamation of the properties.

3. Comprehensive Plan. Does the current zoning or the proposed zoning better conform to the current Comprehensive Plan?

Yes, both the existing and the proposed zoning conform to the Comprehensive Plan. Under the Manatee County Comprehensive Plan, the Agriculture/Rural (AG/R) future land use designation allows mining operations and mining related activities to be approved. Given the current mining activities in the surrounding area, the proposed mining of the Wingate Extension is a compatible use and will conform to the Comprehensive Plan future land use designation as well as specific policies that address mining.

4. Conflicts with Public Improvements. Will the proposed change conflict with existing or planned public improvements?

The accompanying Master Mine Plan application demonstrates that the proposed mining will not require any public infrastructure improvements or any increase in the provision of public services to accommodate the expansion of mining. The proposed mining will require no additional water withdrawals, will not result in additional air emissions, will not create the need for industrial or domestic solid or liquid waste disposal capacity, will not create a demand for housing, police and fire protection, education, or health care, will not result in changes to trucking or transportation volume or distribution, or require additional energy resources. The life of the adjacent Wingate Creek Mine plant will be extended by about six years due to the additional mining of phosphate matrix from the Wingate Extension.

5. Sufficient Public Facilities. Whether the proposed change will be supported by sufficient public facilities, based upon a consideration of the following factors:

(i) Will the proposed change adversely affect traffic patterns or congestion?

The mining of the Wingate Extension will not result in additional trip generation on the adjacent roads beyond the currently approved levels. The mining will extend the life of the Wingate Creek Mine and the trucking of phosphate rock to the existing, approved locations.

- (ii) **Will the proposed change adversely impact population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are adversely affected?**

The proposed mining does not include residential development or any onsite structural development, other than access and pipelines, and therefore, will not increase population density or generate the demand for schools, sewers, streets, recreational areas or other public facilities or services.

- (iii) **Are sufficient public facilities planned and funded to support any change in density or intensity pursuant to the requirements of the Comprehensive Plan and applicable law?**

N/A

6. **Neighborhood Changes. Will the proposed change adversely affect the health, safety or welfare of the neighborhood?**

There is only limited residential development in the surrounding area. The nearest residences are located more than 1,700 feet from the closest boundary of the Wingate Extension (Winding Creek Subdivision). Mining associated with the existing Wingate Creek Mine is located closer to the same residential development. The proposed change should not adversely affect the health, safety, and welfare of the surrounding area.

7. **Compliance with LDC. Is the proposed amendment in conformance with all applicable requirements of this Code?**

Yes, the proposed amendment is in conformance with all applicable requirements of the Land Development Code.

8. **Orderly Development. Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.**

The requested change is consistent with the existing mining activities in the surrounding area. The mining of the Wingate Extension will be adjacent to the Wingate Creek Mine and will extend the life of the Wingate Creek Mine plant. The proposed mining will also use the Wingate Creek Mine Infrastructure Corridor to transport clay residues for deposition at the Four Corners Mine SE Tract. The proposed mining, therefore, will use existing mining infrastructure. The surrounding area consists of mining, agricultural uses and Duette Preserve. There is low density residential development located more than 1,700 feet to the south (Winding Creek Subdivision) and approximately 5,000 feet to the southeast, along Duette Road. After Mining is complete, the mines and the subject property will be reclaimed to agricultural use consistent with the Future Land Use Element and consistent with the current land uses to the north, east, and south.

9. **Expanding Districts. Is the proposed amendment the logical expansion of adjacent zoning districts?**

The Wingate Extension is an extension of the Wingate Creek Mine located immediately to the west and is located southwest of the Extraction district zoning associated with the Four Corners Mine SE Tract. A portion of the Wingate Creek Mine Infrastructure Corridor connecting the two mines is located on the Wingate Extension property. The proposed rezoning is a logical expansion of the adjacent Extraction districts.

10. Trends. Is the timing of the request appropriate given the development trends in the area?

The timing is appropriate since the Wingate Creek Mine, the Four Corners Mine SE Tract, and the Wingate Extension are now under one ownership/control entity. In addition, mining of the Wingate Creek Mine was reauthorized in 2004 and mining of the SE Tract is underway. The proposed mining will use infrastructure in place at both existing mines and the Wingate Creek Mine Infrastructure Corridor.

11. Historic Resources. Will the proposed change adversely impact historic resources?

Southeastern Archaeological Research, Inc. completed an Archaeological and Historical Survey of the Texaco Tract, which includes the Wingate Extension boundary in 2007. Appendix 30-A contains a copy of the final survey. The results of the survey were submitted to the Florida Division of Historic Resources. The survey concluded that the lands comprise Wingate Extension do not contain cultural resource sites that are potentially eligible for listing in the *National Register of Historic Places*, or contain any resources of cultural, historical, or archaeological significance.

12. Environmental Impacts. Will the proposed change have an adverse environmental impact on the vicinity?

The proposed mining of the Wingate Extension will not have an adverse environmental impact for the following reasons:

- Mosaic has conducted initial surveys of listed species. Mosaic will follow the rules of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FFWCC) in the event that pre-clearing surveys find any listed species present.
- Mosaic is not requesting to increase groundwater withdrawals above the levels currently approved under the Southwest Florida Water Management District (SWFWMD) Water Use permit.
- The proposed ±48.4 acre wetland impact is to a moderate quality wetland with a UMAM score of 0.53. In order to preserve the wetland, a 30' wetland buffer is required. In addition to the 30' wetland buffer, an additional 230' setback for BMPs and sloping for bank stability is required. The BMP and sloping setback would also create areas, which due to operational constraints, are unmineable (area a minimum of 500' in width). These constraints would result in the inability to mine an additional 30 acres of otherwise minable upland area. Additionally, avoiding this wetland impact would require BMP and sloping area within the existing Wingate Creek Mine, resulting in an additional 6.5 acres of offsite land unavailable for mining.

Impacts to wetlands by mining activities are different than other development in that they are temporary instead of permanent. It is anticipated that post reclamation, this site will provide greater wetland function than in its current state. The Mosaic reclamation plan demonstrates that Mosaic has the ability to restore the impacted wetlands and provide Manatee County with reasonable assurance that the wetland reclamation will be performed as intended.

- The applicant has committed to developing a comparative hydrologic model of 1,400 acres within the Lake Manatee watershed in Duette Preserve, for the purpose of assisting the County in permitting a hydrologic restoration project. This project will not only address habitat restoration, but will also provide water quality and water quantity benefits by storing and treating stormwater before slowly releasing waters downstream to the reservoir.

13. Lighting. Will the proposed change allow uses that require so much outdoor lighting that even the light from shielded fixtures may reflect off-site with potentially adverse effects on residential areas?

The mining of the Wingate Extension will not involve the construction of any permanent structures and no permanent lighting fixtures will be erected.

14. County Wide Changes. Will the proposed change adversely affect the health, safety and welfare of the County as a whole?

Mining in this area of Manatee County has been approved since 1975. After the completion of mining, the mines will be reclaimed to the same agricultural use as is now occurring. The area of the proposed mining is located outside of any overlay districts. No public infrastructure improvements are required and there will be no additional impact on the local roads. The proposed change will not impact the health, safety, and welfare of the County as a whole.

15. Mobile Homes. For any rezoning that would result in the removal or relocation of mobile home owners residing in a mobile home park, has the applicant demonstrated that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners, within the meaning of, and pursuant to, Section 723.083, Florida Statutes.

N/A

16. Other Matters. Any other matters which may be appropriate for consideration pursuant to this Code, the Comprehensive Plan or applicable law.

There are no other matters that have not been addressed.

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the AG-R Future Land Use Category. A list of Comprehensive Plan Policies applicable to this request is attached. This project was specifically reviewed for compliance with the following policies:

Policy 2.1.2.7 Appropriate Timing.

The timing of this rezone is appropriate given development trends in the area. The surrounding area is characterized by mining, agriculture, and conservation areas.

Policy 2.2.1.8.2 Range of Potential Uses.

The EX zoning category is the appropriate zoning for mining activities. The site is in the AG/R (Agricultural/Rural) Future Land Use Category of the Comprehensive Plan. Uses potentially allowed within the AG/R FLUC include agriculture, rural residential uses, mining, agro-industrial uses, commercial uses related to agriculture, convenience retail uses, and professional/personal services. EX zoning is consistent with the intent of the AG/R FLUC.

Policy 2.6.1.1 Compatibility.

The range of land uses permitted in EX zoning will be compatible with surrounding land uses and zoning as previously detailed in this staff report. EX zoning exists to the west (Wingate Creek Mine) and further to the east (SE Tract). There is residential to the southwest, approximately 1,700 feet from the site. Once the site is mined, the property will be reclaimed back to agriculture.

CONCURRENCY

(Note: A CLOS application cannot be filed with a straight rezone.)

CLOS APPLIED FOR: Y ___ N x
TRAFFIC STUDY REQ'D: Y ___ N x

REQUIRED IMPROVEMENTS:

1. N/A at this time. Any CLOS requirements will be reviewed at time of MMP and Operating Permit. Traffic safety and operational concerns will also be considered in review of the traffic study.

ATTACHMENTS

1. Applicable Comprehensive Plan Policies
2. Zoning Disclosure Affidavit
3. Copy of Newspaper Advertising

APPLICABLE COMP PLAN POLICIES

Policy 2.2.1.8 Ag/R: Establish the Agricultural/Rural future land use category as follows:

Policy 2.2.1.8.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which have a long term Agricultural or Rural Residential character, such areas primarily located east of the "Future Development Area Boundary" (FDAB). Refer to the TSD, Land Use Element for location of the FDAB.

Policy 2.2.1.8.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5, and Obj. 9.2.4): Farms, ranches, agro-industrial uses, agricultural service establishments, agriculturally-compatible residential uses, farmworker housing, rural residential uses, small retail and office commercial uses, mining, mining-related uses, low intensity recreational facilities, rural recreational facilities, public or semi-public uses, schools, and appropriate water-dependent uses (see also Objectives 4.2.1, 2.10.3 and 2.10.4).

Policy 2.2.1.8.3 Range of Potential Density/Intensity:

Maximum Gross Residential Density:

0.2 dwelling units per acre

Maximum Net Residential Density:

1 dwelling unit per acre

(except within WO and CSVA Overlay Districts pursuant to Policies 2.3.1.5, and 4.3.1.5)

Maximum Floor Area Ratio:

0.23

Policy 2.2.1.8.4 Other Information:

- a) Mining-related uses, agro-industrial uses, and agricultural service establishments are exempt from the requirement for 0.23 maximum Floor Area Ratio, but may be limited in intensity by the application of other goals, objectives, or policies in this Comprehensive Plan or by other applicable development regulations.
- b) All mixed, multiple use and rural recreational use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to 163.3202, F.S.
- c) Where established in a manner consistent with applicable land development regulations, farmworker housing may exceed densities specified in Policy 2.2.1.8.3.

Policy 2.1.2.3 Permit the consideration of new residential and non-residential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.

Policy 2.1.2.7 Review all proposed development for compatibility and appropriate timing. This analysis shall include:

- consideration of existing development patterns,
- types of land uses,
- transition between land uses,
- density and intensity of land uses,
- natural features,
- approved development in the area,
- availability of adequate roadways,
- adequate centralized water and sewer facilities,
- other necessary infrastructure and services.
- limiting urban sprawl
- See also policies under Objs. 2.6.1 - 2.6.3)

Policy: 2.11.1.4 Permit the consideration of all new mineral resource extraction activities that are regulated by the Manatee County Mining Ordinance, as amended, only within the Agriculture/Rural designation on the Future Land Use Map.

Objective: 3.3.1 Wetlands Protection: Preserve and protect existing, viable wetland systems to:

- maintain control of flooding and erosion through storage of agricultural and urban runoff in wetland areas;
- achieve biological filtration of pollutants associated with urban and agricultural runoff by wetlands;
- maintain protection of coastal areas from tidal storm surges through maintaining wetlands as a natural buffer;
- achieve water recharge of surficial aquifers through wetland areas;
- maintain unique habitat functions of wetland areas as homes and critical breeding areas for many animal and plant species;
- maintain essential chemical and energy cycles facilitated by wetlands;
- maintain educational and recreational opportunities provided by wetlands.

Policy: 3.3.1.1 Prohibit removal, alteration, or encroachment within wetlands except in cases where no other practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. Such determination will require completion of impact avoidance and minimization analyses which clearly demonstrate the necessity of the proposed impact. [See policy 4.1.2.2 of the Coastal Management Element for coastal wetlands.]

Policy: 3.3.1.2 Require that the extent of wetland areas on any proposed development or redevelopment site be identified on a signed-and-sealed wetlands delineation at time of preliminary site plan, preliminary plat, or other preliminary development plan or similar

approval. Manatee County may revoke any development orders where the difference between an estimate of wetland areas shown on a signed-and-sealed survey and actual wetlands on site is determined to be significant enough to warrant substantial project redesign.

Objective: 3.3.2 Wildlife and Upland Habitat Protection: Protect and preserve native wildlife, endangered, threatened and species of special concern, and native upland habitat through appropriate acquisition, restoration, and development controls to provide:

- areas for passive recreation and enhanced quality of life;
- large pervious areas for improved water quality and groundwater recharge;
- species biodiversity; and
- natural area greenways.

Policy: 3.3.2.1 Protect floral and faunal species which are threatened, endangered, or are species of special concern by protecting the function and character of such species habitat from incompatible development.

Policy: 3.3.2.2 Require the preservation of native upland habitat during land development activities through the following strategies:

- 1) Maintenance of areas of non-exotic vegetation, or viable portions thereof, on any project site, especially when such area or viable portions of areas, are part of larger upland habitats which may extend beyond the boundaries of the development site;
- 2) Transfer of density/intensity out of environmentally significant uplands [see policy 3.2.3.3]
- 3) Removal of all nuisance exotic plant species from upland development sites during construction unless Special Approval is granted.

Policy: 3.3.2.3 Require that all proposed development sites be examined for location of endangered and threatened species and that, if found, such species habitat is identified and appropriately protected. Examination of proposed development sites shall be conducted as follows:

- 1) Proposed development sites within areas predicted to contain critical habitat and species as identified on the "Hotspots of Biodiversity Map" of the Technical Support Document shall conduct an evaluation of the proposed development site which shall contain:
 - dates of field review
 - name and qualifications of individual(s) conducting the review
 - a brief statement of the methodology used to conduct the investigation

- a map of land use and land cover using the FDOT land cover classification system
 - a list of species observed on the site
 - a map of areas where listed species were observed on the site
 - measures proposed by the applicant to ensure non-disturbance, relocation, or other acceptable mitigative measures.
- 2) Proposed development sites not located within areas identified as "Hotspots of Biodiversity" shall submit a map identifying the location and extent of any vegetative communities listed under policy 3.3.2.1.(a), and shall describe proposed mechanisms to achieve compliance with policy 3.3.2.2.
- 3) Manatee County shall consider habitat size, adjacency to other natural areas, and habitat value when reviewing site development plans for uplands preservation.

Policy: 3.3.2.4 Protect and maintain Species of Special Concern through strategies which consider the numbers and viability of habitat of any such species.

Objective: 3.4.2 MINERAL RESOURCE EXTRACTION: Promote efficient, environmentally sound, utilization and extraction of mineral resources to conserve natural resources and to ensuring that the natural environment is protected from adverse impacts.

Policy: 3.4.2.1 Prohibit adverse environmental or land use impacts caused by new mineral resource extraction operations.

Policy: 3.4.2.2 Require that all applications for new or expanded mineral resource extraction activities include a reclamation plan for the reestablishment of form and function of the appropriate land cover. Also, require the implementation of all approved reclamation plans.

Policy: 3.4.2.3 Encourage efficient mineral resource extraction through water conserving extraction methods, use of reclaimed water, when available, and other cost effective and resource conserving techniques.

Policy 7.1.3.1, require that all land development applications requiring site plan, or subdivision plat review address the occurrence or potential occurrence of historical and archaeological resources within their property boundaries.

Policy 7.1.3.2, prohibit the destruction and/or disturbance of any significant historical or archaeological resource site except to allow data recovery or archaeological excavation activities approved by the Florida Department of State, Division of Historical Resources.

**MANATEE COUNTY GOVERNMENT
PLANNING DEPARTMENT
ZONING DISCLOSURE AFFIDAVIT**

Project name: WINGATE EXTENSION

The Manatee County Land Development Code 90-01, as amended requires that all applications for Zoning Atlas Amendments shall include public disclosure of applicants and their percentage of interest.

If the property is owned by a CORPORATION, list the principal officers and principal stockholders and the percentage of stock owned by each.

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

If the property is in the name of a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the principals below, including general and limited partners.

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. This is in addition to the list of owners.

FOR ANY CHANGES OF OWNERSHIP OR CHANGES IN CONTRACTS FOR PURCHASE SUBSEQUENT TO THE DATE OF THE APPLICATION, BUT PRIOR TO THE DATE OF FINAL PUBLIC HEARING, A SUPPLEMENTAL DISCLOSURE OF INTEREST SHALL BE FILED.

Disclosure shall not be required of any entity whose interests are solely equity interest which are regularly traded on an established securities market in the United State or another country.

NAME, ADDRESS AND OFFICER

PERCENTAGE
STOCK, INTEREST OR OWNERSHIP

Check if owner () or contract purchaser ()

Diana M. Jagiella
Director of Mine Regulatory Affairs and Senior
Environmental Counsel
The Mosaic Company
13830 Circa Crossing Drive
Lithia, Florida 33547
(813) 500-8820
Diana.Jagiella@mosaicco.com

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signature: Diana M. Jagiella
(Applicant): _____

STATE OF FLORIDA
COUNTY OF Manatee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 7th day of February 2011
by Diana M. Jagiella, who is personally known to me or who has produced _____
_____ as identification.
(type of identification)

April D. Corbett
Notary Signature
April D. Corbett
Print or type name of Notary

Title or Rank

My Commission Expires: August 9, 2014
Commission No: DD 980556

Revised 2/8/10
B-4

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Bradenton Herald

Sarasota Herald Tribune

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, January 12, 2012 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida, to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

RESOLUTION NO. 12-01

Resolution of the Board of County Commissioners of Manatee County, Florida, granting Mosaic Fertilizer, LLC a master mining plan for the Wingate Extension (661 acres); authorizing mining and reclamation on the Wingate Extension; establishing new conditions of approval for mining within the Wingate Extension; providing reclamation schedules and enforcement; allow dragline crossing of Duette Road; approve pre-mining construction activities; approve waiver request of the setback requirement for mining adjacent to Duette Preserve providing for severability; providing for an effective date; and providing for an expiration date. Approve a buildout date for mining until December 31, 2019 and reclamation until December 31, 2023

Z-11-02 - MOSAIC FERTILIZER, LLC - WINGATE EXTENSION

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 45.9 acres located on the east side of the Wingate Creek Mine, south of Duette Park, west of Duette Road, and north of SR 64, in Duette from the A (General Agriculture) to the EX (Extraction) zoning district; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities:

The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION Manatee County Building and Development Services Department Manatee County, Florida 12/28/2011

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THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION Manatee County Building and Development Services Department Manatee County, Florida

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

| | | | |
|---|---|--|---|
| SUBJECT | R-12-01 – Mosaic Fertilizer, LLC Wingate Extension | TYPE AGENDA ITEM | Advertised Public Hearing – Regular |
| DATE REQUESTED | 01/12/12 (PC) | DATE SUBMITTED/REVISED | 01/04/12 |
| BRIEFINGS? Who? | No | CONSEQUENCES IF DEFERRED | N/A |
| DEPARTMENT/DIVISION | Natural Resources/Environmental Protection | AUTHORIZED BY TITLE | Charlie Hunsicker, Director <i>Charlie Hunsicker</i> |
| CONTACT PERSON TELEPHONE/EXTENSION | Rob Brown/Ext. 1870 | PRESENTER/TITLE TELEPHONE/EXTENSION | Rob Brown/Environmental Protection Manager/Ext. 1870 |
| ADMINISTRATIVE APPROVAL | | | |

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

I move to RECOMMEND APPROVAL R-12-01 per the recommended motion on the staff report listed in attachment 1 to this memo.

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Ch. 125.01, F.S. Powers and Duties of County Commissions
 Ordinance No. 04-39, The Manatee County Phosphate Mining Code
 Ordinance No. 81-22, The Manatee County Mining and Reclamation Ordinance
 Zoning Ordinance No. Z-11-02
 Manatee County Comprehensive Plan (Ordinance 89-01, as amended)

BACKGROUND/DISCUSSION

BACKGROUND

- o The Wingate Extension is located in the eastern portion of Manatee County and is currently zoned AG.
- o Wingate Extension is a portion of property known as Wingate East (aka the Texaco Tract).
- o The site is located adjacent to Wingate Creek Mine and near the Southeast Tract.
- o The request includes extending the operation date to accommodate phosphate ore from Wingate Extension at the Wingate Creek beneficiation plant.

| COUNTY ATTORNEY REVIEW | |
|-------------------------------------|--|
| Check appropriate box | |
| <input checked="" type="checkbox"/> | REVIEWED Written Comments: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: (WC)) |
| <input type="checkbox"/> | NOT REVIEWED (No apparent legal issues.) |
| <input type="checkbox"/> | NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO) |
| <input type="checkbox"/> | OTHER |

| | | | |
|--|-----|--|-----|
| ATTACHMENTS: (List in order as attached) | | INSTRUCTIONS TO BOARD RECORDS: | |
| Staff Report for R-12-01 Proposed Resolution R-12-01, Master Mining Plan with attachments Proof of Publication | | n/a | |
| COST: | n/a | SOURCE (ACCT # & NAME): | n/a |
| COMMENTS: | n/a | AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT) | n/a |

RESOLUTION R-12-01 – MASTER MINING PLAN

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, GRANTING MOSAIC FERTILIZER, LLC. A MASTER MINING PLAN FOR THE WINGATE EXTENSION (±661 ACRES); AUTHORIZING MINING AND RECLAMATION ON THE WINGATE EXTENSION; ESTABLISHING NEW CONDITIONS OF APPROVAL FOR MINING WITHIN THE WINGATE EXTENSION; PROVIDING RECLAMATION SCHEDULES AND ENFORCEMENT; ALLOW DRAGLINE CROSSING OF DUETTE ROAD; APPROVING PRE-MINING CONSTRUCTION ACTIVITIES; APPROVING WAIVER REQUEST OF THE SETBACK REQUIREMENT FOR MINING ADJACENT TO DUETTE PRESERVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AN EXPIRATION DATE. APPROVING A BUILDOUT DATE FOR MINING UNTIL DECEMBER 31, 2019 AND RECLAMATION UNTIL DECEMBER 31, 2023.

The Wingate Extension, consisting of ± 661 acres, is west of Duette Road, south of the Wingate Utility Corridor, and east of Wingate Creek Mine in Sections 22 and 27, Range 22 East, Township 34 South, approximately 2 miles north of SR 64; in Duette.

P.C.: 01/12/12

B.O.C.C.: 02/02/12

RECOMMENDED MOTION

Based upon APPROVAL of the Zoning Ordinance (Ord. No. Z-11-02), the staff reports, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and Manatee County Ordinance 04-39 (“The Manatee County Phosphate Mining Code”) as conditioned herein, I move to recommend ADOPTION of Resolution R-12-01, Master Mining Plan, as recommended by staff.

CASE SUMMARY

APPLICANT: Mosaic Fertilizer, LLC

REQUEST: Approval of a Resolution authorizing a Master Mining Plan for the Wingate Extension portion of the Wingate East Tract

STAFF RECOMMENDS: APPROVAL

REQUEST, LOCATIONAL INFORMATION AND LAND USE CHARACTERISTICS

- The request is for approval of a Resolution granting Mosaic Fertilizer, LLC a Master Mining Plan (MMP) for the Wingate Extension (approximately 661 acres within the larger Wingate East Tract also known as the Texaco Tract) to:
 1. Adjust limits of disturbance in Sections 21 & 27, along the common property line of Wingate Extension and Duette Preserve (County owned);
 2. Allow mining related activities in the setback area, as allowed under Manatee County's Phosphate Mining Ordinance 04-39;
 3. Allow a temporary dragline crossing of Duette Road;
 4. Allow exchange of Wingate Extension sand tailings and overburden with Southeast Tract;
 5. Allow pre-mining construction activities, as allowed under Manatee County's Phosphate Mining Ordinance 04-39;
 6. Beneficiate/process Wingate Extension phosphate ore at the Wingate Creek Mine Plant;
 7. Allow the use of conventional clay settling (FM-1 & 2) at the Southeast Tract for clay storage; and,
 8. Allow the use of existing mine infrastructure, truck routes and destination points, as approved for Wingate Creek Mine (R-08-007).

The Wingate Extension is located in the eastern portion of Manatee County and is currently zoned AG. Wingate Extension is a portion of property known as Wingate East (aka the Texaco Tract). The site is located adjacent to Wingate Creek Mine and near the Southeast Tract.

In late 2004, Cargill and IMC merged into Mosaic Fertilizer, LLC at which time all tracts (Wingate Creek Mine, Wingate East property, and the SE Tract) came under the same ownership, giving the opportunity to connect these operations. Wingate Creek

Mine, to the west, was originally approved for mining in 1975 as a Special Exception Permit in the A (General Agricultural) zoning district. Later when the Manatee County Land Development Code was revised, the zoning of the Wingate Creek Mine was changed/amended to the EX (Extraction) zoning district. The nearby Southeast Tract was approved by Manatee County in December 2000 for phosphate mining and the land was rezoned from A to EX. Wingate Corridor (Ord. R-08-009) linked Wingate Creek Mine operations to the Southeast Tract.

- With the exception of Winding Creek Subdivision to the south, surrounding land uses are predominantly mining and agricultural.
- Standards and Conditions in Mining Ordinance 04-39 will apply to the Wingate Extension.
- The MMP is accompanied by a request to rezone ±645.9 acres from the A zoning district to EX (Extraction). 14.9 acres (the Utility Corridor linking Wingate Creek Mine and the SE Tract) was rezoned to EX in 2008.
- The existing Wingate Creek Mine (to the west of the current request) is a Development of Regional Impact (DRI). In February 2011, the applicant submitted an application for a Substantial Deviation for Development Approval to extend the Wingate Creek Mine further to the east (Wingate Extension). The applicant submitted two responses to comments issued by Manatee County and the Tampa Bay Regional Planning Council. However, pursuant to House Bill 7207, the applicant withdrew the Application for Development Approval, as the Statute no longer requires solid mineral mines to go through the DRI process. The applicant is still required, by local requirements to obtain the rezone, MMP, and Operating Permits.
- Per Ordinance 04-39, the MMP shall expire 25 years after its effective date.

SUMMARY

This request is for approval of a Master Mining Plan (MMP) to mine and reclaim approximately 661 acres, of which, ±48.4 acres of isolated wetlands will be impacted. The phosphate reserves Mosaic seeks to permit have been segregated into two tracts: (1) Wingate Extension and (2) Wingate East. Due to the federal Areawide Environmental Impact Statement (AEIS) process limiting the ability for Mosaic to obtain permits for Army Corps of Engineers jurisdictional wetlands until the AEIS is complete, the applicant requests approval of the Wingate Extension at this time, but will request approval of Wingate East at a later date.

This MMP will allow the efficient and energy conserving recovery of phosphate rock, a naturally occurring non-renewable natural resource. The extraction of the phosphate ore will be accomplished using the overburden and matrix dredges currently mining the adjacent Wingate Creek Mine with supplemental use of dragline equipment currently at the Southeast Tract. The mining and reclamation schedule is provided below. Phosphate rock is located in only a few geographic locations in the United States in sufficient quantity to be economically extracted, so its optimal and efficient recovery is significant to the nation.

Mining and Reclamation Schedule:

| Activity | Beginning | Ending |
|-------------------|------------------|---------------|
| Mining Extraction | 2014 | 2019 |
| Reclamation | 2017 | 2023 |

In addition to wetland mitigation, Mosaic proposes to participate in a wetland restoration study on Duette Preserve. A separate request to amend Wingate Creek Mine Master Mining Plan has been made. The request includes extending the operation date to accommodate phosphate ore from Wingate Extension at the Wingate Creek beneficiation plant.

POSITIVE ASPECTS OF THE APPLICATION

- This is a sparsely populated area of Manatee County, and surrounding areas, with the exception of Winding Creek Subdivision, are either approved for mining activities or being used for agriculture.
- Wingate Corridor will continue to be used for the disposal of waste clay from Wingate Extension at the Southeast Tract and the processing of Southeast Tract matrix at the Wingate Creek Plant.
- Wingate Creek Plant has recently completed washer upgrades to improve phosphate recovery.
- No change to County services such as EMS, fire protection, police protection, schools, parks or other services will be required.
- No additional clay settling areas are proposed for this operation.
- Florida Department of Environmental Protection (FDEP) has issued the Environmental Resource Permit (ERP No. 0095520-017).

NEGATIVE ASPECTS OF THE APPLICATION

- Mosaic proposes to mine or disturb ±48.4 acres of herbaceous wetlands (wet prairie and wet pasture). Wetlands represent approximately 13% of the total acreage proposed to be mined or disturbed.
- Listed wildlife and species are present in the areas to be mined or disturbed. Listed wildlife and plant species observed on or near the Wingate Extension include: (1) Florida scrub jay, (2) Southeastern American kestrel, (3) Gopher tortoise, (4) Florida mouse, (5) Burrowing owl, (6) Florida sandhill crane, (7) Eastern indigo snake, (8) Wood stork, and (9) Giant orchid.
- Propose to mine 1.5 acres of the 500 foot setback adjacent to Duette Preserve.
- The Winding Creek subdivision is located approximately 1,500 feet southwest of Wingate Extension and adjacent to the Wingate Creek Mine operation.
- This approval will require the extension of the mine life at Wingate Creek Mine for an additional 6 years, which includes trucking and processing of phosphate ore at the beneficiation plant.

MITIGATING FACTORS

- **Wetlands are of moderate quality as determined by UMAM Score of 0.53. Wetland impacts will be mitigated with 49.0 acres of herbaceous wetlands having a mitigation ratio of 1.01:1.0 under FDEP ERP No. 0095520-017.**
- **Mosaic has wildlife and habitat management plans that specifically address the listed wildlife species observed onsite. Mosaic has already received an Incidental Take Permit from U.S. Fish and Wildlife Service (FWS) for the Florida scrub jays and relocated these birds to the Wellfield Tract in December 2010. If any nesting activities of a listed species occur, Mosaic will coordinate with FWS and Florida Fish and Wildlife Conservation Commission to manage the observed species during mining and reclamation.**
- **The applicant will develop a comparative hydrologic model of 1,400 acres within the Lake Manatee Watershed in Duette Preserve for the purpose of designing a hydrologic restoration project.**
- **To keep from adversely impacting water levels and quality, the applicant will use Best Operating Practices such as ditch and berm systems and water level and quality monitoring. When adjacent to Duette Preserve or any sensitive wetlands, the ditch and berm system will be designed using a hydrologic model to support Best Operating Practices.**
- **A portion of the setback adjacent to Duette Preserve already has a setback waiver granted for Wingate Corridor (R-08-009).**

STANDARDS FOR MASTER MINING PLAN APPROVAL

Staff has found the MMP to be consistent with the Comprehensive Plan and the minimum mining standards and requirements of Ordinance 04-39, Phosphate Mining Code. See the attached recommended Resolution R-12-01, Master Mining Plan, for specific stipulations. The following standards for MMP approval were considered in preparing this staff report and are important to consider in evaluating the proposal:

1. Are the mining activities reflected in the MMP consistent with the Manatee County Comprehensive Plan?

Staff Response: Yes, see attached Appendix A: Consistency with Comprehensive Plan Summary for details.

2. Are proposed mining to occur in a manner and sequence that result in the minimum adverse impacts necessary to carry out such mining activities; considering the cumulative effects of other mining activities?

Staff Response: Yes, the Phosphate Mining Code (Ordinance 04-39) requires that proposed mining and reclamation occurs in a manner and sequence that results in minimum adverse

impacts. Staff has reviewed the mining and reclamation plan and agrees that it is consistent with Ordinance 04-39. Practices to minimize adverse effects are summarized in Item 5 below.

3. Do the mining activities meet the setback limitations specified in Ordinance 04-39?

Staff Response: Mosaic has requested a waiver from the setback conditions pursuant to section III.11.e. of Ord. 04-39 to allow mining related activities adjacent to Manatee County property (i.e., Duette Preserve). The setback standard in Ord. 04-39 for which Mosaic is requesting a waiver is:

- Five hundred feet (500') of applicant's property line in areas where structures (church, school or habitable structure) are not present.

The provisions under III.11.e allow for reduction of setbacks when the following requirements are met: 1) Owners of the land protected by such restrictions have expressly consented to reduction thereof by written instrument executed with the formality of a deed and recorded in the official records of Manatee County, Florida; 2) Such consent and recordation must occur prior to commencement of any mining activities by the applicant in areas protected by this setback provision; and 3) In no event shall any of the setbacks described above be reduced to less than fifty feet (50'), even if the applicant received the setback waivers as described, unless the property is adjacent to land controlled by a phosphate company, in which case the minimum setback is not required.

The proposed setback distance is eighty-five feet (85') from the property boundary of Duette Preserve, including the previously-approved setback waiver for the Wingate Corridor. Mosaic is requesting to install BMPs at 305 feet from the property boundary and to extract phosphate ore at 440 feet from the property boundary using a dragline.

Staff has reviewed the proposed setback waiver and agrees that it is consistent with the allowable setback waivers under Ord. 04-39. The Wingate Creek Mine entrance road exists within 85 feet of the property line. The previously approved Wingate Corridor operates between 85 feet and 335 feet of the property line. Due to the nature of the site (i.e., no structures within 500 feet and no wetlands mapped within 1000 feet of the property boundary) and the proposed BMPs, there are no anticipated impacts to offsite natural resources and no anticipated impacts to health, safety of welfare issues to the general public.

Staff recommends that the BOCC grant the required waiver as part of the Master Mining Plan approval, which is reflected in the recommended resolution.

4. Would mining activities provide reasonable protection and conservation of natural and environmental resources?

Staff Response: Yes, the approved Rezone, the proposed Master Mining Plan and Operating Permit will provide reasonable protection and conservation of natural and environmental resources. Staff has reviewed potential wetland and upland habitat impacts, as well as potential threatened and endangered species impacts. Please refer to responses to Policy 3.3.1.1 and 3.3.2.1 for a summary. In addition, the applicant will develop a comparative hydrologic model of 1,400 acres within the Lake Manatee Watershed in Duette Preserve for the purpose of designing a hydrologic restoration project that will provide an overriding public benefit.

5. Would mining activities reflected in the MMP provide for the use of best management practices and the development of technology for maximum control of adverse effects of mining activities?

Staff Response: Yes, Ordinance 04-39 requires the use of Best Management Practices in the Master Mining Plan. Such practices must be technologically and economically practicable and most beneficial in prevention or reducing adverse impacts from mining activities. Such practices include but are not limited to: ditch and berm systems, water quality and quantity monitoring and special measures to control nuisance and exotic species on reclaimed lands. These practices are reflected in the recommended Resolution R-12-01.

6. Would mining activities preclude future normal uses of mined out lands?

Staff Response: Post-reclamation lands excluding land reclaimed as clay settling areas or land underlying disturbed areas reclaimed as lakes or wetlands, shall meet the radiation standards described in Ordinance 04-39. Building in areas reclaimed as uplands may require radon-resistant construction techniques and additional foundation support.

7. Are proposed transportation activities and improvements planned in a manner which minimizes adverse impact on important natural resources?

Staff Response: Yes. Transportation activities are not affected except for extending the trucking of phosphate ore at the Wingate Creek Mine by 6 years.

Mosaic proposes to construct a dragline walkpath. As part of the proposed dragline walkpath, Mosaic is requesting a temporary dragline crossing of Duette Road in the northeast portion of Section 23, Township 34 South, Range 22 East. For the most part the dragline walkpath will use the existing Wingate Corridor. However, Mosaic will construct a temporary detour roadway on Mosaic-owner land in order to not disrupt the flow of traffic for the 8 to 10 hours required for the dragline to cross the road. Staff has reviewed the proposed dragline crossing and agrees that it is consistent with Ordinance 04-39. There are no wetlands within the proposed dragline crossing or temporary roadway realignment areas and pre-construction wildlife surveys will be performed in accordance with Master Mining Plan stipulations.

Staff recommends that the BOCC grant the request for a temporary dragline crossing of Duette Road.

ATTACHMENTS:

Draft Resolution R-12-01, Master Mining Plan

Proof of Advertisement

Appendix A: Consistency with Comprehensive Plan Summary

Appendix A: Consistency with Comprehensive Plan Summary

Policy 2.1.1.2—Designate on the Future Land Use Map land within existing developed areas at densities and intensities which are compatible with the existing development.

The Wingate Extension, the Wingate Creek Mine, the Wingate Creek Mine Infrastructure Corridor (Utility Corridor), the SE Tract and most of the surrounding land are designated Agriculture/Rural (AG/R) on the Manatee County Future Land Use Map (FLUM). The land further to the north is designated Conservation for Duette Park. Under the Manatee County Comprehensive Plan, the AG/R land use designation allows mining and mining related activities to be approved. The approval of the proposed mining is compatible with the Manatee County FLUM.

Policy 2.1.2.3—Permit the consideration of new residential and nonresidential development with characteristics compatible with existing development, in areas which are internal, or are contiguous expansions of existing development if compatible with future areas of development.

The requested mining of the Wingate Extension is an extension of the Wingate Creek Mine that abuts the property to the west. The Wingate Creek Mine, the Wingate Creek Mine Infrastructure Corridor, the SE Tract and the Wingate Extension are owned by Mosaic. The Wingate Extension is located between the SE Tract and the Wingate Creek Mine, which are connected by the Wingate Creek Mine Infrastructure Corridor. The proposed mining is a logical extension of mining in this part of the County.

Policy 2.1.2.5—Permit the consideration of new residential and nonresidential development in areas which are currently undeveloped, which are suitable for new residential or nonresidential uses.

The requested mining is an extension eastward of ongoing mining activities at the adjacent Wingate Creek Mine. The processing of the phosphate ore will be conducted at the Wingate Creek Mine beneficiation plant. The clay residues will be transported through the Wingate Creek Mine Infrastructure Corridor to the SE Tract clay settling areas. After the cessation of mining and mining related activities, the land will be returned to agricultural use.

Policy 2.1.2.7—Review all proposed development for compatibility and appropriate timing...

The timing is appropriate because the joint ownership/control of the Wingate Creek Mine, SE Tract, and the Wingate Extension has only occurred after a recent merger allowing for the increased efficiencies and economies by allowing for the interchange of ore and products of mining through the recently approved Wingate Creek Mine Infrastructure Corridor.

Policy 2.2.1.8—AG/R: Establish the Agriculture/Rural future land use category...

Policy 2.2.1.8.2—Range of Potential Uses: Farms, ranches, agro-industrial uses, agricultural service establishments, agriculturally-compatible residential uses, farmworker housing, rural residential uses, small retail and office commercial uses,

mining, mining-related uses, low intensity recreational facilities, rural recreational facilities, public or semi-public uses, and appropriate water-dependent uses.

Mining and mining-related uses are approved uses within the AG/R land use category. Post-reclamation land conditions, in accordance with the Manatee County Code and the Master Mining Plan (MMP), will support all of the potential uses allowed.

Policy 2.2.1.8.3—Range of Potential Density/Intensity: Maximum Gross Residential Density: 0.2 dwelling units per acre, Maximum Net Residential Density: 1 dwelling unit per acreMaximum Floor Area Ratio: 0.23, Maximum Square Footage for Neighborhood Retail Uses: small (30,000 square feet).

The proposed mining request does not involve residential, commercial, or other building development.

Policy 2.2.1.8.4—Other information:

a) Mining-related uses, agro-industrial uses, and agricultural service establishments are exempt from the requirement for 0.23 maximum floor area ratio, but may be limited in intensity by the application of other goals, objectives, or policies in this Comprehensive Plan or by other applicable development regulations.

b) All mixed, multiple use and rural recreational use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to Chapter 163.3202, F. S.

c) Where established in a manner consistent with applicable land development regulations, farmworker housing may exceed densities specified in Policy 2.2.1.8.3.

The proposed mining of the Wingate Extension does not involve the construction of any buildings and does not require any special approvals pursuant to this policy.

Policy 2.2.2.2.2.—Purpose: To maintain and improve the natural and man-made environment and resources in a manner protective of the water supply functions of the Lake Manatee, Evers Reservoir, and Peace River watersheds, which contribute to these preferred potable water sources, so as to maintain water quality and quantity within both Lake Manatee, Evers Reservoir, Peace River and all inflowing watercourses.

Policy 2.2.2.2.3—Applicable Goals, Objectives, and Policies: Goals, objectives, and policies pertaining to the WO Overlay District are contained under Objective 2.3.4. of the Future Land Use Element, Objective 9.5.2 and Policy 9.4.1.4 of the Public Facilities Element, goal 3.2 of the Conservation Element, Objective 5.3.2 of the Traffic Circulation Element, of this Comprehensive Plan. Compliance with all goals, objectives, and policies listed in this subsection, and with other applicable goals, objectives, and policies, and development regulations is required for all activity within the Watershed Overlay District.

Policy 2.2.2.2.4—Effect of Mapping:

(a) Any project which is at least partially within the Watershed Overlay District (WO) shall be submitted for approval under the special approval process. The area designated under the WO District on the Future Land Use Map shall also be subject to all goals, objectives and policies for any future land use category overlaid by the WO District. The extent and coverage of the area designated is shown in greater detail on

the official zoning atlas of Manatee County, but is, however, subject to adjustment pursuant to (c) below.

(b) See also policies listed under Policy 2.2.2.2.3 above.

(c) Manatee County will accept and review on a case-by-case basis, submittal of appropriate hydrological studies by any owner or authorized representative of property shown on the official zoning atlas as being within the Watershed Overlay where the owner or agent thereof is seeking to demonstrate that property is not located within the Lake Manatee Watershed, the Evers Reservoir, or the Peace River Watershed. Where the review concludes that the subject property, or part thereof, is located outside the Watershed Overlay, adjustments to the zoning atlas should be processed pursuant to an administrative

procedure established within any land development regulations developed pursuant to § 163.3202, F.S.

Policy 2.2.2.2.5—DEVELOPMENT RESTRICTION/CONDITIONS:

(a) Prohibit the location of any general or commercial aviation facility within the Watershed Overlay District, except where a finding of overriding public interest has been reached by the BOCC for location of such a facility within the districts.

(b) Prohibit the location of new confined feedlot operations for livestock within the Watershed Overlay District.

(c) Prohibit all new mineral resource extraction and associated processing activities, other than sand, shell, and gravel extraction, within the Watershed Overlay District unless such uses are subject to special approval which must establish that such activities shall not cause a degradation of water quality and shall not cause adverse impact on water quantity within the watersheds.

(d) Prohibit newly proposed nonresidential/nonagricultural development in the Watershed Overlay District which requires an operating permit for industrial waste treatment, as referenced in Chapter 62-4, F.A.C., unless such developments are reviewed as special approvals and it can be established that such development shall not cause a degradation of the water quality of the watersheds of Lake Manatee, Evers Reservoir, or Peace River, as appropriate, and shall not cause any adverse impact on water quantity within these districts.

(e) Prohibit the location of new sanitary landfills and wastewater treatment plants (interim or permanent) within the Watershed Overlay District unless such uses are permitted pursuant to a finding by the BOCC of overriding public interest.

(f) Require that the preservation of indigenous vegetation within the Watershed Overlay District be accomplished through careful site planning and the use of native, naturalized or drought-hardy species for new or replacement plantings (see also policy 2.9.4.6).

(g) Require minimum percentages of upland area on projects within the Watershed Overlay District be maintained, during the course of development, as undisturbed or landscaped areas. These minimum percentages shall exceed those required outside the Overlay District (see also policy 3.3.2.1 and 2.9.4.6).

The Wingate Extension is not located within any of the overlay districts. The Wingate Creek Mine received mining approval prior to adoption of the Watershed Overlay Districts.

Policy 2.3.1.3—Promote the transfer of density or intensity from environmentally significant uplands, such as habitat for endangered and threatened species to other areas of the development site. Such transfers shall be limited to the net density/intensity limitations of the Future Land Use Category.

The proposed mining activities do not involve the transfer of density/intensity credits.

Policy 2.3.2.1—Require that all development or land use activities utilize soil stabilization procedures and construction best management practices to minimize soil erosion and transport during the project development phase.

The entire area to be mined will be located within a containment berm system. The berm is a structural best management practice that has proven effective in the virtual elimination of offsite turbid runoff and soil erosion during the mining and reclamation stages of operation. As with other Mosaic mining properties, the berm will be maintained until the post-reclamation vegetation has stabilized. At that time, the berm will be regraded and revegetated as the final reclamation step.

Policy 2.3.2.2.—Prohibit the development of those portions of any project site which demonstrates the likelihood of exhibiting new or continuing sinkhole activity.

According to Southwest Florida Water Management District (SWFWMD), the Wingate Extension is located in a region that has a low probability of sinkhole occurrence. No sinkholes have been reported onsite nor does evidence of past or present sinkhole formation currently appear on the site. Mosaic has reached this conclusion after researching publicly-available literature about the geology of Manatee County that documents that this region of Florida is not susceptible to sinkhole development.

Policy 2.3.2.3—Minimize the alteration of any natural slopes equal to or exceeding 26.5 degrees (i.e. run: rise = 2:1) during the project development process unless it can be demonstrated that construction on, or alteration of, any such slope can be accomplished without erosion of these steeply-sloped areas.

There are no slopes equal to or exceeding 26.5 degrees on the Wingate Extension. The deposition of clay residues on the SE Tract will not result in any clay settling areas with post-reclamation slopes equal to or exceeding 26.5 degrees.

Policy 2.3.2.4—Minimize the alteration of hydric soils supporting wetlands, consistent with the policies under Objective 3.3.1.

The avoidance and minimization of wetland impacts is addressed in the response to Policy 3.3.1.1 below.

Policy 2.3.3.2—Require that all fill within the 100-year floodplain shall be compensated by creation of storage of an equal or greater volume, with such compensatory storage also located within the 100-year floodplain. Areas within the 100-year floodplain adjacent to a tidally-influenced water body shall not be subject to this level of service performance standard.

According to the FEMA Flood Insurance Rate Maps, there are no floodways or floodplains on the Wingate Extension. The subject site is designated as Zone X, an area outside of the 500-year flood.

Policy 2.3.3.4—Prohibit habitable structures and major public and private investment within the 25-year floodplain except for projects which have special exception status or obtain a Special Approval. This policy shall not preclude the development of water-dependent uses, water-related and water-enhanced uses, stormwater management structures, non-habitable structures, and passive recreational uses where appropriate. Any such development shall:

- **Minimize impervious surface in the 25-year floodplain;**
- **Cluster structures and uses outside of the 25-year floodplain, whenever possible [see policy 2.3.1.2];**
- **Protect perennial lakes and streams by encouraging the dedication of conservation easements not subject to any land alteration within the 25-year floodplain.**

This policy applies only for the purposes of reviewing projects for which mapping of the 25-year floodplain has been accomplished, or where interpolation or use of an existing water surface profile for the watercourse(s) permits the identification of the 25-year flood elevation.

Please see the response to Policy 2.3.3.2.

Policy 2.3.3.5—Limit density and intensity in a manner which will protect all groundwater resources from unacceptable contamination by septic tanks.

There are no septic tanks on, or associated with, the proposed mining of the Wingate Extension.

Objective 2.3.4—Land Use Consistent with Watershed Protection: Limit land use in the Lake Manatee, Evers Reservoir, and Peace River WO Districts to maintain and improve water quality and the natural environment and resources within those watersheds which contribute to filtration.

The Wingate Extension is not located in the Lake Manatee, Evers Reservoir, or Peace River Watershed Overlay Districts.

Policy 2.4.1.1.—The following development orders or approvals shall have an option to obtain a Certificate of Level of Service for traffic, mass transit, drainage, sanitary sewer, solid waste and parks facilities:

(1) Development of Regional Impact development order, or Florida Quality Development, or subsequent amendments thereto.

The MMP application demonstrates that the proposed mining will not require any public infrastructure improvements or an increase in the provision of public services to accommodate the proposed mining.

Policy 2.4.1.4—Require that all development orders issued by Manatee County are issued pursuant to at least one of the following findings: (1) that all adopted level of service standards referenced in the Transportation, Recreation/Open Space, and Public Facilities Elements are maintained by the proposed development or development phase. This finding shall cause the issuance of a Certificate of Level of Service Compliance, as described in Policy 2.4.1.1 and 2.4.1.2 above.

Approval of the mining of the Wingate Extension will not require any public infrastructure improvements or an increase in the provision of public services to accommodate the proposed changes.

Policy 2.5.1.1—Designate those areas in Manatee County which are suited for longterm agriculture as Agriculture/Rural on the Future Land Use Map so as to limit the degree of suburbanization of such lands and reduce uses which may displace agriculture.

Policy 2.5.1.2—Establish agriculture as the preferred use in the AG/R category. Such preferred use status shall favorably impact existing farms, expanding farms, farms that change commodities, agricultural support uses and shall be supportive of state law establishing the right-to-farm.

Policy 2.5.2.4—Permit continued or newly established agricultural uses other than special agricultural uses, on all or part of a project which has been the subject of a special approval, until approved development is started on the project site.

The Future Land Use category of the Wingate Creek Mine, the SE Tract, the Wingate Creek Mine Infrastructure Corridor, the Wingate Extension and the surrounding area is AG/R. Agricultural uses of the Wingate Extension are currently improved pasture. This use will continue until mining occurs. Following the temporary use of the land for mining, Mosaic will reclaim and return the lands to agricultural use, consistent with the Future Land Use Element.

Policy 2.6.1.1—Require all adjacent development that differs in use, intensity, height, and/or density to utilize land use techniques to mitigate potential incompatibilities. Such techniques shall include but not be limited to ...limits on density and/or intensity [see policy 2.6.1.3].

The proposed mining of the Wingate Extension is compatible with the adjacent mining activities. There will be no permanent structures. The active Wingate Creek Mine abuts the property to the west and other property owned by Mosaic abuts the subject site to the north, east, and south. The Wingate Extension is adjacent to Wingate Creek Mine and in close proximity to Southeast Tract which are both currently zoned EX. The surrounding zoning of the mine are generally A- agricultural & farms, noting that Duette Preserve lies NW and the Winding Creek Subdivision lies southwest of this project.

Policy 2.6.4.1—Protect an area within 200 feet of any public supply well as a zone of exclusion and prohibit new commercial or industrial uses, septic tanks, leaching fields, and all uses listed in Policy 2.6.4.2 from locating within the zone of exclusion.

There are no public supply wells located within 200 feet of the perimeter of the proposed Wingate Extension.

Policy 2.6.4.2—Protect an area within 1,000 feet of any public supply well as a zone of secondary exclusion and prohibit all of the following uses from locating within these secondary zone of exclusion: ...mines...

There are no public supply wells located within 1,000 feet of the perimeter of the Wingate Extension.

Policy 2.9.4.6—Reduce noise and pollution, promote an aesthetically pleasing environment and promote water conservation through the use of native landscaping materials. Landscaping requirements shall allow a choice of:

- 1. planting of native vegetation, guaranteeing that at least 50% of all plantings incorporated in an approved landscape plan for any project after development consists of native vegetation suitable to that site; or**
- 2. guaranteeing that at least 60% of all post-development vegetation is indigenous to Manatee County.**

Mosaic will reclaim the Wingate Extension to uplands appropriate for agricultural use and wetland natural systems using native vegetation indigenous to Manatee County and as required by the Florida Department of Environmental Protection (FDEP) Environmental Resource Permit (ERP) and applicable Manatee County requirements. No irrigation systems will be required or are planned.

Policy 2.11.1.4—Permit the consideration of all new mineral resource extraction activities that are regulated by the Manatee County Mining Ordinance (Ordinance 81-22) only within the Agriculture/Rural, and Industrial-Heavy designations on the Future Land Use Map.

The Wingate Extension is located in the AG/R land use designation.

Policy 3.1.1.6—Require the control of erosion, fugitive dust, and air emissions related to the development construction.

Best management practices, as required by the FDEP Title V permit and the Manatee County Master Mine Plan (MMP), will be implemented during construction activities to minimize erosion, fugitive dust, and other air emissions, thereby ensuring consistency with this policy. Mining operations conducted at the Wingate Creek Mine and SE Tract have not caused violations of air quality standards.

Policy 3.2.2.3—Prohibit new development for which ground water well pumpage would induce further salt water intrusion or which will cause other adverse hydrological effects.

Mosaic is not requesting to increase groundwater withdrawals above the levels currently approved under the SWFWMD Water Use Permit. There is no evidence that the groundwater withdrawals at the Wingate Creek Mine have caused salt water intrusion.

Policy 3.2.2.4—Encourage construction of water recharge wells, and water irrigation and circulation systems for mitigation of activities which cause a lowering of ground water levels and to offset ground water withdrawal impacts, except where such recharge causes the interchange of water between any two confined aquifers resulting in adverse impacts on ground water quality.

Mosaic will install a perimeter ditch and berm system adjacent to active dragline mining areas, should a dragline be used to mine portions of the property, and adjacent to wetlands that will remain undisturbed to preclude lowering the water table. Recharge wells will remain an option if the recharge ditch does not perform satisfactorily. The water table adjacent to dredge mining areas will be maintained by the dredge pool elevation. Mining of the Wingate Extension will not cause the interchange of water between any two confined aquifers. There

are no changes proposed at the Wingate Creek Mine or SE Tract that would result in a lowering of groundwater levels.

Policy 3.2.3.1—Continue to encourage residents and businesses to maintain or improve water conserving habits.

Mosaic has been able to reduce Floridan aquifer withdrawals by over 60 percent since 1990 by developing new technology to recover phosphate rock using recycled water. Use of recycled water also reduces the need for surface discharges.

Policy 3.2.3.2—Require all water used for irrigation in new development to be the lowest quality of available water which adequately and safely meets their water use needs by requiring storm water reuse, alternative irrigation sources, reclaimed water use, and gray water irrigation systems where feasible. Potable water from County utilities shall not be utilized for landscape irrigation.

No irrigation is currently occurring onsite. Post-reclamation, no irrigation is proposed on the Wingate Extension. The Wingate Extension is not located in the urban development area so no potable water distribution lines will be extended to this area of the County.

Policy 3.2.3.3.—Require the use of native xeric plants in postdevelopment landscaping whenever feasible.

The post reclamation planting will comply with the county's reclamation requirements. Native species will be used as appropriate. No irrigation systems will be installed or required.

Policy 3.3.1.1—Prohibit removal, alteration, or encroachment within wetlands except in cases where no other practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. Such determination will require completion of impact avoidance and minimization analyses which clearly demonstrate the necessity of the proposed impact.

It is staff's opinion that the proposal is consistent with this Comprehensive Plan Policy based on a combination of the factors below:

Viability

- Impacts to wetlands by mining related activities are different than other development in that they are temporary instead of permanent. Typically, with mining activities wetland areas are reclaimed to an equal or greater quality and are generally located in a similar location as the pre-mining wetlands. The 48.4 acre wetland on this site is of moderate quality with a UMAM score of 0.53 or lower. Although the wetland is considered viable, impacts to offsite portions of the wetland have been previously approved. A 6.5 acre portion of this wetland, located within the existing Wingate Creek Mine, was previously approved for mining and disturbance in 1975. A 1.2 acre portion of this wetland was approved for mining activities in 2008 (R-08-007).

No Practical Alternative/Reasonable Use

- Although more traditional types of development, such as residential subdivisions, could avoid the onsite wetland while still achieving reasonable development, the scale and operational constraints of phosphate mining make avoidance of all wetland impacts much more burdensome. For example, such avoidance in a residential subdivision would minimally require a 30' buffer between the wetland and development activities. Phosphate mining not only requires the 30' wetland buffer but will also require an additional 230' setback for BMPs and sloping for bank stability. The BMP and sloping setback would also create areas, which due to operational constraints (minimum 500' width) are unmineable. These constraints would result in the inability to mine an additional 30 acres of otherwise minable upland area. Avoidance of the 48.4 acre wetland and the additional 30 acres of unminable area would result in a loss of 1,021,000 tons of phosphate rock. Additionally, avoiding this wetland impact would require BMP's and sloping area within the existing Wingate Creek Mine, resulting in an additional 6.5 acres of offsite land unavailable for mining.

Overriding Public Benefit

- In addition to the wetland mitigation described in Policy 3.3.1.3 below, the applicant has committed to developing a comparative hydrologic model of 1,400 acres within the Lake Manatee watershed in Duette Preserve, for the purpose of assisting the County in permitting a hydrologic restoration project. This project would not only address habitat restoration but would also address water quality and water quantity benefits potential of storing and treating stormwater before slowly releasing waters downstream to the Lake Manatee reservoir.

Policy 3.3.1.2—Require that the extent of wetland areas on any proposed development or redevelopment site be identified on a signed-and-sealed wetlands delineation at time of preliminary site plan, preliminary plat, or other preliminary development plan or similar approval. Manatee County may revoke any development orders where the difference between an estimate of wetland areas shown on a signed-and-sealed survey and actual wetlands onsite is determined to be significant enough to warrant substantial project redesign.

The wetland boundaries have been field-verified by FDEP staff.

Objective 3.3.1—Wetlands Protection: preserve and protect existing and viable wetlands to

Policy 3.3.1.3—When development related impacts are unavoidable (see policy 3.3.1.1), require that all development-related impacts to wetlands be mitigated.

This project will be required to obtain an Environmental Resource Permit from the FDEP. The proposed wetland impacts will be evaluated utilizing the Uniform Mitigation Assessment Method (UMAM) to determine the requirements for wetland mitigation in accordance with Comprehensive Plan Policy 3.3.1.3.

Policy 3.3.1.5—Protect all wetlands from land development activities by requiring the establishment of natural area buffers adjacent to all post-development wetlands, except upland cut ditches in non-hydric soils. Land alteration or removal of vegetation shall be prohibited in any buffers established according to this policy except to allow the removal of nuisance plant species, small areas of impervious surface for storm water outfalls, and to allow public access consistent with natural resource protection. Such buffers shall be established according to the following schedule except as provided in policy 3.3.1.6:

- 1. Buffers a minimum of fifty (50) feet in width shall be established adjacent to all in flowing watercourses located in the WO Overlay and all Outstanding Florida Waters and Aquatic Preserves;**
 - 2. Buffers a minimum of thirty (30) feet in width shall be established adjacent to all isolated wetlands and other wetlands not listed in (1) above; and**
 - 3. Wetland buffers may be increased for large areas of significant wetlands, for watershed protection, and to implement the goals, objectives, and policies of this Comprehensive Plan. (See 2.9.4.4, 4.1.2, and 4.1.4)**
- Please see response to Policies 3.3.1.1 and 3.3.1.3.

Policy 3.3.1.7—Cooperate with the Florida Department of Environmental Protection (FDEP), Southwest Florida Water Management District (SWFWMD), and the U.S. Army Corps of Engineers (USACOE) to monitor compliance with dredge and fill permits.

A FDEP permit application for wetland impacts, the ERP, has been submitted for review, thereby facilitating Manatee County's ability to implement this policy. A USACOE permit is not required for the proposed mining.

Objective 3.3.2—Wildlife and Upland Habitat Protection: Protect and preserve native wildlife, endangered, threatened and species of special concern, and native upland habitat through appropriate acquisition, restoration, and development controls to provide:

- **Areas for passive recreation and enhanced quality of life;**
- **Large pervious areas for improved water quality and ground water recharge;**
- **Species diversity; and**
- **Natural area greenways.**

Policy 3.3.2.1—Protect flora and faunal species which are threatened, endangered, or are species of special concern from incompatible development by requiring that all proposed development sites be examined for location of Listed Species ...

A site-specific survey for Listed Species was conducted. Listed wildlife and plant species observed on or near the Wingate Extension include: (1) Florida scrub jay, (2) Southeastern American kestrel, (3) Gopher tortoise, (4) Florida mouse, (5) Burrowing owl, (6) Florida sandhill crane, (7) Eastern indigo snake, (8) Wood stork, and (9) Giant orchid.

Mosaic has wildlife and habitat management plans that specifically address the listed wildlife species observed onsite. Mosaic has already received an Incidental Take Permit (ITP) from

USFWS for the Florida scrub jays and relocated these birds to the Wellfield Tract in December 2010. A modification to ITP (TE236128-0) is currently being processed by the U.S. Fish and Wildlife Service (USFWS) to address all federally listed species on Wingate East (including Wingate Extension). If any nesting activities of a listed species occur, Mosaic will coordinate with USFWS and Florida Fish and Wildlife Conservation Commission (FWC) to manage the observed species during mining and reclamation. Current management techniques include, but are not limited to: pre-clearing wildlife surveys, directional clearing, clearing during the non-nesting season, species relocation / restocking and habitat restoration /reclamation. Based on the results of the initial surveys Mosaic will conduct pre-clearing surveys and will comply with the current rules and regulations should any listed species move into the area.

Policy 3.3.2.2—Require the preservation of native upland habitat during land development activities through one or all of the following strategies:

- 1. Maintenance of areas of non-exotic vegetation, or viable portions thereof, on any project site, especially when such area or viable portions of areas, are part of larger upland habitats which may extend beyond the boundaries of the development site;**
- 2. Encourage increased preservation of native upland habitat by providing incentives, including but not limited to:**
 - a) Transfer of density/intensity out of preserved native upland habitat**
 - b) Reduced lot sizes and setbacks**
 - c) consideration of increased building height when native upland preservation provides additional buffering and screening**
- 3. Removal of all nuisance exotic plant species from upland development sites during construction unless Special Approval is granted.**
- 4. Designation of upland preservation areas at time of general development plan, preliminary site plan, preliminary plat, or other preliminary development plan or similar approval.**
- 5. Manatee County shall consider habitat size, adjacency to other natural areas, and habitat value when reviewing site development plans for uplands preservation.**

Policy 3.3.2.4—Protect and maintain Species of Special Concern through strategies which consider the numbers and vitality of habitat of any such species.

See the response to Policy 3.3.2.1.

Policy 3.3.2.5—Actively participate in intergovernmental activities to appropriately conserve and manage native vegetation and viable wildlife habitat.

Policy 3.3.2.8—Identify and protect major environmentally sensitive areas through designation as Conservation on the Future Land Use Map or other appropriate protection strategies.

Policy 3.3.3.1—Participate in the development and preservation of natural area greenways which should include wildlife corridors, recreation areas, environmentally sensitive lands, and other cultural and historic resources which may serve the passive recreational needs for residents and visitors.

Mosaic proactively works with FDEP, FFWCC, and other agencies to provide assistance in the development of the Integrated Habitat Network (IHN) wildlife corridors. As such, these areas are not considered suitable as greenway recreational areas by FFWCC. To the extent

that the Wingate Extension can serve as connections to wildlife corridors, Mosaic will participate in these programs.

Policy 3.4.1.3—Continue the current hazardous material management process which is applicable to all hazardous substance facilities to address the proper storage, disposal, and recycling of hazardous wastes and substances, and to provide direction to routing of hazardous materials on Manatee County roadways. Registration of all small and large quantity generators of hazardous substances with the Manatee County Department of Public Safety and the Environmental Management Department is required.

The mining of the Wingate Extension will not generate any hazardous wastes and will not involve significant quantities of hazardous substances.

Objective 3.4.2—Mineral Resource Extraction: Promote efficient, environmentally sound, utilization and extraction of mineral resources to conserve natural resources and to ensure that the natural environment is protected from adverse impacts.

Policy 3.4.2.1—Prohibit adverse environmental or land use impacts caused by new mineral resource extraction operations.

The MMP demonstrates that Mosaic will reclaim the disturbances caused by the mining of the Wingate Extension that properly balances the efficient recovery of the phosphate resource and protection of the natural environment.

Policy 3.4.2.2.—Require that all applications for new or expanded mineral resource extraction activities include a reclamation plan for the reestablishment of form and function of the appropriate land cover. Also, require the implementation of all approved reclamation plans.

The MMP demonstrates that Mosaic will reclaim Wingate Extension not only to meet the requirements of Manatee County Ordinance 04-39 and Chapter 62-16, of the Florida Administrative Code (F.A.C.), but also result in a more diverse post-reclamation vegetative cover than exists currently in terms of wildlife habitat and wetland and upland systems. Mosaic has demonstrated at its mining operations its commitment to implement all approved reclamation plans and will do so at Wingate Extension as well.

Policy 3.4.2.3—Encourage efficient mineral resource extraction through water conserving extraction methods, use of reclaimed water, when available, and other cost effective and resource conserving techniques.

Mosaic has been able to reduce Floridan aquifer withdrawals by over 60 percent since 1990 by developing new technology to improve recovery of phosphate rock using recycled water. The proposed mining of the Wingate Extension will continue this effort through the recirculation of mine process water.

Policy 5.0.1.1—Review and approval of development orders for land development to ensure that such approvals shall not degrade transportation levels of service, and that appropriate actions are taken to ensure that transportation levels of service are maintained.

The mining of the Wingate Extension will have no impact on adopted levels of service. The number of trucks leaving the Wingate Creek Mine and the extension of the number of years for trucking the processed ore will not impact the current levels of service. Roadways in the project vicinity are currently operating at LOS B or C.

Objective 5.3.2—Natural Resource Considerations: Ensure that all transportation improvements are conducted in a manner which minimizes adverse impact on important natural resources.

Policy 5.3.2.2—Require that all roadway improvements for which design will discharge stormwater directly to the Lake Evers or Lake Manatee Reservoirs, or to the Peace River, or discharge into any inflowing watercourse, in the Watershed Overlay District include an additional level of stormwater treatment equal to 50% of the treatment criteria specified in Ch. 62-25.035(1)(b), F.A.C. (i.e., treatment pursuant to Outstanding Florida Water Criteria is required).

Mosaic proposed to construct a dragline walkpath. As part of the proposed dragline walkpath, Mosaic is requesting a temporary dragline crossing across Duette Road in the northeast portion of Section 23, Township 34 South, Range 22 East. For the most part the dragline walkpath will use the existing Wingate Corridor. Mosaic will construct a temporary detour roadway on Mosaic-owner land in order to not disrupt the flow of traffic. There are no wetlands within the proposed dragline crossing or temporary roadway realignment areas.

Policy 7.1.3.1—Require that all land development applications requiring site plan, or subdivision plat review address the occurrence or potential occurrence of historical and archaeological resources within their property boundaries.

Mosaic implemented this policy by conducting a thorough review of historical and archaeological resources on the Wingate Extension. The survey results were approved by the Florida Department of State, Division of Historical Resources (DHR) indicating that there are no significant sites in the area.

Policy 7.1.3.2—Prohibit the destruction and/or disturbance of any significant historical or archaeological resource site except to allow data recovery or archaeological excavation activities approved by the Florida Department of State, Division of Historical Resources.

Mosaic previously transmitted the results of a cultural resources survey to DHR for review. DHR has determined that the findings of the survey are not significant.

Policy 7.1.3.3—Require the temporary suspension of land development or alteration activities when sites of potential archaeological significance are uncovered. Where such resources are deemed significant, require the implementation of appropriate action to preserve the value of these resources.

Should Mosaic discover additional potential archaeological sites when conducting mining activities, the land disturbing activities will cease until trained cultural resource experts can examine the area and determine, in consultation with DHR, whether the potential site is significant. Should significant resources be uncovered, Mosaic will work with DHR to ensure that the appropriate action is taken to preserve the value of such resources. In the event that human remains are found during mining activities, the provisions of Chapter 872 of the

Florida Statutes (F.S.) (872.05) will apply. Chapter 872, F.S., states that, when human remains are encountered, all activity that might disturb the remains shall cease and may not resume until authorized by the District Medical Examiner (if the remains are less than 75 years old) or the State Archaeologist (if the remains are more than 75 years old). If human remains that are less than 75 years old are encountered, or if they are involved in a criminal investigation, the District Medical Examiner has jurisdiction. If the remains are determined to be more than 75 years in age, then the State Archaeologist assumes responsibility in determining appropriate treatment and options for the remains.

Objective 9.2.4—Onsite Wastewater Treatment Systems: Provide for the limited use of septic tanks and interim wastewater treatment plants only in areas where sanitary sewer extension is not reasonably feasible. (See also policy 9.2.1.2.)

There will be no onsite septic tanks or interim wastewater treatment plants.

Policy 9.4.1.1—Require the rate of storm water discharge from new development to be equal to, or less than the rate of discharge that existed prior to development, based on a 25-year frequency – 24-hour duration storm event. The post development point(s) of discharge shall be the same as the predevelopment point(s) of discharge for a project site. The discharge it to include any discharge to an existing or proposed watercourse, swale, ditch, or storm sewer system that connects to a receiving watercourse in the WO District. All storm water discharge shall be consistent with the requirements of Chapter 62-3, 62-4, and 62-25 F.S. for water quality. These requirements may be increased in areas of known flooding.

Active mining areas on the Wingate Extension will be contained within a berm system, so that rainfall is captured and treated prior to release through the mine National Pollutant Discharge Elimination System (NPDES) discharge points. The berm system is a structural best management practice that has proven effective in the virtual elimination of offsite turbid runoff and soil erosion during the land disturbance/mining and reclamation stages of operation. There will be no storm water releases to the watershed and no new NPDES discharge points are needed.

Policy 9.4.1.4.—Require that all projects discharging into the WO District on the Future Land Use Map meet or exceed the design standards of Chapters 62-3, 62-4, and 62-25 and local design standards for discharge into Outstanding Florida Waters. The Board of County Commissioners may waive this policy if the proposed stormwater management system provides equivalent levels of stormwater treatment, ensuring that groundwater hydrology characteristics are not altered, impacted, or changed from the existing pre-development condition.

All discharges from the mining area will be through permitted NPDES outfalls and will meet applicable water quality standards. The Wingate Extension is not located within any designated watershed overlays.

Policy 9.4.4.4—Protect natural drainage features such as streams, lakes, wetlands, and estuaries and preserve the function of these natural features by allowing the utilization of isolated wetland prohibiting the alteration of these natural watercourses and

floodways except in cases of overriding public interest as determined by the Board of County Commissioners.

There will be no disturbance of a perennial stream or lake or floodway as a result of the mining of the Wingate Extension.

Objective 9.5.2—Potable Water Reservoir: Preserve the Manatee River Reservoir as a long-term source of potable water.

Policy 9.5.2.1—Continue to develop economically feasible water conservation techniques to preserve the Lake Manatee Reservoir and to minimize competition between agricultural, commercial, and residential users of surface water resources.

Mosaic is not requesting, nor does it require, any additional groundwater withdrawals from those levels currently approved.

Bradenton Herald

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, January 12, 2012 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida, to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

RESOLUTION NO. 12-01

Resolution of the Board of County Commissioners of Manatee County, Florida, granting Mosaic Fertilizer, LLC a master mining plan for the Wingate Extension (661 acres); authorizing mining and reclamation on the Wingate Extension; establishing new conditions of approval for mining within the Wingate Extension; providing reclamation schedules and enforcement; allow dragline crossing of Duette Road; approve pre-mining construction activities; approve waiver request of the setback requirement for mining adjacent to Duette Preserve providing for severability; providing for an effective date; and providing for an expiration date. Approve a buildout date for mining until December 31, 2019 and reclamation until December 31, 2023

Z-11-02 - MOSAIC FERTILIZER, LLC - WINGATE EXTENSION

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 645.9 acres located on the east side of the Wingate Creek Mine, south of Duette Road, and north of SR 64, in Duette from the A (General Agriculture) to the EX (Extraction) zoning district; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities:

The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION Manatee County Building and Development Services Department Manatee County, Florida 12/28/2011

Sarasota Herald Tribune

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

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All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

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THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION Manatee County Building and Development Services Department Manatee County, Florida

RESOLUTION NO. 12-01

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, GRANTING MOSAIC FERTILIZER, LLC A MASTER MINING PLAN FOR THE WINGATE EXTENSION (±661 ACRES); AUTHORIZING MINING AND RECLAMATION ON THE WINGATE EXTENSION; ESTABLISHING NEW CONDITIONS OF APPROVAL FOR MINING WITHIN THE WINGATE EXTENSION; PROVIDING RECLAMATION SCHEDULES AND ENFORCEMENT; ALLOWING DRAGLINE CROSSING OF DUETTE ROAD; APPROVING PRE-MINING CONSTRUCTION ACTIVITIES; APPROVING WAIVER REQUEST OF THE SETBACK REQUIREMENT FOR MINING ADJACENT TO DUETTE PRESERVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AN EXPIRATION DATE. APPROVING A BUILDOUT DATE FOR MINING UNTIL DECEMBER 31, 2019 AND RECLAMATION UNTIL DECEMBER 31, 2023

WHEREAS, Mosaic Fertilizer, LLC currently owns and operates the Wingate Creek Mine under a separate Master Mining Plan and Operating Permit; and

WHEREAS, Mosaic Fertilizer, LLC. currently owns the Wingate Extension* as described in Exhibit A; and

WHEREAS, on February 24, 2011, Mosaic Fertilizer, LLC. filed an Application and Additional Information Responses for a Master Mining Plan for the Wingate Extension* to be processed at the Wingate Creek beneficiation plant with the Manatee County Board of County Commissioners, pursuant to the provisions of Manatee County Codes Chapter 2-20 Phosphate Mining Code Ordinance 04-39*, and with subsequent Additional Information submittals on July 11, 2011 and October 24, 2011; and

WHEREAS, the County and Mosaic Fertilizer, LLC have agreed for administrative purposes that the Wingate Extension* Master Mining Plan and Operating Permit shall be governed by their own Resolutions; and

WHEREAS, notice of the public hearings was published on (dates), in newspapers of local circulation; and

WHEREAS, the Manatee County Planning Commission held a duly-noticed public hearing on the Wingate Extension* and has solicited, received and considered all testimony, reports, comments, evidence and recommendations from interested citizens, County agencies, and the applicant; and

WHEREAS, the Manatee County Planning Commission has filed a recommendation on this application; and

WHEREAS, the Board of County Commissioners of Manatee County, on (date), and (date), held a duly-noticed public hearing on the Wingate Extension* and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies and the applicant; and

WHEREAS, the Manatee County Board of County Commissioners has received and considered the review and report of the Manatee County Planning Commission; and

WHEREAS, the Board of County Commissioners of Manatee County finds that the application for a Master Mining Plan meets the standards for Master Mining Plan contained in Ordinance 04-39* and is consistent with the Manatee County Comprehensive Plan (Ordinance 89-01, as amended).

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that the Board approves the Master Mining Plan for the Wingate Extension* of the Wingate Creek Mine, subject to the conditions, limitations and restrictions set forth as follows:

SECTION A. APPROVAL OF WINGATE EXTENSION* MASTER MINING PLAN.

This Resolution (R-12-01) establishes a Master Mining Plan Approval for the Wingate Extension* to be processed through the Wingate Creek Mine and beneficiation plant with waste clays deposited in FM-1 and FM-2 on Southeast Tract*.

SECTION B. FINDINGS.

The Board of County Commissioners, after considering the testimony, evidence, documentation, Application for Master Mining Plan, and all other matters presented to the Board at the public hearings hereby makes the following findings of fact:

1. All **“WHEREAS”** clauses in this Resolution are adopted as findings of fact.
2. The real property which is the subject of this application is the Wingate Extension* consisting of 661 ± acres, legally as described in Exhibit A and shown on Map A-2, both of which are attached to and made part of this Resolution.
3. The owner and Developer* of the Wingate Creek Mine* and the Wingate Extension* and the Southeast Tract* is Mosaic Fertilizer, LLC.
4. The authorized agent for the Developer* is Diana M. Jagiella, 13830 Circa Crossing Drive, Lithia, Florida 33547.
5. For purposes of this application, the Developer* is Mosaic Fertilizer, LLC.

6. A recompiled Master Mining Plan shall be submitted within three months after the adoption of the Operating Permit, compiling any changes directed by the BOCC or other agencies including detailed maps, descriptions and other materials that are required by Section IV.A and Section V of the Manatee County Phosphate Mining Code (Ordinance 04-39) and submit three (3) copies of the said documentation to the Director*, in accordance with paragraph C.12. below.
7. On (January 12, 2012), the Planning Commission held a public hearing regarding the Application for the Master Mining Plan for the Wingate Extension*, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended), and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended), Manatee County Phosphate Mining Code (Ordinance 04-39*), and has further considered the testimony, comments and information received at the public hearings.
8. The Board of County Commissioners has received and considered the report of the Manatee county Planning Commission concerning the Application for the Master Mining Plan and the Application for Official Zoning Atlas Amendment as it relate to the real Property described in Exhibit A of this Resolution.
9. On (February 2, 2012), the Board of County Commissioners held a public hearing regarding the Application for the Master Mining Plan for the Wingate Extension*, in accordance with the requirements of the Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and Manatee County Chapter 2-20 Phosphate Mining Code Ordinance 04-39*, and has further considered the testimony, comments and information received at the public hearings.
10. Specifically with regard to Comprehensive Plan Policy 3.3.1.1, the Developer* has demonstrated that:
 - a. Developer* has proposed to mine only those wetlands where wetland restoration is demonstrably achievable.
 - b. This Master Mining Plan* and any subsequent Operating Permit will impose standards of assurance that the impacted wetlands will be reclaimed in accordance with the requirements of Manatee County Ordinance 04-39*, including conditions for reclamation, bonding and surety requirements.
 - c. The Environmental Resource Permit evaluated wetland impacts utilizing the Uniform Mitigation Assessment Method (UMAM) to determine the requirements for wetland mitigation in accordance with Comprehensive Plan Policy 3.3.1.3
 - d. Phosphate mining activities, unlike other types of development subject to the requirements of Comprehensive Plan Policy 3.3.1.1, are statutorily categorized as a temporary use to extract a mineral of important public concern, such that compliance with Comprehensive Plan Policy 3.3.1.1 must be determined on a case-by-case basis, in light of the unique circumstances of the subject property, the quality and functionality of impacted wetlands, and the assurance provided by the Developer* that such wetlands can and will be reclaimed in accordance with

Manatee County Ordinance 04-39 Appendix E*.

- e. The applicant-provided wetland avoidance and minimization analysis detailed the scale and operational constraints of avoidance of all wetland impacts for this project. These constraints would make avoidance burdensome and severely limiting on the practicable alternatives/reasonable extraction of the phosphate ore.
- f. The applicant has committed to developing a comparative hydrologic model of 1,400 acres within the Lake Manatee Watershed in Duette Preserve, for the purpose of assisting the County in permitting a hydrologic restoration project. This project would not only address habitat restoration but would also address water quality and water quantity benefits by storing and treating stormwater before slowly releasing waters downstream to the reservoir.

While each of these facts, by itself, is insufficient to support a finding of compliance with Comprehensive Plan Policy 3.3.1.1, the totality of these circumstances, together with the record of evidence submitted during the public hearing, supports the conclusion that the development satisfies the requirements of Comprehensive Plan Policy 3.3.1.1.

- 11. The Master Mining Plan for the Wingate Extension* is found to be consistent with the requirements of the Manatee County Comprehensive Plan, and the Manatee County Chapter 2-20 Phosphate Mining Code (Ordinance 04-39*), provided the Development proceeds in accordance with the Conditions specified in this Resolution, and all subsequent operating permits.
- 12. The development of the Wingate Extension* was found by the Tampa Bay Regional Planning Council (TBRPC) to be consistent with the State Comprehensive Plan and the Comprehensive Regional Policy Plan.

SECTION C. MASTER MINING PLAN CONDITIONS OF APPROVAL.

General Conditions

- 1. The Wingate Extension* parcel is approved for mining and reclamation, as conditioned and limited, herein as follows:

| Parcel | Total Area | Mined/Disturbed | Not Mined/Disturbed |
|----------------------|-------------|-------------------------------|---------------------|
| Wingate Extension | 660.8 acres | 660.8 acres* | 0 |
| Pre-mining wetlands | 48.4 acres | 48.4 acres | 0 |
| Post-mining wetlands | 56.1 acres | Wetland mitigation 49.0 acres | |

* All mine infrastructure on the Wingate Extension will be mined, except for the 14.9 acres portion of Wingate Corridor.

- 2. Mining and Reclamation Schedule: It is expressly recognized that the mining blocks, rates and schedules provided in the application for the Master Mining Plan are

estimates based upon the average rate anticipated. Accordingly, mining blocks and rates may vary depending upon market conditions. However, reclamation and revegetation shall proceed immediately after mining activities cease and in no case shall exceed the schedules for reclamation outlined in Table 35-5. Actual mining acreages will be documented in the annual reports submitted to the Director. Refer to Maps H-3 and H-7 for information on mining and reclamation sequences. Refer to Maps H-9 and I-3 for information on post-reclamation land use and topography.

- a. After mining the setback waiver area adjacent to Duette Preserve, the excavated setback area will be backfilled within 12-18 months.
3. Compliance with Other Permits and Approvals: All mining operations shall be conducted in strict compliance with Ordinance 04-39*, the approved Master Mining and Reclamation Plan for the Wingate Extension*, any subsequently approved Operating Permit and all applicable approvals and permits issued by a federal or Florida governmental agency or entity. Violation of any of the terms and conditions of said approvals or permits shall be deemed a violation of this Master Mining Plan.
4. Approval of Pre-mining Activities: The following pre-mining activities are approved for the Wingate Extension*:
 - a. Construction of piezometer and other monitoring stations;
 - b. Clearing and burning of vegetation in areas to be mined within the subsequent year;
 - c. Construction of ditch and berm system;
 - d. Construction of dewatering wells; and
 - e. Construction of mine access corridors (road, powerlines, pipelines, pumps, sealing wells, etc.).
5. Notice:
All notices, requests, and annual reports provided for herein shall be in writing and shall be hand-delivered or sent through the U.S. Mail, addressed as follows:

To the County: Manatee County Natural Resources Department
202 6th Avenue East
Bradenton, Florida 34208
Attn: Charlie Hunsicker, Director

To Developer*: Mosaic Fertilizer, LLC
13830 Circa Crossing Drive
Lithia, Florida 33547
Attn: Diana M. Jagiella
Director, Mine Regulatory Affairs

OR addressed to either party at such other address or as such party shall hereafter furnish to the other party in writing. If any such notice, request or authorization is delivered by hand, it shall be deemed to have been received when so delivered. If any such notice, request, or authorization is delivered through the U.S. Mail, it shall be sent by registered mail, postage paid and return receipt requested, and shall be deemed to have been delivered when deposited in the U.S. Mail.

6. All permit conditions identified in the ERP* shall be met. Should there be any amendments to those conditions, the amended ERP* conditions shall be considered a part of the stipulations of this approval.
7. Reclamation and Surety Bonds: Developer* shall comply with all general surety and reclamation bonding requirements of Ordinance 04-39* for the areas to be mined and disturbed on the Wingate Extension.
8. Any change in mining method, other than dredge mining; that would expand or change the location of dragline mining will constitute a significant amendment to the Master Mining Plan under Ordinance 04-39* and will require review by the Planning Commission and Board approval.
9. Those areas within the Wingate Extension* approved for mining and reclamation may continue to be used for agricultural / grazing activities. The commercial harvest of timber in those areas approved for mining is permitted, pending notice to the County along with best management practices to be utilized.
10. In the event that any material generated by mining or reclamation operations on Wingate Extension*, other than phosphate rock, is to be marketed for sale and use from the Wingate Creek Mine* site, Developer* shall obtain written approval from the Director* prior to selling any such materials. Said approval shall not be unreasonably withheld.
11. Any historical or archaeological resources discovered during mine operation within the Wingate Extension* shall be immediately reported to the Department of Historical Resources and the ultimate disposition of such resources shall be determined in cooperation with the Department of Historical Resources and Manatee County. The agreed upon treatment of the resources shall be completed before activities which would disturb the resources are allowed to continue.
12. This permit will expire twenty-five years from the Effective Date.

Mining Operations

13. Erosion control measures such as siltation screens / hay bales shall be used to prevent surface water quality degradation. Best Management Practices* shall be employed throughout preparation, mining and reclamation to minimize surface and groundwater quality impacts.
14. Surface and Groundwater Quality Monitoring shall be implemented as required by Exhibit C – Environmental Monitoring Program and shall continue through the end of mine life. Data shall be submitted to the County with the Annual Operating Permit Report.
15. Each mining reclamation unit must be completed in accordance with the permitted plans and permit conditions. In addition, should any regulatory agency require design changes to the Wingate Extension* reclamation plans; the County shall be notified of

the changes prior to implementation. Changes that are deemed significant by the County shall require approval by the Planning Commission and the BOCC prior to implementation.

16. Hours for operations of the mine are typically 24 hours per day, 7 days per week. Mosaic agrees to abate noise from dredging operations by not using horns for communications on the dredge from 7 PM to 9 AM. Alternatives to horn use for communication will be explored. If there are complaints or concerns on noise or light issues, Wingate Creek Mine operations personnel can be contacted at 941-322-6801, to promptly investigate and reach a fair resolution in consultation with Manatee County Natural Resources Department.
17. Setbacks: Minimum mine cut setbacks and setbacks for the perimeter recharge ditch shall be maintained as follows:
 - a. 1,000 feet of a habitable structure existing at the time of initial application for Master Mining and Reclamation Plan* approval, unless waived by affected habitable structure owner; this requirement is not applicable to this parcel;
 - b. 500 feet of Developer* (Mosaic Fertilizer, LLC) property line, where setback waivers have not been obtained. A setback waiver has been granted along the Developer* / Manatee County property line adjacent to Duette Preserve. This is in addition to the previous setback waiver granted to the existing utility corridor and drainage ditches as part of the Wingate Corridor* in Resolution R-08-009. Details are depicted on Map A-3 and Figure 5-2;
 - c. Nothing in this requirement shall prevent the reduction of setbacks pursuant to Ordinance 04-39*. All such setbacks shall be shown in the Operating Permit and shall be specifically approved by the Board of County Commissioners.
18. Clay Settling Areas: In order to maintain the clay balance between Manatee and Hardee counties, Mosaic shall comply with one of the following: 1) 8 .0 MM tons of future clay storage capacity will be kept available within approved clay settling areas in Manatee County to balance the clays stored in Hardee County from the initial mining block of the SE Tract; or 2) Mosaic will obtain a variance from Hardee County where no equivalent clay exchange is required. A summary of this condition shall be provided in the annual report until the condition is fulfilled.
19. The Developer shall utilize Best Management Practices* (including revegetation, reforestation, erosion control, etc.) for all mined or disturbed lands to accelerate and ensure the successful establishment of the natural vegetative associations that the reclamation areas are designed to support. Wherever possible, leach zone material shall be covered by graded spoil to lessen the potential of increased radiation levels on reclaimed lands.
20. Process & Technology Improvements:
 - a. Process improvements should improve the efficiency of the operation and enable more ore to be recovered or less energy or water to be used. Improvements to the

mine's operation that implement the Best Possible Technology (BPT) requirements of the Wingate Creek Mining and Reclamation Ordinance 08-21 and the Best Management Practices (BMP*) changes shall be deemed to be non-significant changes that can be approved administratively.

b. The Director* may approve the construction of these types of improvements in conjunction with the issuance of appropriate County Permits, provided said improvements are consistent with this Master Mining Plan and the Operating Permit.

21. Sand Tailings: In order to provide reasonable assurance that sufficient sand tailings are available to timely reclaim the wetlands and other surface waters authorized for mining within the Wingate Extension*, the Developer* shall provide an updated sand tailings balance in annual report.

Surface Waters

22. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The Developer* shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards.

23. Water Quality Protection: Water quality in wetlands or other surface waters adjacent and/or downstream from site preparation, mining operations, and reclamation activities shall be protected as follows:

- a. Prior to any clearing or mining operations, areas to be disturbed shall be severed from adjacent wetlands and waters of the state. This severance includes the construction of an isolation berm and ditch adjacent to, but upland of, the preservation areas / undisturbed lands. When adjacent to no-mine wetlands, other surface waters, or offsite private property, monitoring wells and staff gauges shall be installed and water levels monitored as specified in Exhibit C.
- b. During the dragline mining operations, recharge ditches adjacent to no-mine areas shall be charged with water to maintain base flows and/or minimize stress to the vegetation in the preservation areas. Water levels in the recharge ditches shall be maintained at levels sufficient to support the normal seasonal water level fluctuations in the wetlands as determined from the baseline monitoring. Water levels in the recharge ditches shall be monitored daily and results made available to the County during inspections upon request. Results may include water level elevations or verification that adequate water levels were present in each ditch.
- c. Ditch, berm, and retention systems shall be designed and constructed prior to initiation of mining operations to manage or prevent discharge from a 25-year, 24-hour storm event.
- d. The protective ditch and berm shall remain in place until mining operations and reclamation have been completed; monitoring indicates that no violations of State Water Quality Standards are expected to occur. At that time, the berm and ditch shall be returned to grade and revegetated according to MMP criteria.

- e. Developer* shall follow Water Use Permit No. 2011400, as issued and/or amended by the SWFWMD for protection of the undisturbed wetlands. All drawdown mitigation plans and monitoring reports required by SWFWMD shall be copied to the County and FDEP Bureau of Mine Reclamation.
- f. Adjacent to dragline mining operations, Developer* shall follow the recommendations in the Geotechnical and Hydrogeological Exploration and Analysis, Recharge System Design, Wingate Extension Report, File No: 09-10-0119F (Ardaman & Associates June 2011) for minimizing surficial aquifer impacts on adjoining lands not owned by Mosaic and sensitive wetlands on Mosaic property.
- g. If preserved or undisturbed wetlands show signs of stress, the Developer shall notify the FDEP in writing, copying the County and SWFWMD. Upon approval, the permittee shall take remedial actions, including altering mining operations and reclamation procedures, modifying the recharge ditch, providing additional sources of water, and conducting additional monitoring, as necessary.

24. Discharges to surface waters shall occur as follows:

- a. Stormwater runoff from lands cleared for mining and active mining areas shall be routed through ditches into the mine water recirculation (ditch and berm) system and discharged only through permitted NPDES outfalls.
- b. All discharges and discharge rates from the NPDES outfalls shall be in accordance with Chapters 62-302, 62-620, and 62-671, Florida Administrative Code (F.A.C.) and conditions of the specific NPDES permit.

Groundwater

- 25. The Developer* shall properly plug and abandon all on-site wells, in accordance with Southwest Florida Water Management District (SWFWMD) and Manatee County Natural Resources Department standards and rules, prior to mining each area of the Wingate Extension*.

Wetlands

- 26. All wetland losses within Wingate Extension* shall require mitigation in accordance with the specific mitigation plan described in the ERP* and shown in Map H-10. Any deviation from the specific mitigation plan not specifically required by Manatee County or permitting agencies with jurisdiction shall trigger a significant amendment to the MMP and require Planning Commission review and BOCC approval.
- 27. The Developer* shall restore the wetlands disturbed by mining operations in accordance with Chapter 2-20 Phosphate Mining Code Ordinance 04-39*, Appendix E* or the ERP*, whichever is more stringent. In accordance with Appendix E*, the Developer* shall utilize the following methods for all wetland restoration / mitigation:

- a. Prior to mining, suitable wetland topsoil or sod (muck) shall be removed from the site for use in wetland restoration where feasible. Muck and topsoil donor sites will be inspected by an ecologist prior to clearing to ensure that high levels of nuisance or exotic species are not present prior to being used in restoration. Donor muck and topsoil piles will be inspected for nuisance and exotic species by mine personnel, and equipment will be cleaned prior to being brought onsite to avoid accidental transport of nuisance and exotic species to a wetland restoration site.
 - b. Hydrologic modeling will be used to finalize wetland designs, establish required final contouring, topsoil placement, and establish the appropriate hydroperiods for the reclaimed wetlands. The appropriate wetland hydroperiods will be determined taking into account the normal seasonal water level fluctuations and periods of inundation or saturation that are typical for the wetland type being reclaimed.
28. The re-created wetlands shall be designed to promote normal seasonal fluctuations of water levels within the wetlands and encourage seasonal saturation and inundation appropriate to the wetland type.

Vegetation and Wildlife

29. In the event that any listed species listed in Rule 68A-27.003 - 68A-27.005 FAC, or state or federally listed species or colonies of species are observed nesting or breeding at the Wingate Extension* in an area to be disturbed by mining operations beyond the species already identified and for which appropriate Wildlife and Habitat Management Plans have not been obtained, the Developer* shall immediately notify the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service and implement the recommended measures for species protection.
30. The Developer* shall implement the reclamation, management and monitoring activities as outlined in the Habitat Management Plan (HMP) as dated March 2010 and amended October 2011 for the Wingate East Mine* including Wingate Extension*, which have been approved by FFWCC and U.S. Fish and Wildlife Service.
- a. Prior to the clearing of each mining parcel, the Developer* shall obtain the necessary permits and approvals for relocation or incidental take of listed species. Implementation activity associated with the approved plan or listed species permitting will be reported in the Operating Permit annual report.
 - b. The Developer* shall continue to monitor on an annual basis the Wellfield Tract* for Florida Scrub-jays. In addition, the Developer* shall monitor the Wellfield Tract* on an annual basis for Eastern indigo snakes. An annual report shall be provided to FWS and copied to Manatee County Natural Resources Department. Monitoring reports shall be submitted within 120 days of completing the field work in each calendar year.
 - c. The Developer* shall be responsible for reclaiming habitat on Wingate

Extension* in such a way to support the relocation of gopher tortoises following reclamation and hence support indigo snake populations.

31. The Developer* shall work cooperatively with Manatee County to attempt to relocate the giant orchid specimens to similar habitat on Duette Preserve.

Transportation

32. Trucking operation requirements for phosphate rock mined on Wingate Extension* shall be in accordance with Ordinance 08-21, Exhibit E, Trucking Operation Requirements for the Wingate Creek Mine*.
33. Dragline Crossing of Duette Road: The dragline road crossing of Duette Road shall be completed as outlined in the Master Mining Application, Appendix 13-A, in the location depicted on Figure 1, and shall meet the following:
 - a. Best management practices shall be used to meet Class III Water quality standards (Chapter 62-302, F.A.C.) during the construction, dragline move and crossing of Duette Road.
 - b. At least 60 days prior to any roadwork within the right-of-way, the Developer shall have obtained the appropriate permits from the Public Works Department.
 - c. The Director* will be copied on all Right of Way Use Permit(s) applications at the time of application(s).
 - d. A detour will be constructed to maintain traffic on Duette Road, during the dragline crossing of the road.
34. All non-public roads, streets, bridges, and other access ways located upon the site shall be constructed and maintained by the Developer* as required by the Wingate Creek Mine* Ordinance 08-21.

Reclamation Standards

35. Reclamation Notification: Inspection points for construction, maintenance, and monitoring for Wingate Extension* reclamation areas will be as required by Ordinance 04-39* - (Appendix E*) are set forth below:
 - a. Inspections will be planned at certain reclamation milestones to ensure compliance with the basic elements of the approved reclamation plan. To accommodate scheduling, a notice will be given to the County a minimum of 15 days in advance to schedule an inspection date and time. If no response is received from the County within the required notification period, reclamation will proceed to the next phase. The required/planned inspection points are:
 - i. When overburden is pushed down to a set grade & sand tailings are deposited at the reclamation site.
 - ii. After the overburden and/or topsoil has been applied.

- iii. At the completion of final grading.
 - iv. When final planting / mulching is completed.
- b. Within 15 days of the completion of the final inspection point, the following shall be provided to the County:
- i. As-built surveys, or a statement from the project reclamation engineer that the site was constructed per the approved reclamation plan.
 - ii. Approximate quantities, distribution and thickness of topsoil or artificial precursor for each plant community.
 - iii. A table of species installed in each plant community.
 - iv. Initial water table/staff gauge readings.
 - v. Initial plant community boundary maps. Limits of each community must be field marked and denoted on the plant community maps.
36. **Monitoring:** Upon inspection and approval of the area(s) by the County, monitoring shall be initiated. Monitoring shall be in accordance Appendix E*. Monitoring and maintenance will continue until success criteria have been met. Monitoring reports shall be submitted to Manatee County as part of the annual report.
37. **Maintenance:** All reclaimed habitats will be maintained on a regular basis as determined by the type and scope of maintenance required. Data collected during routine maintenance monitoring events will be reviewed and any necessary maintenance will be scheduled and conducted as needed. Manual or chemical treatment shall be implemented if cogon grass (*Imperata cylindrica*) coverage exceeds ten (10) percent on reclaimed sites or five (5) percent within 300 feet of any reclaimed wetland.
38. **Reclamation Success Criteria & Wetland Mitigation Requirements:** Reclamation area(s) shall meet the success criteria of Appendix E* before being released from reclamation obligations.
- a. Developer* shall create as wetland mitigation 49.0 acres of restored wetlands as identified in Table 24-1, as shown in the Master Mining Plan Map H-9. Reclaimed wetlands must meet the landward extent and areas waterward of the proposed limits for rehabilitated/restored wetlands should meet criteria as described in Chapter 62-340, F.A.C. inclusive of vegetation and hydric soil characteristics.
 - b. Plant communities must have the aerial coverage / projected coverage, quantities, and diversity of trees, shrubs and ground cover consistent with Appendix E* - Table 4.
 - c. Document at least one or more occurrences of flowering of ten (10) percent or more of the species from each stratum, exclusive of nuisance species, with viable seed set for each of the wetland communities. Seedlings, saplings, or other 'young' vegetation will be considered proof of flowering and/or viable seed.

- d. Appendix E*-Table 5 provides a list of native vertebrate species known or suspected to occur in Manatee County on existing or future phosphate-mined lands. These vertebrates form the pool from which representative species can be sampled to evaluate the success of the rehabilitation area. Table 5 includes both the permanent native resident fauna and migratory birds, which depend heavily on the Florida landscape for their survival and are an important component of the consumer food chain. Success criteria will only use those vertebrate species appropriate for the plant communities contained within the site.
- e. Document wildlife success criteria for each plant community.
- f. Water quality shall meet Class III standards (Chapter 62-302, F.A.C.).

Radiation Standards

- 39. Radiation standards shall be maintained as follows:
 - a. For the Wingate Extension*, the radiation standards shall be maintained in accordance with Ordinance 04-39*.
 - b. Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal requirements.
 - c. This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.

Public Contribution

- 40. For the promotion and benefit of the health, safety, and welfare of the citizens of Manatee County, the Developer shall perform one of the following wetland restoration design projects within 12 months of Developer* obtaining the Operating Permit. The final project details shall be developed jointly by NRD and the Developer*:
 - a. Develop and complete a comparative hydrologic model on a 1,400 acre area to be defined by Natural Resources Department and located within Duette Preserve in the Lake Manatee Basin. The InterConnected Pond Routing Model (ICPR) model will be used to support an ERP application for the hydrologic restoration of wetlands within a designated tract. The comparative hydrologic model will be based on available SWFWMD LiDAR data, USGS data including some site specific surveying (cross sections) as required to meet the ERP basis of review standards. In addition, the modeling of the wetland restoration will include the proposed ditch block designs demonstrating that no adverse impacts will occur to water quantity, public health, safety, or welfare or to the property of others adjacent to these lands. The location of the restoration project area (one

continuous area) will be developed in cooperation with the Natural Resources Department.

- b. Draft an ERP application for wetlands restoration work in Duette Preserve on lands located north of SR 62 and southwest of SR 37, on both sides of Carlton Road. The draft ERP application will include surveying cross sections and comparative InterConnected Pond Routing Modeling (ICPR) analysis on all affected wetland restoration sub-basins including the proposed ditch block designs. The application survey information will be based on available SWFWMD LiDAR data and site specific surveying as required to meet ERP basis of review standards. The draft ERP application to be submitted by Manatee County will propose the restoration of historically ditched wetland within the Lake Manatee watershed. The wetlands to be restored and scope of the modeling will be developed in cooperation with the Natural Resources Department within one year of the approval of the Operating Permit.
41. Definitions: Except as specifically defined herein, terms used in this Resolution shall govern and be defined in a manner consistent with the Manatee County Phosphate Mining & Reclamation Code Chapter 2-20.
- a. “Appendix E” shall mean the Manatee County Chapter 2-20 Phosphate Mining Code – Ordinance 04-39 Appendix E - Reclamation Manual.
 - b. “Application for Master Mining Plan” shall mean the Mosaic Fertilizer, LLC Development of Wingate Extension Master Mining Plan Application, dated February 2010 and all following Additional Information Responses (July 8, 2011, October 24 2011, etc.), including and all information submitted by the Developer* for Rezoning Application DTS 20110036 (Z-11-02), Florida Department of Environmental Protection (FDEP) Environmental Resource Permit #095520-17 (ERP) and application and all other submittals / applications made to support the Wingate Extension Application.
 - c. “Best Management Practices” or “BMP” shall mean practices that are technologically and economically practicable and most beneficial in preventing or reducing adverse impacts from mining activities. For more specific information and examples, see the same definition in the Manatee County Comprehensive Plan.
 - d. “Chapter 2-20 Phosphate Mining Code” - (Ordinance 04-39*) shall mean the Manatee County Phosphate Mining Code Ordinance 04-39 as codified and found in Chapter 2-20, MINING AND RECLAMATION, of the Code of Laws of Manatee County, Florida.
 - e. Department - shall mean the Manatee County Natural Resources Department. Written approvals, as required herein, shall be issued by the Department Director, or his or her designee.
 - f. Director - shall mean the Director of the Manatee County Department of Natural Resources, or his or her designee.

- g. "ERP" shall mean the Mosaic Fertilizer, LLC Florida Department of Environmental Protection (FDEP) Environmental Resource Permit #095520-17 (ERP), its application and all other FDEP submittals / applications made to support the Wingate Extension Application.
- h. "Southeast Tract" shall mean the 2,508 acres in Manatee County located in Section 36 in Township 33S, Range 22E, and Sections 1, 2, 11, 12, 13, and 14 in Township 34S, Range 22E, which is legally described in Section 7 of Ordinance 08-20.
- i. "Wingate Corridor" shall mean the 103 acre parcel located in Sections 14, 22, and 23, Township 34 South, Range 22 East in Manatee County legally described in Section 7 of Ordinance 08-20 .
- j. "Wingate Creek Mine" shall mean the 3,029 acre mine in Manatee County located in Sections 21, 22, 28 & 29, Township 34S, Range 22E, which is legally described in Section 7 of Ordinance 08-21.
- k. "Wingate Extension Approvals" shall mean the Zoning Ordinance (Ord. 11-02), the Master Mining Plan (R-11-0XX) and the Operating Permit (R-11-0XX).
- l. "Wingate Extension" shall mean the 661 acres located in Sections 22 and 27 of Township 34S, range 22E described in Section 7 of this Ordinance.
- m. "WUP" shall mean the SWFWMD WUP No. 20011400, as amended.

42. Severability: If any section, sentence, clause, phrase or word of this Resolution is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidation shall not affect the remaining portions of this Resolution, and those remaining provisions shall be deemed to be valid as if such invalid parts had not been included herein.

43. Tolling: In the event of an appeal of or challenge to any portion of the Wingate Extension* which has the effect of staying the effective date of any or all of the Wingate Extension*, the time period for conducting any activity authorized or required by the Wingate Extension* shall be tolled until such time as the appeal or challenge has been finally decided by a tribunal of competent jurisdiction and all appellate remedies associated therewith have been exhausted. No action shall be required to amend the Wingate Extension* or any attachment or exhibit thereto to effectuate this tolling provision.

44. Effective Date. This Resolution shall become effective upon adoption by the Board of County Commissioners of Manatee County, Florida.

ADOPTED AND APPROVED with a quorum present and voting, this _____ day of _____, 2012.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: _____
John R. Chappie, Chairman

ATTEST: R.B. SHORE
Clerk of the Circuit Court

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Attachments:

EXHIBIT A - LEGAL DESCRIPTION

EXHIBIT B – MINING & RECLAMATION LIST OF ATTACHMENTS

The following information addresses pre and post land use as well as reclamation and mine scheduling matters:

| | |
|------------|--|
| Table 4-1 | Preliminary Production Schedule |
| Table 35-1 | Annual Mine Production Rates |
| Table 35-5 | Reclamation Schedule |
| Table 24-1 | Vegetative Cover (Pre-Mining and Post-Reclamation) |

| | |
|----------|------------------------------|
| Map A-2 | Mine Plan & Access Corridors |
| Map A-3 | Setback Waiver |
| Map A-4 | Dragline Crossing |
| Map H-3 | Mining Sequence Map |
| Map H-7 | Reclamation Sequence |
| Map H-9 | Post Reclamation Land Use |
| Map H-10 | Mitigation Wetlands |
| Map I-3 | Post Reclamation Topography |

| | |
|--------------|---|
| Figure 13-1 | Proposed Walkpath and Road Detour |
| Figure 5-2 | Property Line Setback Cross-Section |
| Figure 14-5a | Dragline Area Typical BMP Cross Section A |
| Figure 14-5b | Adjacent to Existing Corridor Typical BMP Cross Section B |
| Figure 14-5c | Dredge Area Typical BMP Cross Section C |

EXHIBIT C – ENVIRONMENTAL MONITORING PROGRAM REQUIREMENTS

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**EXHIBIT A - LEGAL DESCRIPTION
WINGATE EXTENSION**

IN TOWNSHIP 34 SOUTH, RANGE 22 EAST MANATEE COUNTY, FLORIDA.

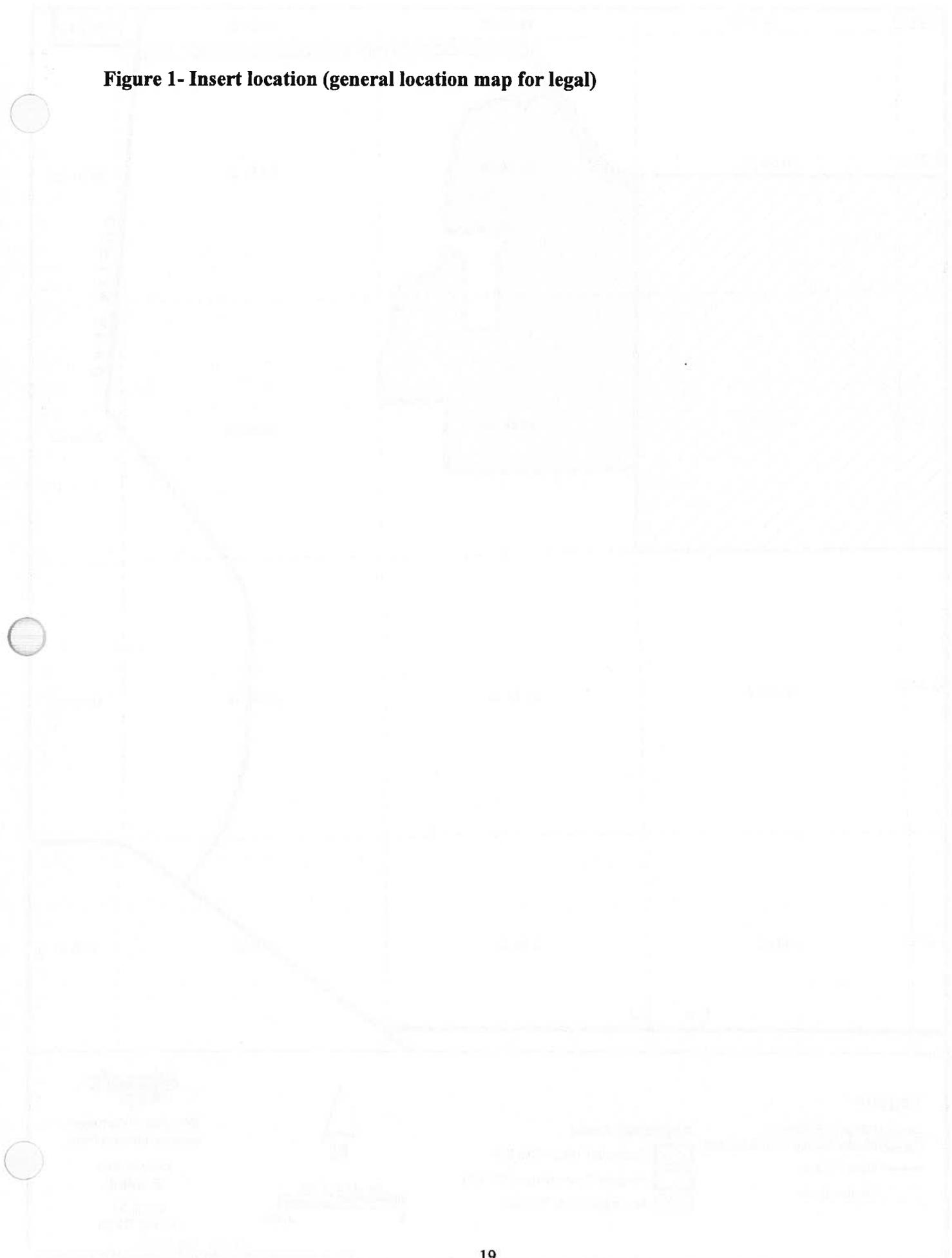
Section 22

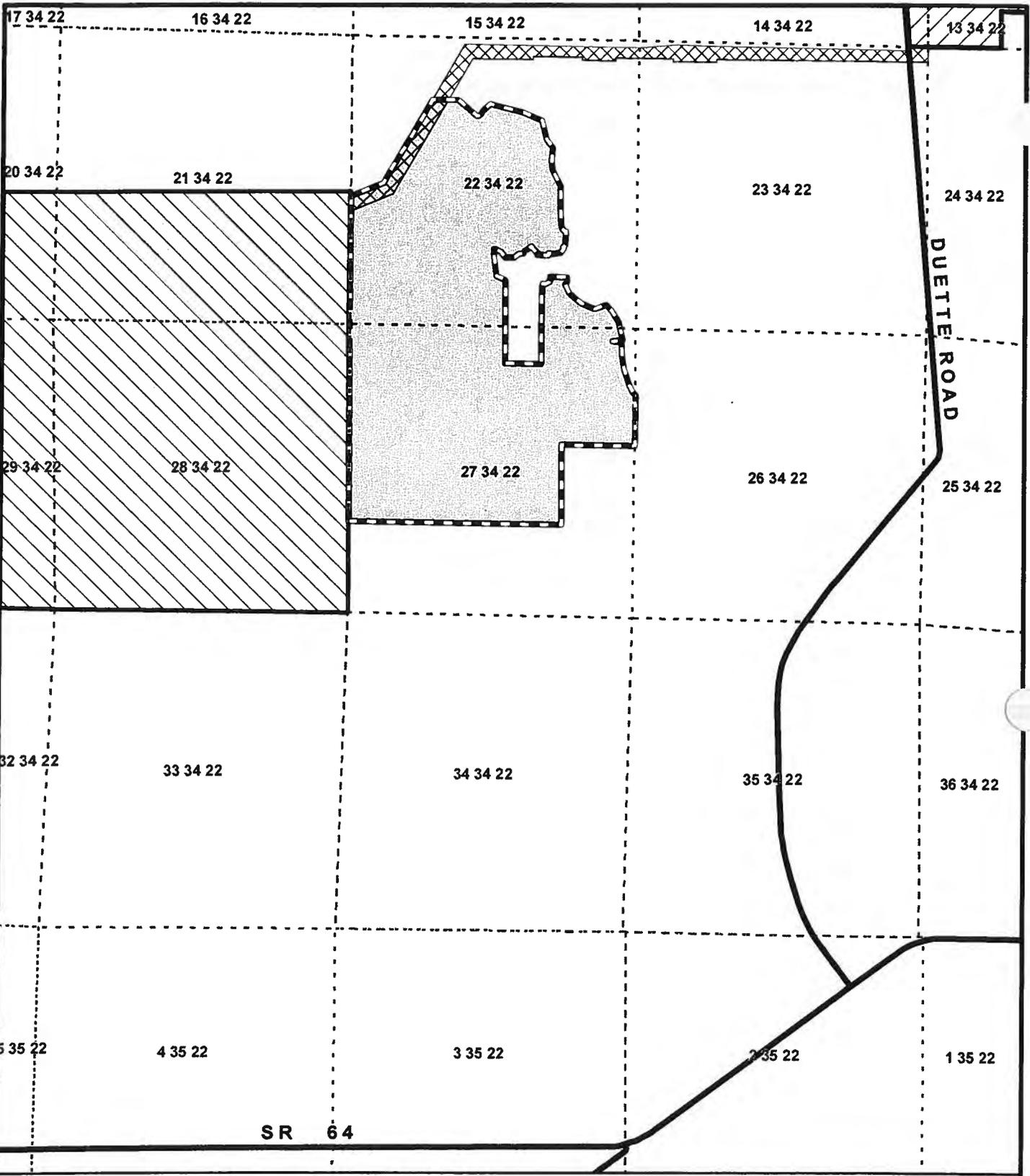
- a.) Commence at the NW Corner of section 22; thence S00°17'11"W along the west boundary of said Section 22, 2923.96 feet to the POINT OF BEGINNING; thence N67°58'39"E 625.54 feet; thence N30°31'36"E 1759.84 feet; thence East 468.11 feet; thence S50°17'46"E 466.50 feet; thence N59°17'02"E 72.82 feet; thence N27°39'15"E 75.37 feet; thence N48°57'39"E 175.67 feet; thence S76°43'18"E 397.37 feet; thence S74°57'41"E 211.82 feet; thence S65°45'33"E 378.29 feet; thence S14°59'59"E 359.53 feet; thence S37°00'04"E 181.88 feet; thence S07°15'34"W 217.66 feet; thence S03°30'50"E 179.87 feet; thence S27°09'56"E 326.29 feet; thence South 195.14 feet; thence S01°45'59"E 226.63 feet; thence S03°13'42"E 285.77 feet; thence S09°02'23"E 89.18 feet; thence S47°36'08"E 51.36 feet; thence N88°33'44"E 24.84 feet; thence S00°27'27"W 224.29 feet; thence S07°12'12"W 31.21 feet; thence S49°53'18"W 43.34 feet; thence S18°13'40"E 28.77 feet; thence S34°37'12"W 90.72 feet; thence S79°51'38"W 140.57 feet; thence N82°16'41"W 86.79 feet; thence S09°34'39"W 35.52 feet; thence N89°03'11"W 194.98 feet; thence N27°33'36"E 16.31 feet; thence N39°45'06"W 178.94 feet; thence S53°03'18"W 63.27 feet; thence S66°22'45"W 69.02 feet; thence S31°53'58"W 62.44 feet; thence S79°20'28"W 89.85 feet; thence S49°39'03"W 88.19 feet; thence West 172.39 feet; thence N38°31'14"W 129.96 feet; thence N67°47'14"W 115.00 feet; thence S87°38'42"W 21.14 feet; thence S02°58'35"E 103.56 feet; thence S06°38'49"E 389.70 feet; thence S66°53'11"E 181.99 feet; thence S00°24'02"W 843.01 feet to a point on the south boundary of section 22; thence N89°04'35"W along said south boundary 2829.21 feet to the southwest corner thereof; thence N00°17'11"E along the west boundary of section 22, 2322.62 feet to the POINT OF BEGINNING.
- b.) Commence at the SE corner of Section 22; thence N89°04'35"W along the south boundary of said section 291.80 feet to the POINT OF BEGINNING. Thence continue N89°04'35"W along said south boundary 1425.03 feet; thence N00°24'02"E 725.48 feet; thence N15°19'46"E 67.82 feet; thence S74°56'08"E 36.37 feet; thence N62°27'18"E 81.32 feet; thence N32°54'22"E 63.24 feet; thence N00°39'46"W 39.30 feet; thence S89°35'58"E 295.55 feet; thence S00°27'27"W 90.40 feet; thence S37°11'51"W 51.55 feet; thence S22°12'14"E 177.66 feet; thence S53°20'16"E 111.19 feet; thence S50°32'43"E 178.50 feet; thence S67°14'48"E 261.42 feet; thence N72°24'32"E 221.71 feet; thence S43°07'48"E 145.21 feet; thence S32°23'41"E 235.68 feet; thence S11°59'19"E 120.11 feet to the POINT OF BEGINNING.

Section 27

- a.) The NW ¼.
- b.) The North 965.74 feet of the SW ¼.
- c.) The West 1266.23 feet of the North 965.74 feet of the SE ¼.
- d.) The S ½ of the NE ¼: LESS the east 1318.85 feet of the south 500 feet.
- e.) The N ½: LESS the east 654.10 feet of the west 883.20 feet of the south 668.72 feet and LESS that part being more particularly described as follows: BEGIN at the NE corner of section 27; thence S00°32'17"W along the east boundary of the N ½ of the NE ¼ 1218.85 feet; thence N37°39'38"W 54.50 feet; thence N27°36'17"W 151.46 feet; thence N18°35'37"W 317.60 feet; thence N08°20'09"W 234.18 feet; thence N04°39'47"W 248.50 feet; thence N81°26'25"W 168.16 feet; thence N79°22'15"E 191.76 feet; thence N11°59'19"W 209.92 feet to a point on the north boundary of section 27; thence S89°04'35"E 291.80 feet to the POINT OF BEGINNING.

Figure 1- Insert location (general location map for legal)





Legend

-  Wingate Extension Master Mining Plan Boundary
-  Major Roads
-  Section Lines

Approved Areas

-  Southeast Tract - DRI 235
-  Wingate Creek Mine - DRI 273
-  Approved Utility Corridor



**Wingate Extension
Master Mining Plan**

**Boundary
Exhibit**

**S 22, 27
T34S; R22E**

EXHIBIT B – MINING & RECLAMATION LIST OF ATTACHMENTS

The following information addresses pre and post land use as well as reclamation and mine scheduling matters:

| | |
|--------------|---|
| Table 4-1 | Preliminary Production Schedule |
| Table 35-1 | Annual Mine Production Rates |
| Table 35-5 | Reclamation Schedule |
| Table 24-1 | Vegetative Cover (Pre-Mining and Post-Reclamation) |
| Map A-2 | Mine Plan & Access Corridors |
| Map A-3 | Setback Waiver |
| Map A-4 | Dragline Crossing |
| Map H-3 | Mining Sequence Map |
| Map H-7 | Reclamation Sequence |
| Map H-9 | Post Reclamation Land Use |
| Map H-10 | Mitigation Wetlands |
| Map I-3 | Post Reclamation Topography |
| Figure 13-1 | Proposed Walkpath and Road Detour |
| Figure 5-2 | Property Line Setback Cross-Section |
| Figure 14-5a | Dragline Area Typical BMP Cross Section A |
| Figure 14-5b | Adjacent to Existing Corridor Typical BMP Cross Section B |
| Figure 14-5c | Dredge Area Typical BMP Cross Section C |

Table 4-1
Wingate Extension
Proposed Annual Production Schedule

| Year | Acres Mined | Phosphate Rock (million tons) | Sand Tailings (million tons) | Clay (million tons) | Ore (million yds ³) |
|------|-------------|----------------------------------|---------------------------------|------------------------|------------------------------------|
| 2014 | 166 | 1.3 | 5.8 | 0.8 | 5.4 |
| 2015 | 124 | 1.3 | 5.8 | 0.8 | 5.4 |
| 2016 | 96 | 1.3 | 5.8 | 0.8 | 5.4 |
| 2017 | 92 | 1.3 | 5.8 | 0.8 | 5.4 |
| 2018 | 103 | 1.3 | 5.8 | 0.8 | 5.4 |
| 2019 | 17 | 0.2 | 0.8 | 0.1 | 0.8 |

Note: This schedule is an estimate only. No assurance is given that these estimates will be accurate for the years shown. The area, dates, and production estimates are subject to change due to economics, geology, permit requirements, etc. Actual production quantities will be reported annually to the Natural Resources Dept.

Table 35-1
Wingate Extension
Annual Mine Production Rates

| Mining Period | Maximum Acres Mined in any one year | Average Acres Mined per Year | Average Tons Mined Per Year (Million Tons) | | |
|---------------|-------------------------------------|------------------------------|--|------|----------------|
| | | | Sand Tailings | Clay | Phosphate Rock |
| Years 1 - 5 | 175 | 116 | 5.8 | 0.8 | 1.3 |

Table 35-5
Wingate Extension
Reclamation Schedule

| Mining Method | Reclamation Activity | *Time - Years |
|-----------------|-------------------------|------------------|
| Dragline Mining | 0. End of Mine use | '--- |
| | 1. Contour - Earthwork | 18 months |
| | 2. Re-Vegetation | 6 months |
| | 3. Establishment Period | 1 year |
| | Total Time | 3 years |
| Dredge Mining | 0. End of Mine use | '--- |
| | 1. Contour - Earthwork | 30-42 months |
| | 2. Re-Vegetation | 6 months |
| | 3. Establishment Period | 1 year |
| | Total Time | 4-5 years |

*** Note:** Times are based on completion of all mining activities within a program or logical reclamationunit area that allows for reclamation of a sub-basin system rather than partial system.

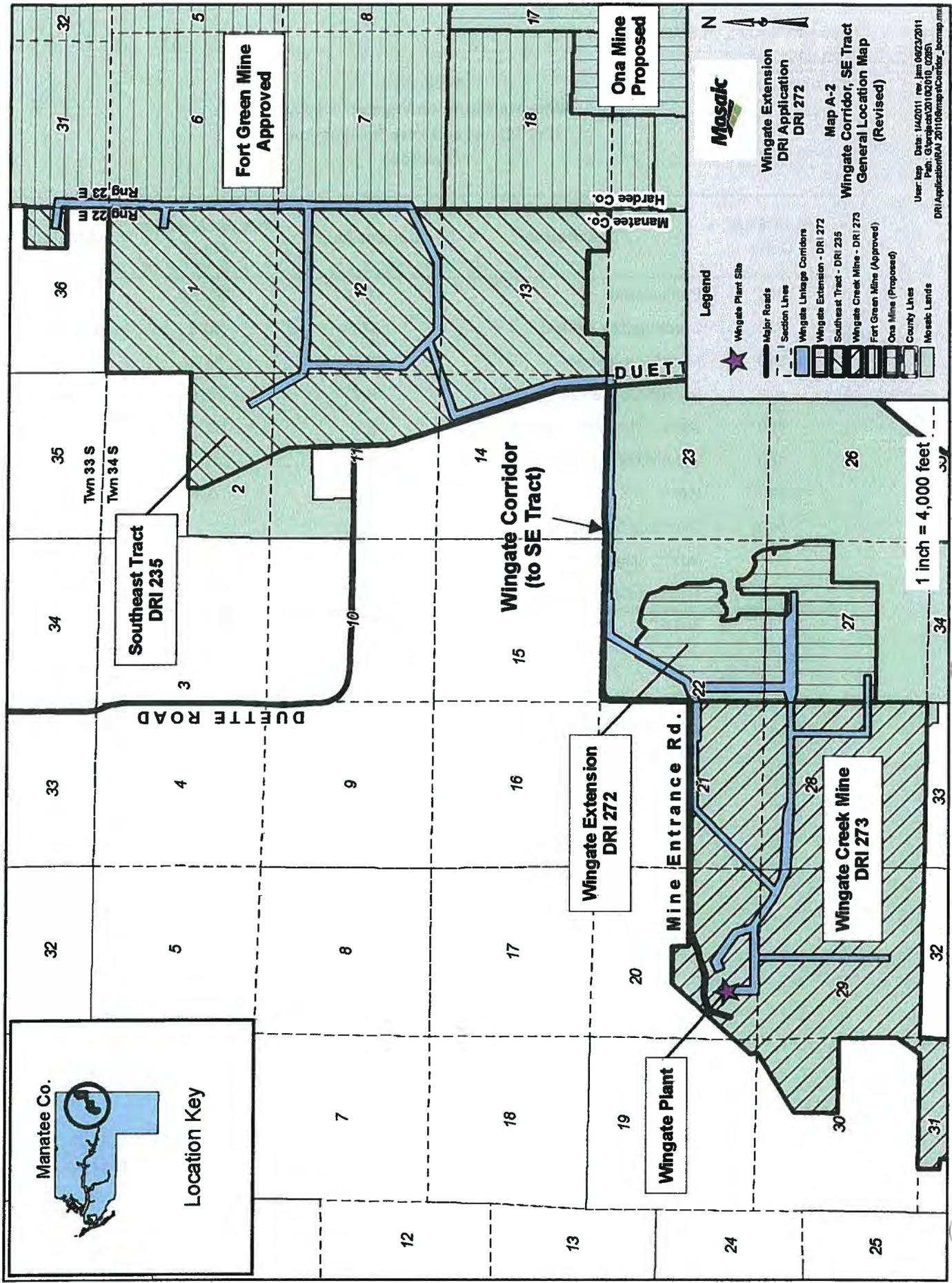
Table 24-1
Wingate Extension Vegetative Cover
(Pre-Mining and Post-Reclamation)
(Revised)

| FLUCFCS Code | Description | Current Acres | Post Reclamation Acres | Change |
|---------------------|---------------------------|----------------------|-------------------------------|---------------|
| 210 | Pastureland | 417.6 | 363.8* | - 54.0 |
| 320 | Shrub and Brushland | 57.8 | 58.0 | + 0.2 |
| 330 | Mixed Rangeland | 90.8 | 91.2 | + 0.4 |
| 410 | Upland Coniferous Forests | 8.7 | 10.0 | + 1.3 |
| 420 | Upland Hardwood Forests | 0.7 | 0.7 | - 0- |
| 430 | Upland Forests - Mixed | 20.9 | 47.3 | + 26.4 |
| 520 | Lakes | 0 | 19.0 | + 19.0 |
| 530 | Livestock Ponds | 0.6 | - | - 0.6 |
| 641 | No-Forested Wetlands | 48.8 | 56.1 | + 7.3 |
| 810 | Transportation Corridors | 14.9 | 14.9* | - 0- |
| Total** | | 660.8 | 660.8 | |

Notes:

* - The utility corridor will be reclaimed to pasture (i.e., FLUCFCS Code 210) upon completion of its mining use, which will occur after the remainder of the Wingate Extension is reclaimed.

** - Numbers may not add to totals due to rounding



Wingate Extension
DRI Application
DRI 272

Map A-2
Wingate Corridor, SE Tract
General Location Map
(Revised)

Legend

- ★ Wingate Plant Site
- Major Roads
- - - Section Lines
- ▨ Wingate Unlabeled Corridors
- ▨ Wingate Extension - DRI 272
- ▨ Southeast Tract - DRI 235
- ▨ Wingate Creek Mine - DRI 273
- ▨ Fort Green Mine (Approved)
- ▨ Ona Mine (Proposed)
- ▨ County Lines
- ▨ Mosaic Lands

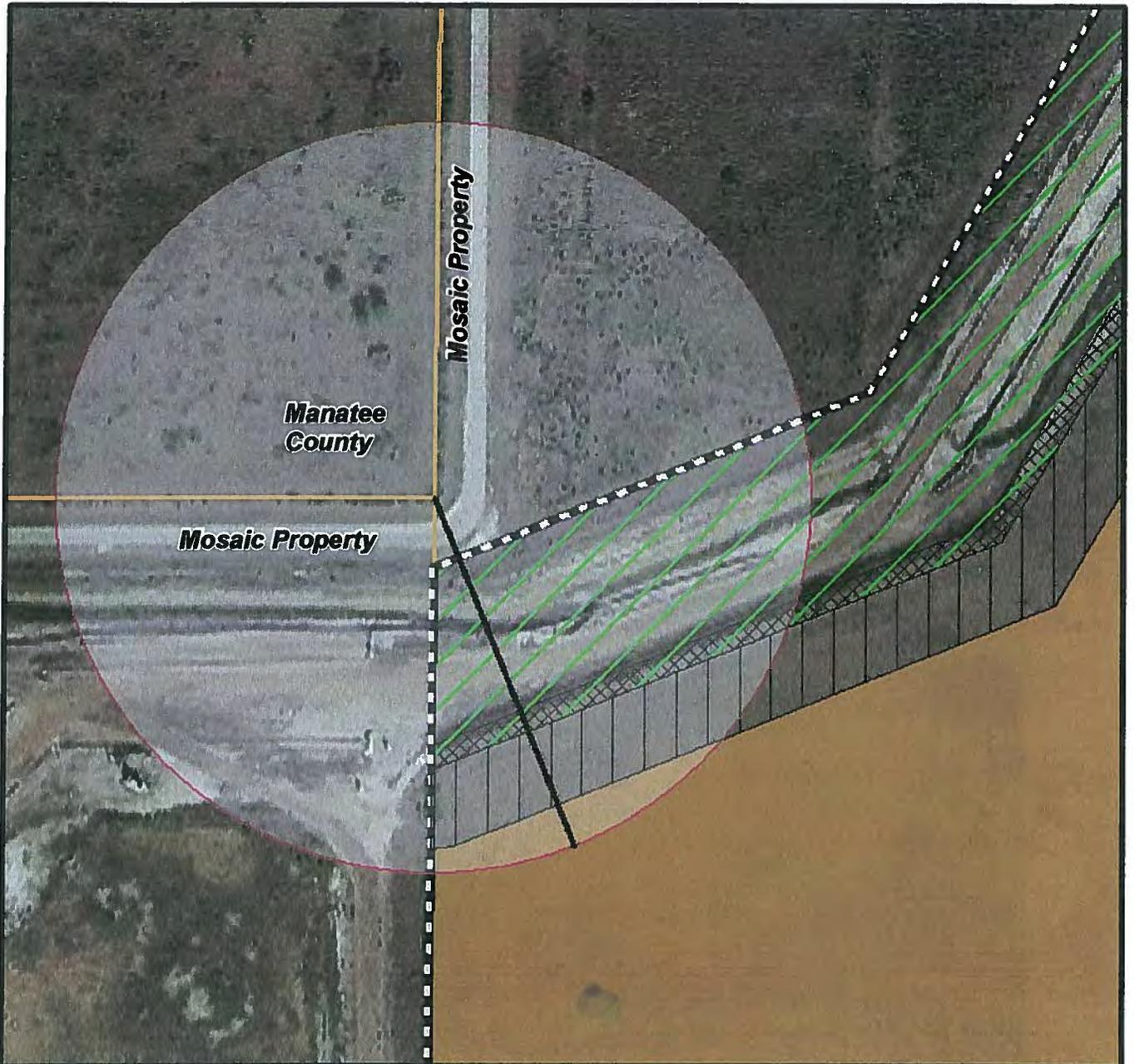
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Manatee Co.



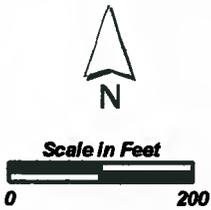
Location Key

1 inch = 4,000 feet



Legend

-  500 Foot Radius Circle
-  Cross Section
-  Mosaic Property
-  Project Boundary
-  Approved Utility Corridor (Approx. 250' Wide)
-  Proposed Berm Road Area (Approx. 30' Wide)
-  Proposed "additional" BMP Area (Approx. 105' Wide)
-  Mining Area



**Wingate Creek Mine
Manatee County
Wingate Extension**

**Map A-3
Setback Waiver**

**S 22, 23, 24, 27
T34S; R22E**

User: jam Date: 11/17/2011
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N To Scale

Wingate Extension MMP

Map A-4

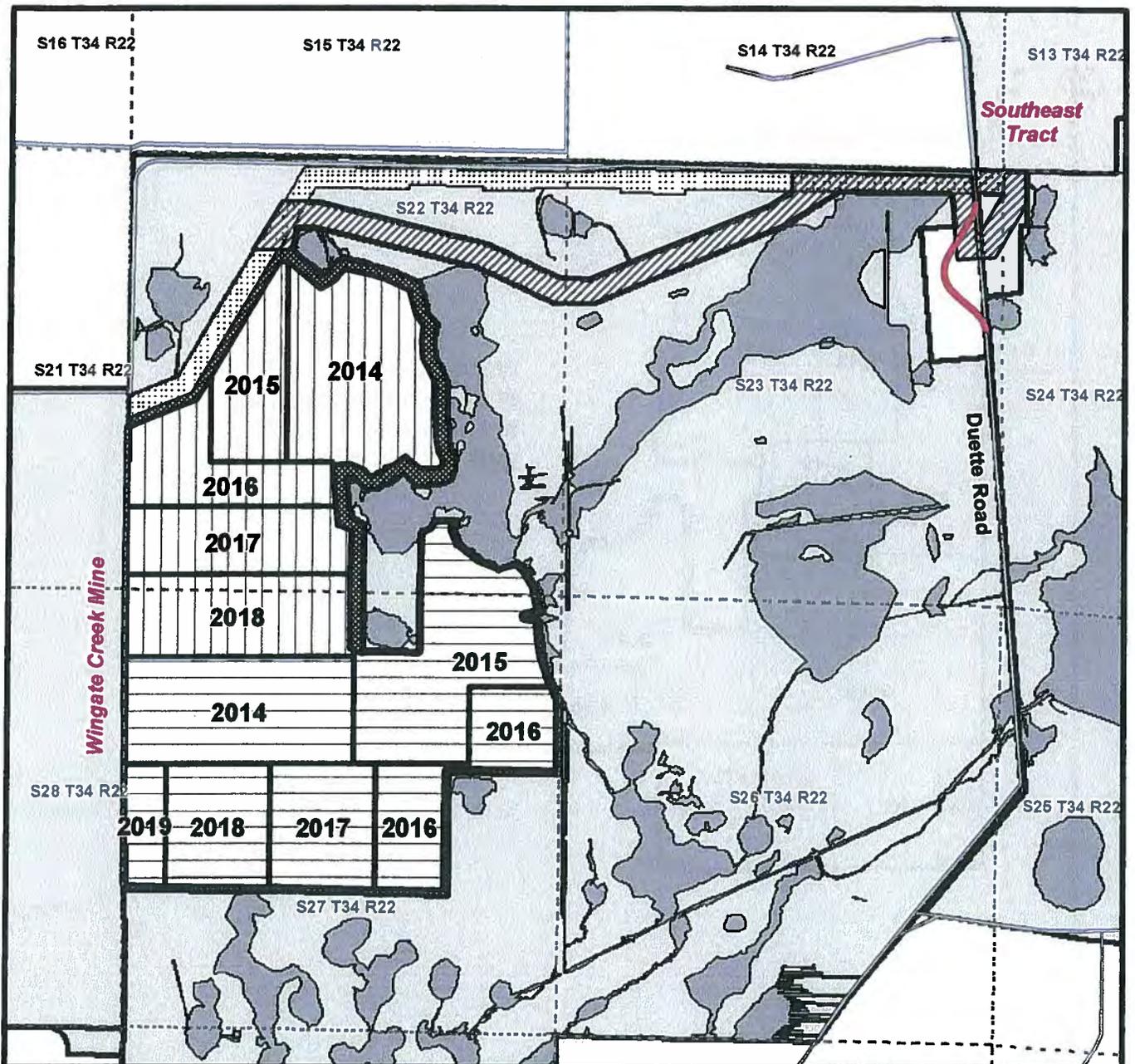
Dragline Crossing

Legend

-  Duette Road
-  Proposed Walkpath
-  Duette Road Detour
-  Wingate Extension ERP Boundary
-  Wetlands / Other Surface Waters
-  Approved Utility Corridor

Date: 12/12/2011
User: jam

Duette Rd



- Legend**
- Proposed Duette Road Detour
 - Proposed Dragline Walkpath
 - Section Lines
 - Right of Way
 - Proposed BMP Location
 - Dragline Mining
 - Dredge Mining
 - Approved Utility Corridor (FDEP Permit 0095520-008)
 - FDEP Wetlands / Surface Waters
 - Mosaic Property

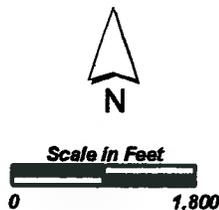
This map is given as an example only, with no assurance actual mining will follow the sequence or years shown. The area, location, sequence, and dates are subject to change due to economics, geology, permit requirements, etc.



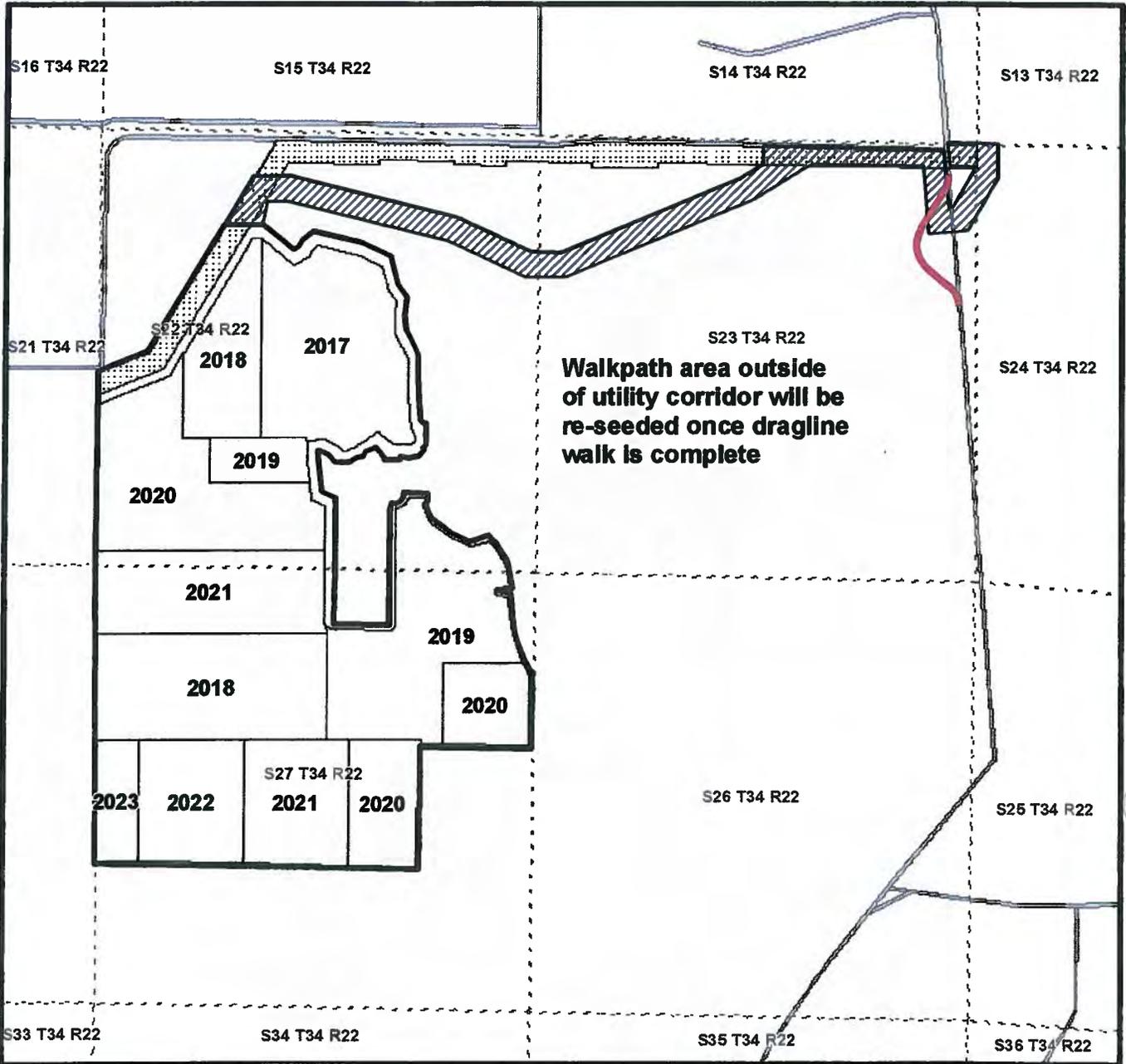
**Wingate Extension
Master Mine Plan**

**Map H-3
Mining Sequence
Map**

**S 22, 27
T34S; R22E**



User: jam Date: 11/17/2011
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This map is given as an example only, with no assurance actual reclamation will follow the sequence or years shown. The area, location, sequence, and dates are subject to change due to economics, geology, permit requirements, etc.



**Wingate Creek Mine
Master Mine Plan**

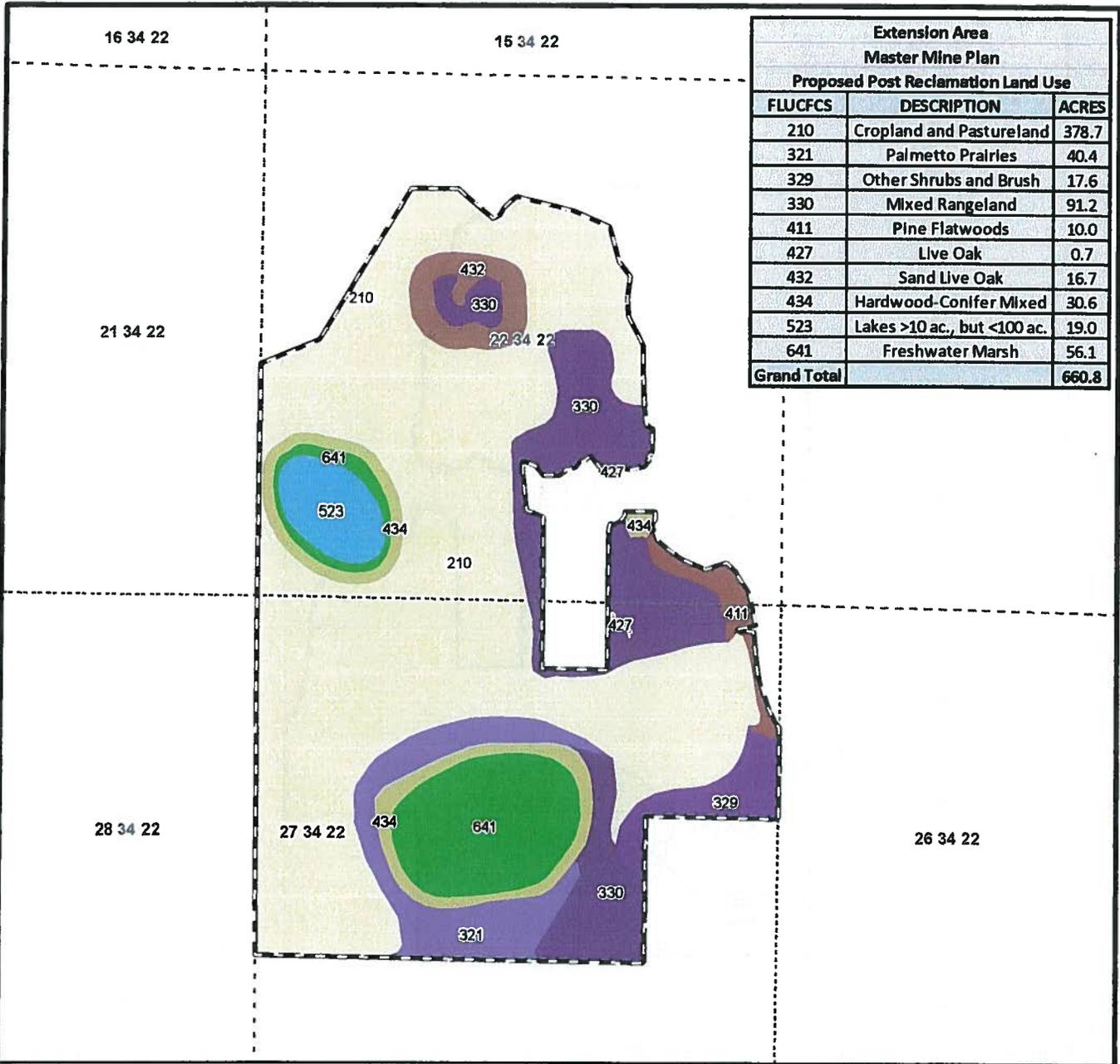
**Map H-7
Reclamation Sequence
For Vegetation Completion
Map**

**S 22, 27
T34S; R22E**

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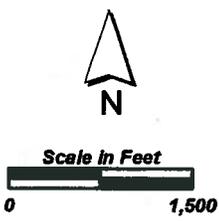
- Project Boundary
- Proposed Duette Road Detour
- Proposed Dragline Walkpath
- Approved Utility Corridor (FDEP Permit 0095520-008)
- Section Lines
- Reclamation Sequence
- Right of Way





| Extension Area | | |
|------------------------------------|-----------------------------|--------------|
| Master Mine Plan | | |
| Proposed Post Reclamation Land Use | | |
| FLUCFCS | DESCRIPTION | ACRES |
| 210 | Cropland and Pastureland | 378.7 |
| 321 | Palmetto Prairies | 40.4 |
| 329 | Other Shrubs and Brush | 17.6 |
| 330 | Mixed Rangeland | 91.2 |
| 411 | Pine Flatwoods | 10.0 |
| 427 | Live Oak | 0.7 |
| 432 | Sand Live Oak | 16.7 |
| 434 | Hardwood-Conifer Mixed | 30.6 |
| 523 | Lakes >10 ac., but <100 ac. | 19.0 |
| 641 | Freshwater Marsh | 56.1 |
| Grand Total | | 660.8 |

- Project Boundary
- Section Lines
- 210 - Cropland and Pastureland
- 321 - Palmetto Prairies
- 329 - Other Shrubs and Brush
- 330 - Mixed Rangeland
- 411 - Pine Flatwoods
- 427 - Live Oak
- 432 - Sand Live Oak
- 434 - Hardwood - Conifer Mixed
- 523 - Lakes > 10 Acres and < 100 Acres
- 641 - Freshwater Marshes
- 643 - Wet Prairies

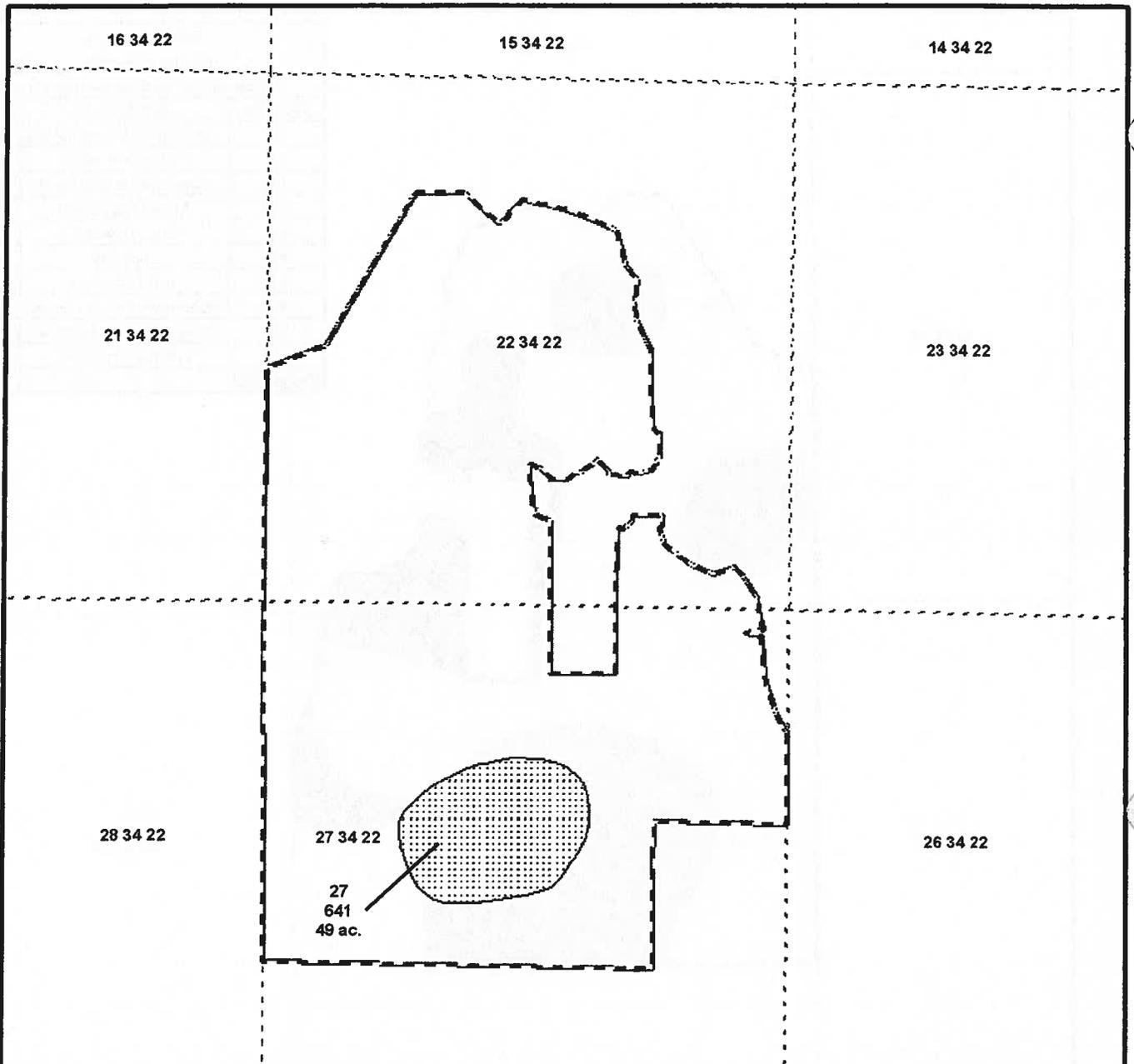


**Wingate Extension
Master Mine Plan**

**Map H-9
Post-Reclamation
Land Use
REVISED**

**S 22, 27
T34S; R22E**

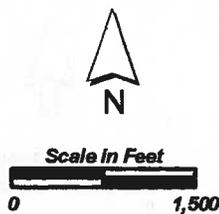
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**Wingate Extension
Master Mine Plan**

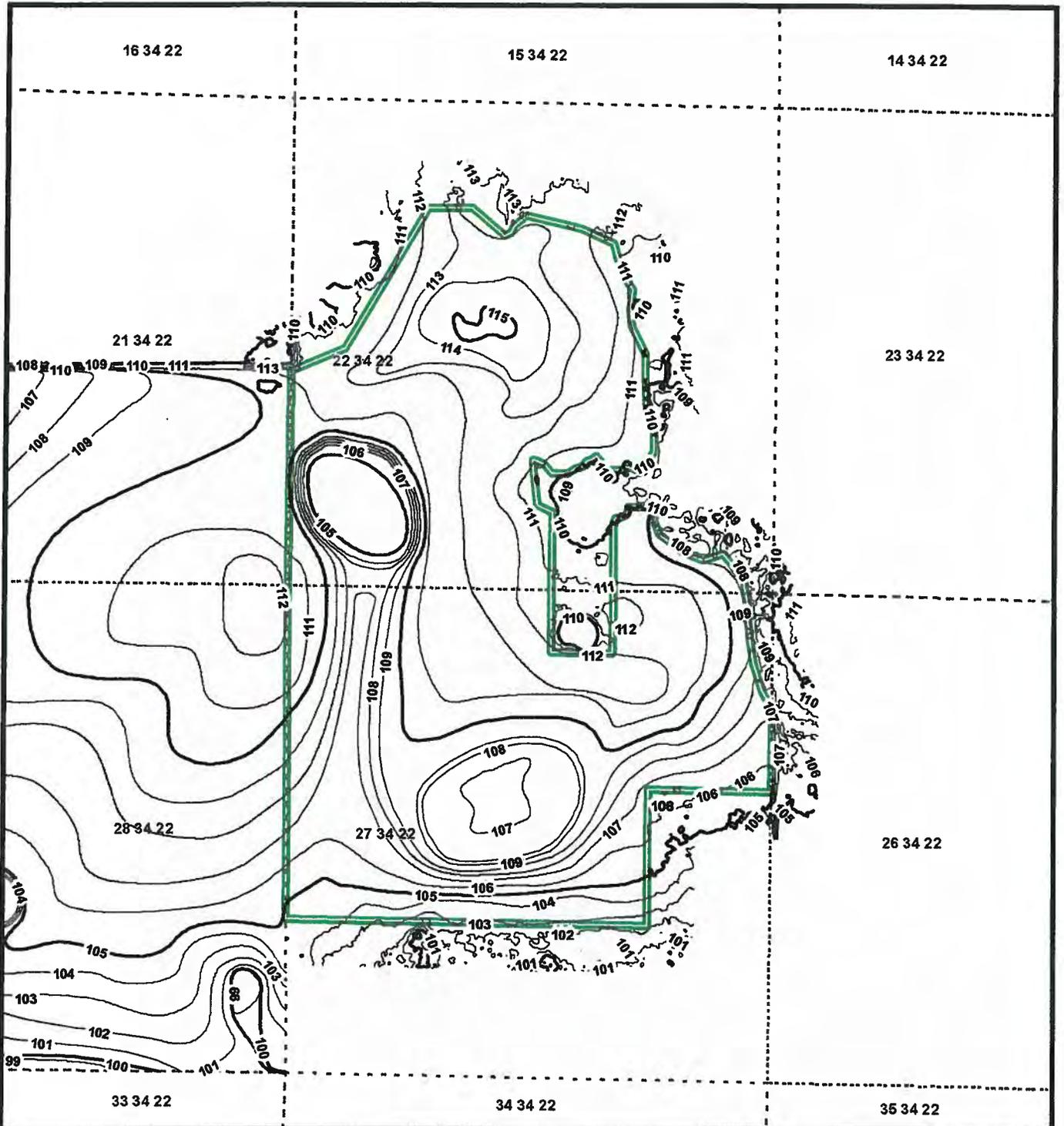
**Map H-10
Mitigation Wetlands**

**S 22, 27
T34S; R22E**



-  Post Reclamation Mitigation Areas
-  Project Boundary
-  Section Lines

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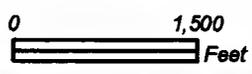
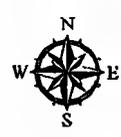


**Wingate Extension
Master Mine Plan**

**Map I-3
Post-Reclamation Topography
(Revised)**

Legend

- Topography 5'
- Topography 1'
- Wingate Extension Area



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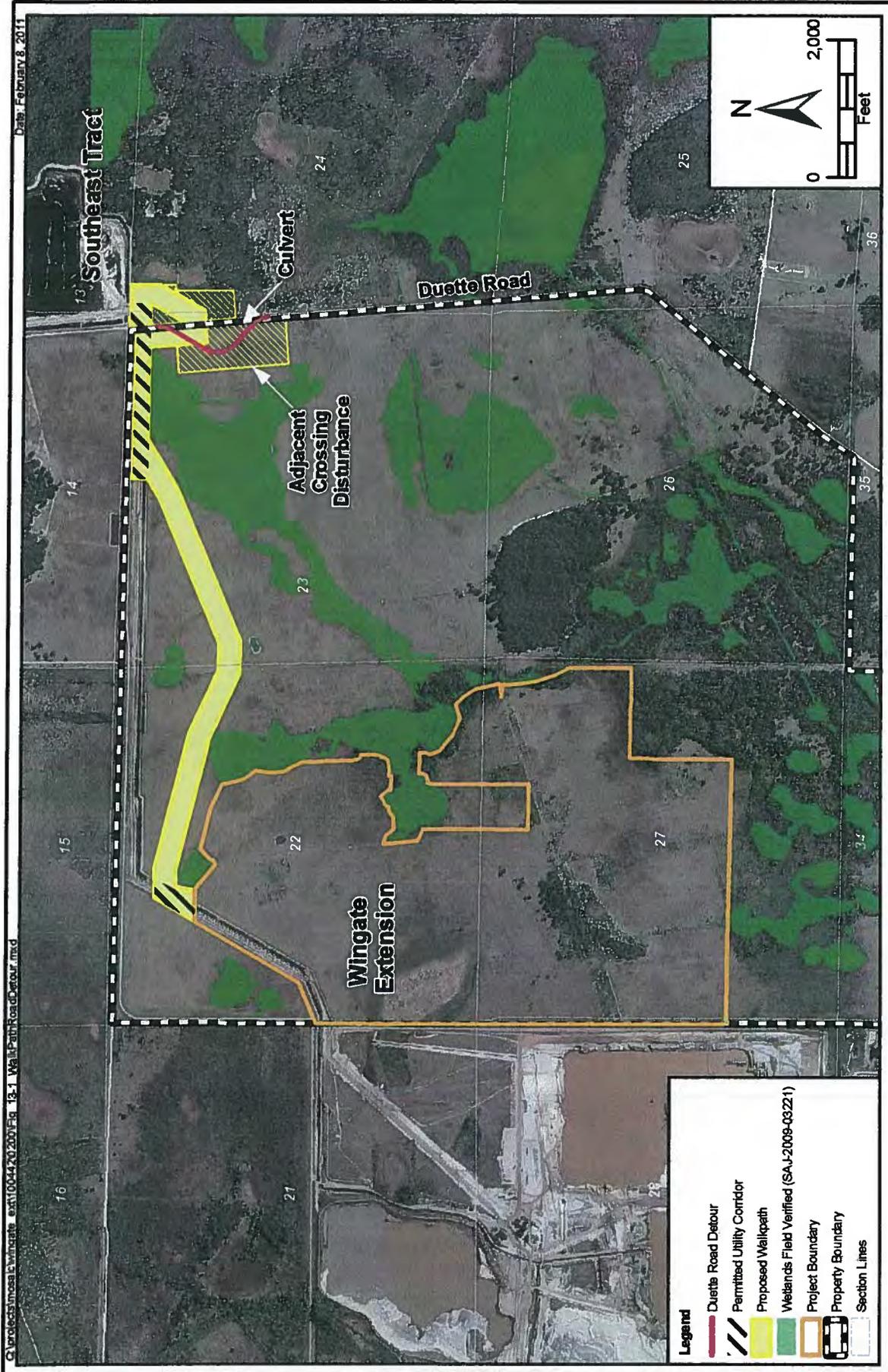
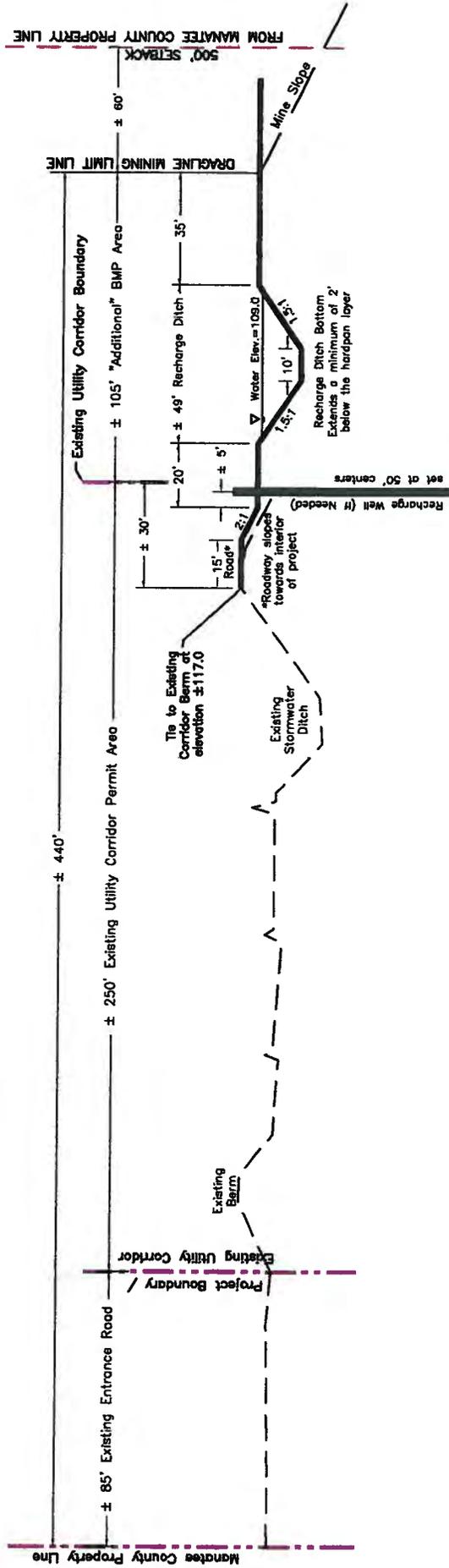


FIGURE 13-1.
PROPOSED WALKPATH & ROAD DETOUR
WINGATE EXTENSION MASTER MINING PLAN
MANATEE COUNTY, FLORIDA
 Source: SVEP/AMD, 2008; MOSAIC, 2010; ECT, 2011

Figure 5-2
Property Line Setback Cross-Section

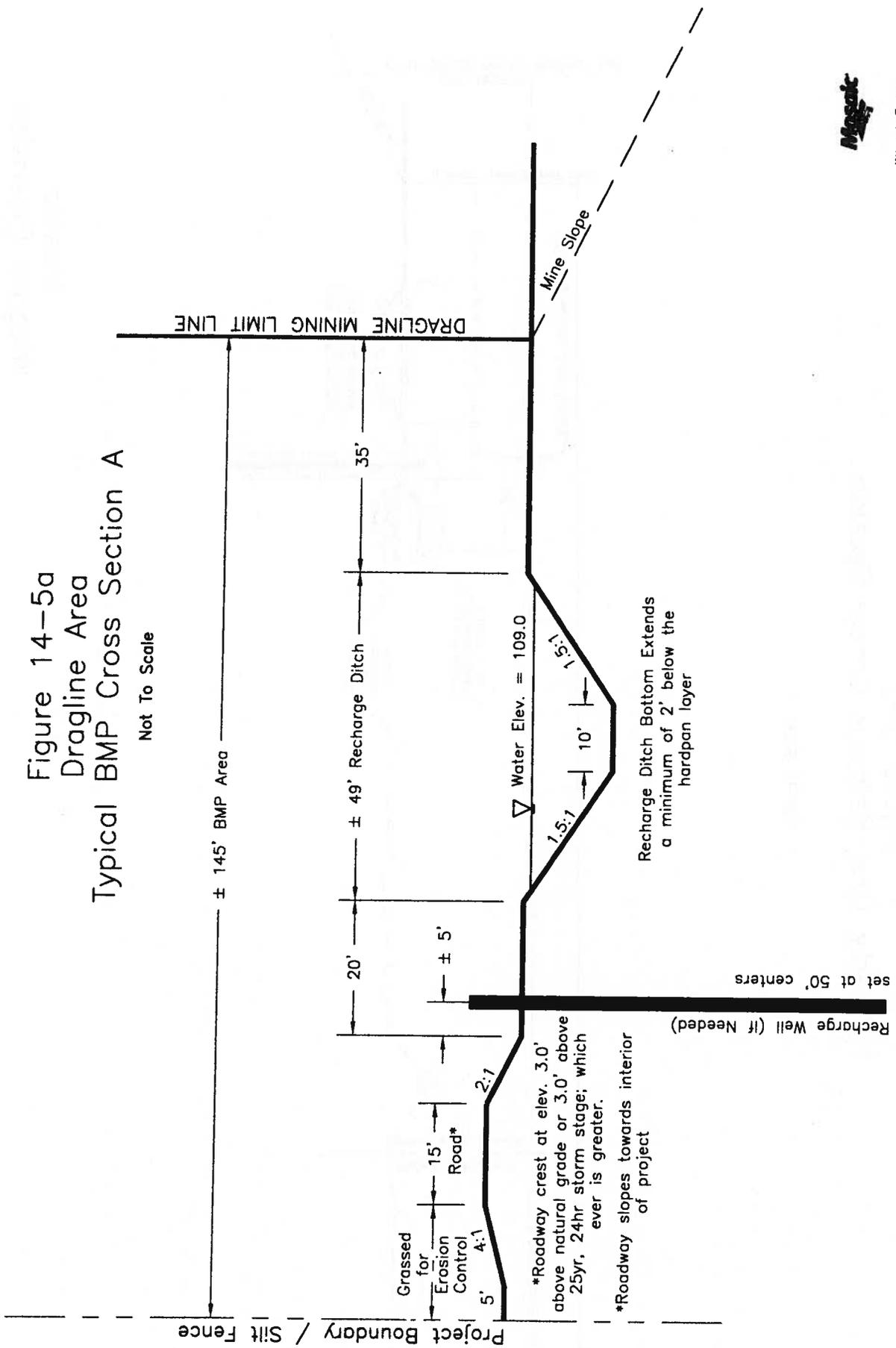
Not To Scale



Mosaic
Wingate Extension
MMP

Figure 14-5a
 Dragline Area
 Typical BMP Cross Section A

Not To Scale



*Roadway crest at elev. 3.0' above natural grade or 3.0' above 25yr, 24hr storm stage; which ever is greater.

*Roadway slopes towards interior of project

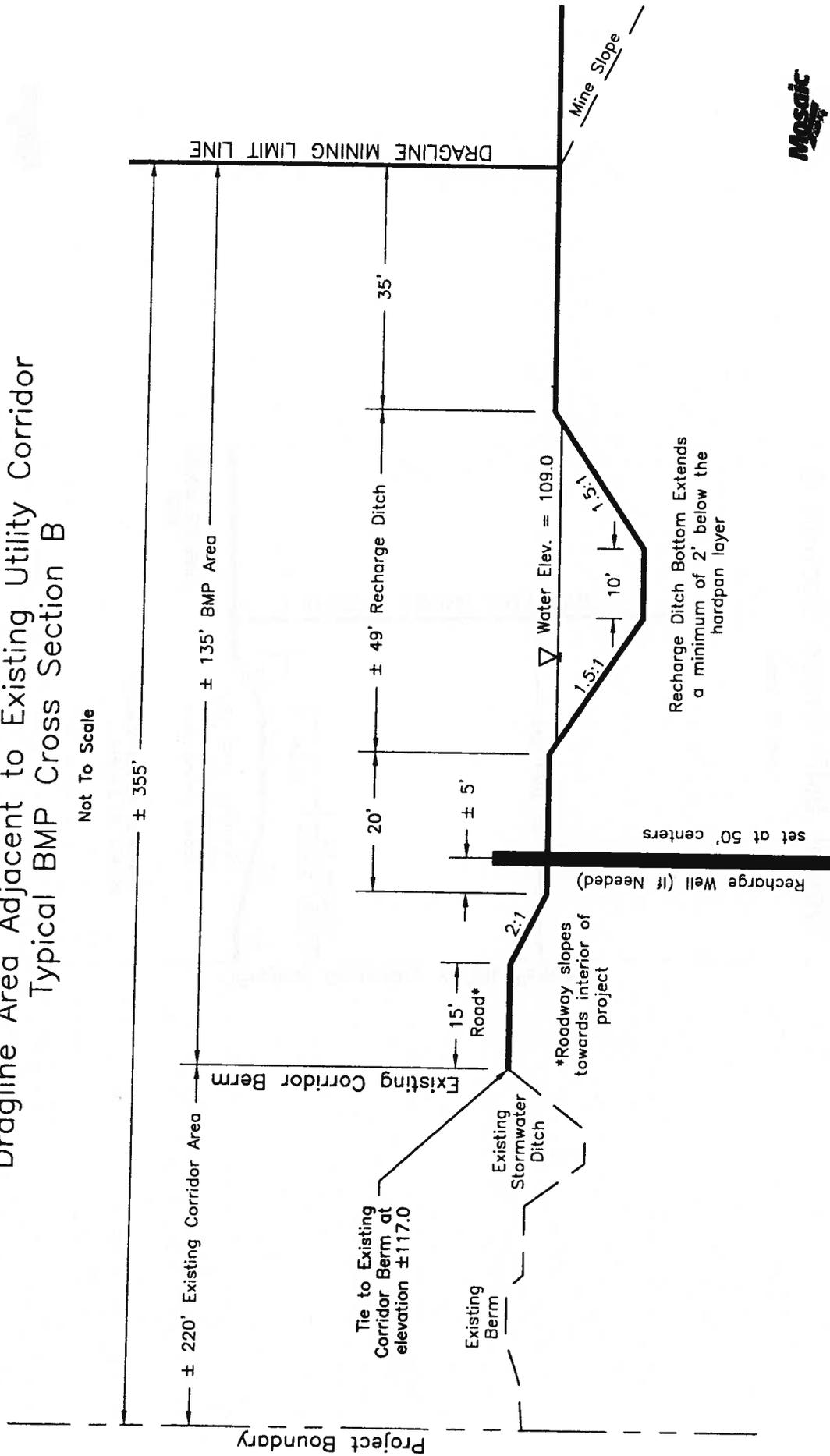


Wingate Extension
 DRI Application
 DRI 272

Figure 14-5a
 Dragline Area
 Typical BMP Cross Section A

Figure 14-5b
 Dragline Area Adjacent to Existing Utility Corridor
 Typical BMP Cross Section B

Not To Scale



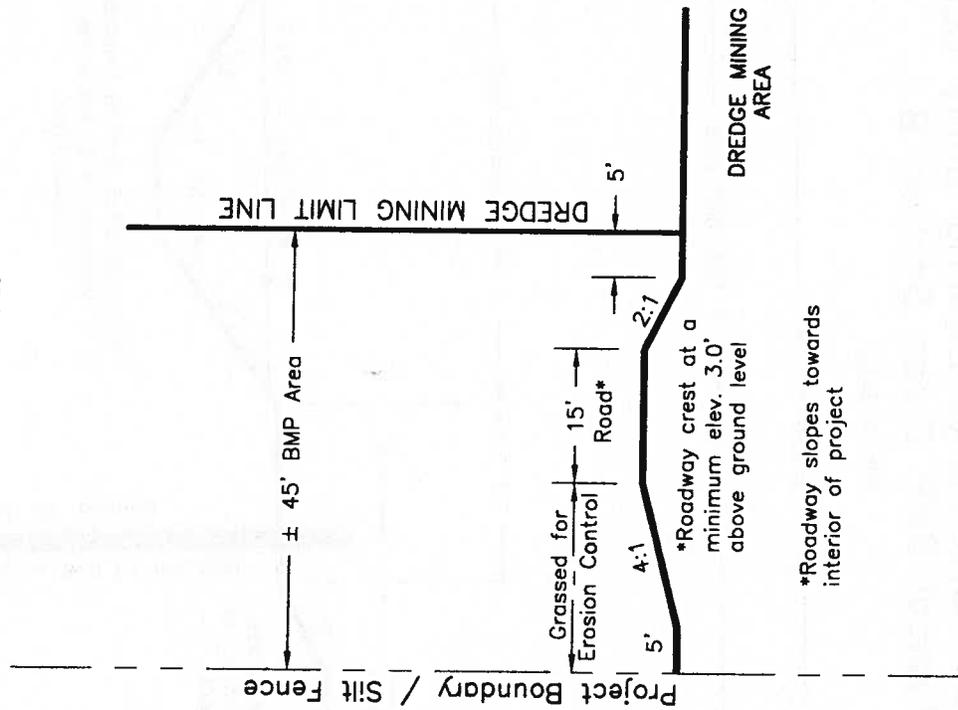
Wingate Extension
 DRU Application
 DRI 272

Figure 14-5b
 Dragline Area
 Adjacent to Existing Corridor
 Typical BMP Cross Section B

Revised Information
 ERP Application #095520-017
 RAI #1

Figure 14-5c
Dredge Area
Typical BMP Cross Section C

Not To Scale



Wingate Extension
DRI Application
DRI 272

Figure 14-5c
Dredge Area
Typical BMP Cross Section C

Exhibit C

ENVIRONMENTAL MONITORING PROGRAM

An environmental monitoring program to be developed by the applicant in accordance with section 2-20-31(22), which shall include baseline data for at least one year prior to mining activities. The applicant shall develop the monitoring program in conjunction with the Natural Resources Department;

1.0 SHALLOW GROUNDWATER

1.1 General

The Shallow Groundwater Monitoring Program (SGWMP) for the Wingate Extension is intended to 1) establish initial conditions over a one (1) year period prior to mining and 2) monitor and evaluate groundwater quality and static water levels under operational conditions through the completion of reclamation.

1.2 Monitoring

1.2.1 Groundwater Sampling Locations

The designated shallow groundwater monitoring well locations, 3591 and 3159 for the shallow groundwater quality monitoring program are shown on the drawing included in this section. Although these sites are anticipated to remain through the life of mine, if mining or mining related activities require the relocation of these sites, the new sites must be approved six (6) months before the old sites are impacted so as to give time for a minimum of six (6) months background sampling of the new sites. The relocation wells, if required shall be approved by the Natural Resources Department. Each sampling location shall consist of a small diameter well, the bottom of which shall be above the phosphate matrix but completed within the surficial aquifer. In addition to the locations mentioned above, prior to mining activities, shallow groundwater quantity shall be measured at well locations 3177 and 3178 as shown on the included drawing.

1.2.2 Sample Parameters

Shallow ground-water quality initial monitoring shall include the following parameters:

- | | |
|--|------------------|
| 1. pH | 11. Calcium |
| 2. Conductivity | 12. Magnesium |
| 3. Nitrogen-Total | 13. Sodium |
| 4. Nitrogen-Ammonia | 14. Potassium |
| 5. Nitrogen-Nitrate (NO ₃) | 15. Chloride |
| 6. Nitrogen-Nitrite (NO ₂) | 16. Fluoride |
| 7. Sulfates | 17. Iron |
| 8. Phosphorus-Total as P | 18. Gross Alpha |
| 9. Total organic Carbon (TOC) | 19. Oil & Grease |
| 10. Total Alkalinity | |

Note: Radium 226 and 228 will be analyzed for any sample in which Gross Alpha exceeds 15 pCi/L. If Oil & Grease exceeds 5 mg/L, TRPH, EPA 602, and EPA 610 will be analyzed.

1.2.3 Frequency/Duration

Groundwater Monitoring shall be conducted semi-annually in January and July for the parameters listed in Section 1.2.2. Groundwater levels will be recorded when the wells are monitored.

1.2.4 Methods

All groundwater sampling methodology will follow the current DEP Standard Operating Procedures (SOPs) for groundwater sampling (i.e. FS2200 - Groundwater Sampling) per the DEP Quality Assurance Rule, 62-160, F.A.C. Further, all associated field activities, sample preparation and handling, and laboratory activities required by this program will follow the applicable Department of Environmental Protection SOPs as specified in the DEP Quality Assurance Rule, 62-160, F.A.C.

1.2.5 Quality Control Provisions

Upon reasonable notice, split samples will be obtained to allow for Manatee County to perform an independent analysis. All sampling procedures, field activities, and laboratory activities required by this program will follow the Department of Environmental Protection Standard Operating Procedures as specified in the DEP Quality Assurance Rule, 62-160, F.A.C..

1.2.6 Schedule of Reporting

Results of shallow groundwater monitoring will be provided to Manatee County in the annual report.

2.0 INTERMEDIATE AQUIFER MONITOR WELLS

2.1 Groundwater Sampling Locations

The designated intermediate groundwater monitoring well locations, 3591 and 3159 for the intermediate groundwater quality monitoring program are shown on the drawing included in this section. Although these sites are anticipated to remain through the life of mine, if mining or mining related activities require the relocation of these sites, the new sites must be approved six (6) months before the old sites are impacted so as to give time for a minimum of six (6) months background sampling of the new sites. The relocation wells, if required shall be approved by the Natural Resources Department. Each sampling location shall consist of a small diameter well, the bottom of which shall be in the intermediate aquifer as determined by a third party hydrologist, hydrogeologist or engineer.

2.2 Sample Parameters

Same as 1.2.2 above.

2.3 Frequency/Duration

Same as 1.2.3 above

2.4 Methods

Same as 1.2.4 above

2.5 Quality Control Provisions

Same as 1.2.5 above

2.6 Schedule of Reporting

Same as 1.2.6 above

3.0 STREAM MONITORING

3.1 General

This section of the monitoring program was developed in consultation with the Manatee County Natural Resources Department to insure water quality of the stream systems located in the vicinity of the site.

3.2 Station Locations

The designated stream monitoring location is identified as TEXSWQ-4 on the attached drawing.

3.3 Sample Parameters

- | | |
|---|-------------------------------------|
| 1. pH | 15. Solids – Total Suspended Solids |
| 2. Temperature | 16. Sulfates – SO ₄ |
| 3. Turbidity | 17. Gross Alpha |
| 4. Fluoride | 18. Color |
| 5. Dissolved Oxygen | 19. Chlorophyll a |
| 6. Conductivity | 20. Chloride |
| 7. Phosphorus – Total P | 21. Silica |
| 8. Ortho Phosphate | 22. Sodium |
| 9. Nitrogen - Ammonia | 23. Calcium |
| 10. Nitrogen - Kjeldahl | 24. Potassium |
| 11. Nitrogen - Nitrate/Nitrite (NO _x) | 25. Magnesium |
| 12. Nitrogen - Total | 26. Iron |
| 13. Fixed Solids | 27. Alkalinity |
| 14. Solids - TDS | 28. Oils & Greases |

Radium 226 & 228 will be analyzed for any sample in which Gross Alpha exceeds 15 pCi/l. If parameter 28 exceeds 5 mg/liter, TRPH, EPA 602 and EPA 610 will be analyzed.

3.4 Methods

Grab samples will be obtained for analysis. Surface water sample collection shall be in accordance with current DEP SOPs for surface water sampling (i.e. FS2100 – Surface Water Sampling) per the DEP Quality Assurance Rule, 62-160, F.A.C.. Further, all associated field activities, sample preparation and handling, and laboratory activities required by this program will follow the applicable Department of Environmental Protection SOPs as specified in the DEP Quality Assurance Rule, 62-160, F.A.C.

3.5 Quality Control Provisions

Upon reasonable notice, split samples will be obtained to allow for the County to perform an independent analysis.

3.6 Frequency/Duration

Samples will be collected on a monthly basis for the first year of active mining. Sampling frequency will be reduced to quarterly after the first year of active mining, contingent on the approval of the Manatee County Natural Resources Department.

3.7 Schedule of Reporting

Results of stream monitoring will be provided to Manatee County on a yearly basis, unless otherwise requested.

4.0 RADIATION IN SOILS

The Florida Department of Health now administrates radiation monitoring. They are responsible for pre-mining and post-reclamation monitoring, sampling, analysis and reporting. Mosaic will supply Manatee County with the results of their efforts when release of reclaimed areas is requested pursuant to Phosphate Mining Code Chapter 2-20 and Wingate Extension MMP conditions of approval.

5.0 GENERAL REPORTING REQUIREMENTS

5.1 Recipients of Monitoring Reports

Results of all elements of the environmental monitoring program should be reported at the intervals indicated in each section to the following County offices:

- One copy to the Manatee County, Natural Resources Department
- One copy to the Manatee county, Mining Coordinator
- Mosaic will provide all information as required by Manatee County ordinances and statues.

5.2 Report Contents

Monitoring reports should present the following information where applicable, in a clear concise format.

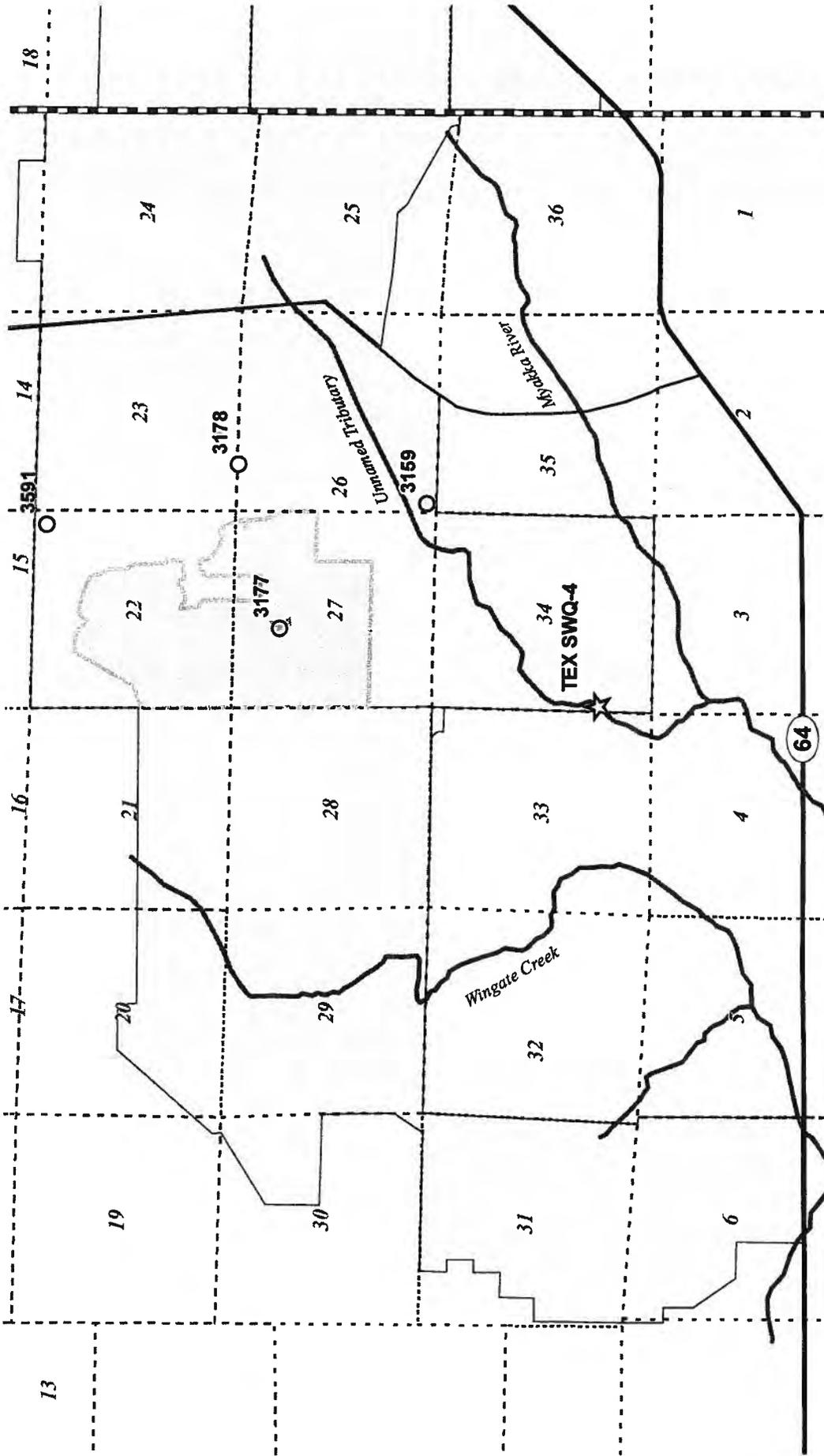
- type of station
- station identification number
- name and affiliation of sample collector
- date and time of sample collection or measurement
- results of laboratory analysis or field measurement with units of measure indicated.
- comments on any unusual conditions or circumstances in connection with the sample collection or analysis and notation of any deviations from the approved monitoring program procedures. Reports shall also note any variances from applicable standards. Any results, which fall outside of the control limits established by the laboratory performing the analysis, should also be reported.

6.0 MODIFICATION OF MONITORING PROGRAM

The Environmental Monitoring Program may be amended in accordance with the Manatee County Code of Laws, section 2-20-33(c) (4). The purpose of such modification is to add or delete sampling to reflect new developments in mining and sampling technology which may improve both sampling and environmental quality. This will allow for unnecessary stations and/or parameters to be eliminated, while additional ones may be added if they are proven to be required.

7.0 OTHER MONITORING PROGRAMS

All environmental monitoring information required by agencies other than Manatee County will be submitted to the County. This monitoring information shall be submitted in conjunction with its transmittal to the specific regulatory agency.



Legend

| | |
|--|---------------------------------|
| | Wingate Extension |
| | Other Mosaic Property |
| | Section Lines |
| | County Lines |
| | Waterways |
| | Surfacewater Monitoring Station |
| | Groundwater Monitoring Station |



**Wingate Extension
Exhibit C**

Monitoring Map

User: jam Date: 12/17/2004
Path: G:\projects\2010\2010_0285\MMP\mon\monitoring.mxd