



DOAR

Development Order Amendment Report

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DRI #235 - MOSAIC SOUTHEAST TRACT MANATEE COUNTY

On September 10, 2018, Manatee County rendered Local Development Agreement (LDA) No. 17-03 to the Tampa Bay Regional Planning Council. The LDA, adopted by the Manatee County Board of County Commissioners on May 24, 2018, rescinded and supplanted the Southeast Tract DRI Development Order. From this point forward, the project will now be administered strictly at the local level.

BACKGROUND

On December 19, 2000, the Manatee County Board of County Commissioners adopted Ordinance No. 00-49 as a Development Order for the project. The Ordinance authorized the addition of two parcels to the Four Corners Mine land holdings. Approval was initially granted for the disturbance of 2,152 acres, inclusive of mining, of the overall 2,508-acre project site. The parcels are located in northeast Manatee County, south of State Road 62 and adjacent to the Hardee County line. These parcels are referred to as the "Southeast Tract Addition" or "Parcels 5 and 6" and are located in Section 36, Township 33S, Range 22E, and Sections 1, 2, 11, 12, 13, and 14 in Township 34S, Range 22E.

The Development Order has been amended once, on May 1, 2008 (Ordinance No. 08-20). The Amendment authorized: recognition of new owner/developer as Mosaic Fertilizer, LLC; changed the name of the project to "Mosaic Southeast Tract"; added 103-acre Wingate Corridor Parcel to the Southeast Tract Mine for use as a pipeline and access utility corridor; revised the beneficiation plants to which the ore may be transported for processing to include the Wingate Creek beneficiation plant; allow Mosaic the flexibility to pump the matrix to the closest available plant; revised the waste disposal plan; updated the mine and reclamation plan to account for the above changes; approved the Wingate Corridor to cross Duette Road; and extended the mining period and the Development Order expiration by three year periods (to March 2, 2018 and December 31, 2024, respectively). Inclusive of the recognized 103 acre expansion, the project now encompasses 2,611 acres of which 2,217 acres is approved for disturbance, inclusive of mining. However, the authorized mineable acreage does not appear to be specified.

DISCUSSION

Through the previously-administered annual reporting process, it was identified/estimated that a total of 1,737 acres had been mined and 413 acres had been disturbed to facilitate future mining. Reclamation activities consisted of 994 acres graded, 994 acres grassed/mulched and trees planted on 389 acres. The Developer had determined that reclamation efforts associated with 985 acres to be "effectively completed" although no corresponding acreage had been released by the County as of the date of the last Annual Report period (i.e. July 30, 2017).

The statutory references applicable to rescission/abandonment of this Development Order are stated as follows:

“A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but is no longer required to undergo development-of-regional-impact review by operation of a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651, shall be governed by the following procedures: [Subsection 380.115(1), F.S.]

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures for rescission in paragraph (b)...

(b) If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed.” [The City has affirmed that “all mitigation required for Phase 1 of the DRI has been completed.”]

In addition, Section 47(1)(a) of SB1752, enacted as part of the 2010 legislative session, reads as follows:

The Legislature hereby reauthorizes... (a) Any exemption granted for any project for which an application for development approval has been approved or filed pursuant to s. 380.06, Florida Statutes, or for which a complete development application or rescission request has been approved or is pending, and the application or rescission process is continuing in good faith, within a development that is located in an area that qualified for an exemption under s. 380.06, Florida Statutes, as amended by chapter 2009-96, Laws of Florida...

RECOMMENDATION

The rescission of the Mosaic Southeast Tract DRI Development Order appears to be in accordance with all statutory provisions including those citations identified above.

It is recommended that the State Land Planning Agency concur with the rescission of the DRI Development Order as authorized by Manatee County for DRI #235 - Mosaic Southeast Tract.

GENERAL LOCATION MAP

