

ATTACHMENT 5

DESOTO COUNTY, FLORIDA ORDINANCE 2015- 01

AN ORDINANCE OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR COMPREHENSIVE PLAN AMENDMENT LS 2014-01 AMENDING THE DEFINITION SECTION, THE FUTURE LAND USE AND CONSERVATION ELEMENTS OF THE 2030 DESOTO COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, a proper application, herein after identified as LS 2014-01, was initiated by Mosaic Fertilizer, LLC for amendment to the DeSoto County 2030 Comprehensive Plan; and

WHEREAS, duly advertised public transmittal hearings were held by the DeSoto County Planning Commission, acting as the Local Planning Agency, on July 1, 2014, and by the DeSoto County Board of County Commissioners on July 22, 2014, pursuant to Sections 163.3184 (3) and (5), F. S.; and

WHEREAS, following the public hearing, the DeSoto County Board of County Commissioners, approved transmittal of the proposed Amendment LS 2014-01 to state, regional and local agencies for review and comment; and

WHEREAS, upon receipt of DeSoto County's proposed Comprehensive Plan Text Amendment, various State agencies and the Department of Economic Opportunity (DEO) reviewed the proposed amendment (LS 2014-01) for consistency with Chapter 163.F.S.; and

WHEREAS, DeSoto County, upon receipt of the written comments from DEO and other state and regional review agencies held a duly advertised adoption public hearing on January 27, 2015, , to receive public comment on the proposed amendment to the 2030 DeSoto County Comprehensive Plan pursuant to and in compliance with m Chapter163, Part II, Florida Statutes.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

SECTION 2. The DeSoto County Board of County Commissioners hereby adopts Comprehensive Plan Amendment LS2014-01, attached hereto as Exhibit "A" and incorporated by reference herein, pursuant to and in compliance with Chapter163, Part II, Florida Statutes.

SECTION 3. In the event any portion of the foregoing conflicts with any other DeSoto County Code or other applicable law, the more restrictive shall apply. If any subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of the chapter.

SECTION 4. The effective date of this plan amendment shall be the date a final order is issued by the Division of Community Planning or the Administration Commission finding the amendment is "in compliance" as defined in Section 163.3184, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be

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effective status, a copy of which resolution shall be sent to the Florida Department of Economic Opportunity, Division of Community Planning, Plan Processing Team.


PASSED AND DULY ADOPTED in DeSoto County, Florida, this 27th day of January 2015.

ATTEST:

DESOTO COUNTY BOARD OF
COUNTY COMMISSIONERS




Mandy Hiles
County Administrator



Gabriel Quave
Chairman

Approved as to form and legal sufficiency:



Donald D. Conn
County Attorney

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EXHIBIT A Proposed Text Amendments

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1.0 Definitions

1.1 Reclamation

Current Definition in Comprehensive Plan

Reclamation: The alteration and/or restoration of land, after a mining activity, establishing land suitable for agriculture, development, recreation, lakes, wetlands, or other natural environments.

Proposed Definition

Reclamation: The reshaping of mined-lands in a manner that meets the reclamation criteria and standards contained in Section 378.207, Florida Statutes, and is consistent with the reclamation criteria and standards of the Generalized Phosphate Mining Overlay Designation of the Comprehensive Plan (Objective 1.12b and its related policies).

1.2 Restoration

Current Definition in Comprehensive Plan

None. Conservation Element Policy 1.7.11 while not providing a definition describes the process of restoration, "... to put back the same thing that had previously existed, i.e., restore the type, nature and function of the ecosystem to the condition in existence prior to mining."

Proposed Definition

Restoration: The re-contouring and re-vegetation of lands in a manner, consistent with the criteria and standards of Chapter 378, Florida Statutes, which will maintain or improve the water quality and function of the biological systems present at a site prior to mining.

1.3 Ecological Value

Current Definition in Comprehensive Plan

None.

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Proposed Definition

Ecological value: The value of functions performed by uplands, wetlands, and other surface waters to the abundance, diversity, and habitats of fish, wildlife, and listed species. These functions include, but are not limited to, providing cover and refuge; breeding, nesting, denning, and nursery areas; corridors for wildlife movement; food chain support; and natural water storage, natural flow attenuation, and water quality improvement, which enhances fish, wildlife, and listed species utilization.

1.4 Mitigation

Current Definition in Comprehensive Plan

None. Conservation Element Policy 1.5.6 – includes a description “...mitigation activities are intended and designed to restore wetland areas to their natural conditions, including water flows, hydroperiods, and native vegetative communities...”

Proposed Definition

Mitigation: An action or series of actions to offset the adverse impacts that would otherwise cause a reduction of ecological value to the area being impacted. Mitigation usually consists of restoration, enhancement, creation, preservation, or a combination thereof.

1.5 Phosphate Mining Corridors

Current Definition in Comprehensive Plan

None. Policy 1.12b.3(j) states: “Corridor crossings of the 100-year floodplain of Horse Creek and its direct tributaries as identified on Map I-7 of the Future Land Use Map Series shall be allowed for access of rail transportation, draglines, and utilities in accordance with permitting and approval by appropriate agencies.”

Proposed Definition

Phosphate Mining Corridor: Utility corridors or access connections that provide infrastructure links and connections to the beneficiation plant (including mine areas) for linkage to: power supply, rail, public roadways or transportation systems for the movement of personnel, mine equipment or materials. Typically, mine access corridors are internal to the mine and are used for power supply (power lines), railroads, pipelines for the transportation of water, slurry or other materials, conveyance systems and mining equipment movement (including draglines) between mining areas or the beneficiation plant.

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2.0 Proposed Amended Policies – Future Land Use Element

Current Policy In Comprehensive Plan

Policy 1.12.2: Conservation Overlay Designation Uses. This designation is not intended to prevent development, but rather to identify environmentally sensitive areas (i.e. floodplains and wetlands) that need to be reviewed carefully during the development review process to determine whether mitigation or conservation protection are needed. If the areas are determined not to be environmentally sensitive, then the underlying future land use category is applicable. The following uses are specifically prohibited from being located within Conservation Areas:

- (1) Junkyards, gas station, and vehicle repair facilities.
- (2) The use or storage of hazardous materials or wastes on the Florida Substance List shall be restricted in the 100-year floodplain.
- (3) New underground fuel and other hazardous chemicals within these areas. Existing facilities are required to demonstrate that adequate technology is being employed on-site to isolate the facilities from the water supply.
- (4) Residential Development greater than a density of 1 unit per 10 gross acres and non-residential development greater than a FAR of 0.10 unless stated herein. All development shall be clustered to non-wetland portions of any site and buffered from the wetland appropriately.
- (5) Agricultural uses shall utilize "Best Management Practices" published in conjunction with the US Department of Agriculture.

Proposed Policy Language

Policy 1.12.2: Conservation Overlay Designation Uses. This designation is not intended to prevent development, but rather to identify environmentally sensitive areas (i.e. floodplains and wetlands) that need to be reviewed carefully during the development review process to determine whether mitigation or conservation protection are needed. If the areas are determined not to be environmentally sensitive, then the underlying future land use category is applicable. The following uses are specifically prohibited from being located within Conservation Areas:

- (1) Junkyards, gas station, and vehicle repair facilities.
- (2) The use or storage of hazardous materials or wastes on the Florida Substance List shall be restricted in the 100-year floodplain, except that such use or storage pursuant to phosphate mining within the Generalized Phosphate Mining Overlay Designation shall be restricted within that portion of the 100-year floodplain shown on Map I-7 and as regulated by the Florida Department of Environmental Protection.
- (3) New underground fuel and other hazardous chemicals within these areas. Existing facilities are required to demonstrate that adequate

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technology is being employed on-site to isolate the facilities from the water supply.

(4) Residential Development greater than a density of 1 unit per 10 gross acres and non-residential development greater than a FAR of 0.10 unless stated herein. All development shall be clustered to non-wetland portions of any site and buffered from the wetland appropriately.

(5) Agricultural uses shall utilize "Best Management Practices" published in conjunction with the US Department of Agriculture.

Current Policy In Comprehensive Plan

Policy 1.12.6: The County shall prohibit all development within, and direct development away from wetlands, unless otherwise approved by the appropriate reviewing agency.

- (1) When wetland impacts cannot be avoided, DeSoto County shall require a specific management plan to be prepared by the developer, which results in no net loss of wetlands and which includes necessary modifications to the proposed development, specific setback and buffers, and the location of development away from site resources, to protect and preserve the natural functions of the resource
- (2) The minimum setback shall be 15 feet and the average of all setbacks from the wetland resource shall be 25 feet, unless otherwise permitted by the appropriate reviewing agency.
- (3) Areas designated as natural buffers shall preserve all natural vegetative cover, except where drainage ways and access ways are approved to cross the buffer. Buffers may be supplemented only with native trees, shrubs and ground covers.

Proposed Policy Language

Policy 1.12.6: The County shall prohibit all development within, and direct development away from wetlands, unless otherwise approved by the appropriate reviewing agency. Site enhancement for conservation purposes and Best Management Practices, including, without limitation, the use of isolation berms to protect water quality and prevent wildlife from migrating into development areas shall not be deemed "development" for the purpose of this policy, when used pursuant to phosphate mining.

- (1) When wetland impacts cannot be avoided, DeSoto County shall require a specific management plan to be prepared by the developer, which results in no net loss of wetlands or wetland function and which includes necessary modifications to the proposed development, specific setback and buffers, and the location of development away from site resources, to protect and preserve the natural functions of the resource.

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- (2) The minimum setback shall be 15 feet and the average of all setbacks from the wetland resource shall be 25 feet, unless otherwise permitted by the appropriate reviewing agency. Best Management Practices, including, without limitation, the use of isolation berms to protect water quality and prevent wildlife from migrating into development areas shall be permitted within the setback areas, when used pursuant to phosphate mining.
- (3) Areas designated as natural buffers shall preserve all natural vegetative cover, except where drainage ways, and access ways or phosphate mining corridors are approved to cross the buffer, or when contrary to Best Management Practices. Buffers may be supplemented only with native trees, shrubs and ground covers.

Current Policy In Comprehensive plan

Policy 1.12.10: Wetlands, rivers, streams, floodplains, habitat of threatened or endangered species and species of special concern, prime agricultural lands, prime groundwater recharge areas, historically significant sites or other environmentally sensitive areas which cannot be restored shall be identified by a property owner or developer prior to any development approval, and protected by a prohibition on mining activities within those areas and the establishment of buffer zones around them. Such restoration shall be consistent with standards established by all federal, state and local agencies having jurisdiction.

Proposed Policy Language

Policy 1.12.10: Wetlands, rivers, streams, floodplains, habitat of threatened or endangered species and species of special concern, prime agricultural lands, prime groundwater recharge areas, historically significant sites or other environmentally sensitive areas which cannot be restored or mitigated shall be identified by a property owner or developer prior to any development approval, and protected by a prohibition on mining activities within those areas and the establishment of buffer zones around them. Properties within the Generalized Phosphate Mining Overlay Designation as shown on Map I-7, shall restore, mitigate, or reclaim such areas consistent with the requirements of the Generalized Phosphate Mining Designation (Future land Use Element Objective 1.12b and its related policies) and the County's Phosphate Mining Ordinance. ~~Such restoration shall be consistent with standards established by all federal, state and local agencies having jurisdiction.~~

Current Policy In Comprehensive Plan

Policy 1.12b.3: Generalized Phosphate Mining Overlay Designation development standards. Phosphate mining activity must comply with the following minimum criteria:

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- (a) Submit and receive approval of an Operating Permit for a Phosphate Mining Master Plan in conjunction with a zoning approval, as required by the Land Development Code;
- (b) Be appropriately buffered from agriculture and residential uses according to the requirements of the Land Development Regulations;
- (c) Reclaim all wetlands impacted by mining as required by the Conservation Element and the Land Development Regulations;
- (d) Prohibit extraction in those portions of Horse Creek which are classified as wetlands in areas identified on Map I-7 of the Future Land Use Map Series;
- (e) Establish a buffer zone from preserved wetlands and other surface waters as determined through the state environmental resource permitting process of Chapter 373 F.S., or through the development of regional impact process of Section 380.06 F.S. and in accordance with the Future Land Use Element, Conservation Element and Land Development Regulations;
- (f) Mining extraction shall be prohibited from the historically unaltered portions of the direct tributaries to Horse Creek (including, but not limited to, Brandy Branch and Buzzard Roost Branch), which lie within the Generalized Phosphate Mining Overlay Designation and are identified on Map I-7 of the Future Land Use Series;
- (g) Seepage wetland area located outside of the 100-year floodplain shall be identified and evaluated through the state environmental resource permitting process of Chapter 373 F.S. to determine the level of protection provided to them.
- (h) A minimum setback of 50 feet from the 100-year floodplain of Horse Creek and its direct tributaries as identified on Map I-7 of the Future Land Use Map Series shall be required for mining activities unless otherwise permitted by the appropriate reviewing agency through the environmental permitting process of Chapter 373 F.S. and in accordance with the Future Land Use Element, Conservation Element and Land Development Regulations.
- (i) The use of Best Management Practices such as berms and monitoring wells shall be implemented within the 50-foot setback area referenced in (h) above in order to ensure that the direct tributaries and floodplains of Horse Creek and the Peace River, natural functions of soils, fisheries, wildlife habitat and listed species are protected and maintained.
- (j) Corridor crossings of the 100-year floodplain of Horse Creek and its direct tributaries as identified on Map I-7 of the Future Land Use Map Series shall be allowed for access or rail transportation, draglines, and utilities in accordance with permitting and approval by appropriate agencies.
- (k) Exceptions to these policies may be allowed on a case-by-case basis, when it is determined through the state environmental

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resource permitting process of Chapter 373 F.S. that the exception would result in improving water quality and habitat protection or would otherwise meet the public interest test implemented under Part IV of Chapter 373 F.S.

- (l) All mining activity shall be consistent with all other policies of this Plan, specifically including but not limited to all mining policies contained within the Conservation Element.

Proposed Policy Language

Policy 1.12b.3: Generalized Phosphate Mining Overlay Designation development standards. Phosphate mining activity must comply with the following minimum criteria and with the applicable County ordinances and the Land Development Regulations:

- (a) Submit and receive approval of an Operating Permit for a Phosphate Mining Master Plan in conjunction with a zoning approval, ~~as required by the Land Development Code;~~
- (b) Be appropriately buffered from agriculture and residential uses ~~according to the requirements of the Land Development Regulations;~~
- (c) Reclaim all wetlands impacted by mining as required by the Conservation Element ~~and the Land Development Regulations;~~
- (d) Prohibit extraction in those portions of Horse Creek which are classified as wetlands in areas identified on Map I-7 of the Future Land Use Map Series;
- (e) Establish a buffer zone from preserved wetlands and other surface waters as determined through the state environmental resource permitting process of Chapter 373 F.S., or through the development of regional impact process of Section 380.06 F.S. and in accordance with the Future Land Use Element, ~~and Conservation Element and Land Development Regulations;~~
- (f) Mining extraction shall be prohibited from the historically unaltered portions of the direct tributaries to Horse Creek (including, but not limited to, Brandy Branch and Buzzard Roost Branch), which lie within the Generalized Phosphate Mining Overlay Designation and are identified on Map I-7 of the Future Land Use Series;
- (g) Seepage wetland area located outside of the 100-year floodplain shall be identified and evaluated through the state environmental resource permitting process of Chapter 373 F.S. to determine the level of protection provided to them;
- (h) A minimum setback of 50 feet from the 100-year floodplain of Horse Creek and its direct tributaries as identified on Map I-7 of the Future Land Use Map Series shall be required for mining activities unless otherwise permitted by the appropriate reviewing agency through the environmental permitting process of Chapter 373 F.S. and in accordance with the Future Land

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Use Element, and Conservation Element ~~and Land Development Regulations;~~

- (i) The use of Best Management Practices such as berms and monitoring wells shall be implemented within the 50-foot setback area referenced in (8) above in order to ensure that the direct tributaries and floodplains of Horse Creek and the Peace River, natural functions of soils, fisheries, wildlife habitat and listed species are protected and maintained;
- (j) Phosphate mining Corridor crossings and encroachments of the 100-year floodplain of Horse Creek and its direct tributaries and other protected floodplains as identified on Map I-7 of the Future Land Use Map Series shall be limited to those crossing(s) and encroachments approved by the Florida Department of Environmental Protection through the Environmental Resource Permitting for the mine, allowed for access or rail transportation, draglines, and utilities in accordance with permitting and approval by appropriate agencies;
- (k) Exceptions to these policies may be allowed on a case-by-case basis, when it is determined through the state environmental resource permitting process of Chapter 373 F.S. that the exception would result in improving water quality and habitat protection or would otherwise meet the public interest test implemented under Part IV of Chapter 373 F.S.; and
- (l) All mining activity shall be consistent with all other policies of this Plan, specifically including but not limited to all mining policies contained within the Conservation Element.

3.0 Proposed Amended Policies – Conservation Element

Current Policy In Comprehensive Plan

Policy 1.5.6: Mitigation activities for impacting wetland areas will be permitted when the mitigation activities are intended and designed to restore the wetland areas to their natural conditions, including water flows, hydroperiods, and native vegetative communities. Mitigation of wetland impacts will be allowed when permits authorizing the mitigation have been obtained from the Southwest Florida Water Management District, the Florida Department of Environmental Protection, and/or the U.S. Army Corps of Engineers, as applicable. The rate of mitigation shall be one-to-one, or as specified by the permitting authorities, whichever is more restrictive.

Proposed Policy Language

Policy 1.5.6: Mitigation activities for impacting wetland areas will be permitted when the mitigation activities are intended and designed to restore the wetland areas to their natural conditions, including water flows, hydroperiods, and native

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vegetative communities. Mitigation of wetland impacts will be allowed when permits authorizing the mitigation have been obtained from the Southwest Florida Water Management District, the Florida Department of Environmental Protection, and/or the U.S. Army Corps of Engineers, as applicable. The rate of mitigation shall be one-to-one, or as specified by the permitting authorities, whichever is more restrictive. However, if approved by the permitting authorities, it shall be acceptable to reclaim wetlands impacted by phosphate mining with smaller, higher quality wetland systems or to remove isolated wetlands if the mitigation plan improves the overall wetland system.

Current Policy Language In Comprehensive Plan

Policy 1.5.9: Phosphate mining shall be prohibited in those portions of the Peace River, Horse Creek, Joshua Creek, and Prairie Creek, which are classified as forested wetlands.

Proposed Policy Language

Policy 1.5.9: Phosphate mining shall be prohibited in those portions of the Peace River, Horse Creek, Joshua Creek, and Prairie Creek, which are classified ~~as forested wetlands shown on Map I-7.~~

Current Policy Language In Comprehensive Plan

Policy 1.6.4: Phosphate mining shall be prohibited in those portions of the 100 year floodplain of the Peace River, Horse Creek, Joshua Creek, and Prairie Creek, which are classified as forested wetlands.

Proposed Policy Language

Policy 1.6.4: Phosphate mining shall be prohibited in those portions of the 100 year floodplain of the Peace River, Horse Creek, Joshua Creek, and Prairie Creek, which are classified ~~as forested wetlands shown on Map I-7.~~

Current Policy Language In Comprehensive Plan

Policy 1.7.10: Resource extraction which will result in adverse effect on environmentally sensitive areas, which cannot be restored to environmentally sound condition, shall be prohibited.

Proposed Policy Language

Policy 1.7.10: Resource extraction which will result in a reduction of ecological value of the area subject to such resource extraction ~~adverse effect on environmentally sensitive areas~~, which cannot be mitigated, reclaimed or

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restored to environmentally sound condition, shall be prohibited. For phosphate mining, a permit authorizing mitigation, reclamation or restoration of environmentally sensitive areas obtained from the Southwest Florida Water Management District, the Florida Department of Environmental Protection, and/or the U.S. Army Corps of Engineers, as applicable, and is consistent with standards and criteria of the Generalized Phosphate Mining Overlay Designation of the Comprehensive Plan (Objective 1.12b and its related policies), shall evidence that the resource extraction will not result in a reduction of ecological value of the area subject to such resource extraction.

Current Policy Language In Comprehensive Plan

Policy 1.7.11: Wetlands, rivers, streams, floodplains, habitat of threatened or endangered species and species of special concern, prime agricultural lands, prime groundwater recharge areas, historically significant sites or other environmentally sensitive areas which cannot be restored shall be identified and protected by a prohibition on mining activities within those areas and the establishment of buffer zones around them. Restoration is defined as: "to put back the same thing that had previously existed, i.e., restore the type, nature and function of the ecosystem to the condition in existence prior to mining."

Proposed Policy Language

Policy 1.7.11: Wetlands, rivers, streams, floodplains, habitat of threatened or endangered species and species of special concern, prime agricultural lands, prime groundwater recharge areas, historically significant sites or other environmentally sensitive areas which cannot be restored, mitigated, or reclaimed shall be identified and protected by a prohibition on mining activities within those areas and the establishment of buffer zones around them. Technological limitations and economic considerations must be recognized in the consideration of appropriate restoration, mitigation, or reclamation activities. ~~Restoration is defined as: "to put back the same thing that had previously existed, i.e., restore the type, nature and function of the ecosystem to the condition in existence prior to mining."~~

Current Policy Language In Comprehensive Plan

Policy 1.9.7: By 2010, the County shall regulate and/or prohibit the following activities in areas identified as being environmentally sensitive and in areas containing endangered and/or threatened wildlife, to ensure that such areas are preserved:

- a. The removal, excavation, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
- b. The changing of existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;

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- c. The disturbance of the environmentally sensitive area's water level or water table by drainage, impoundment, or other means;
- d. The dumping or discharging of material, or the filling of an environmentally sensitive area with material;
- e. The placing of fill or the grading or removal of material that would alter topography;
- f. The destruction or removal of plant life that would alter the character of an environmentally sensitive area or wildlife habitat; and
- g. The conduct of an activity that results in a significant change of water temperature, a significant change of physical or chemical characteristics of environmentally sensitive area water sources, or the introduction of pollutants.

Proposed Policy Language

Policy 1.9.7: By 2010, the County shall regulate and/or prohibit the following activities in areas identified as being environmentally sensitive and in areas containing endangered and/or threatened wildlife, to ensure that such areas are preserved:

- a. The removal, excavation, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind except for phosphate mining within the Generalized Phosphate Mining Overlay Designation, which shall be regulated to ensure that such areas are preserved, mitigated, reclaimed, or restored;
- b. The changing of existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
- c. The disturbance of the environmentally sensitive area's water level or water table by drainage, impoundment, or other means;
- d. The dumping or discharging of material, or the filling of an environmentally sensitive area with material;
- e. The placing of fill or the grading or removal of material that would alter topography;
- f. The destruction or removal of plant life that would alter the character of an environmentally sensitive area or wildlife habitat; and
- g. The conduct of an activity that results in a significant change of water temperature, a significant change of physical or chemical characteristics of environmentally sensitive area water sources, or the introduction of pollutants.

ATTACHMENT 6

PROPOSED ORDINANCE

DESOTO COUNTY

ORDINANCE NO. 2018 –

AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING DISTRICT ATLAS IDENTIFIED IN CODE OF ORDINANCES CHAPTER 20, LAND DEVELOPMENT REGULATIONS, ARTICLE II, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO MOSAIC FERTILIZER, LLC AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZ 2016-05) TO CHANGE FROM AGRICULTURE 10 (A-10) TO PHOSPHATE MINING-INDUSTRIAL (PM-I) THE ZONING DISTRICT OF 14,057.50+ACRES OF LAND GENERALLY LOCATED NORTH OF SW ADAMS ROAD, SOUTH OF THE DESOTO/HARDEE COUNTY LINE, WEST OF NE COUNTY ROAD 661, AND EAST OF THE DESOTO/MANATEE/SARASOTA COUNTY LINE, THE LEGAL DESCRIPTION WHICH IS INCLUDED IN EXHIBIT A; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 14th, 2016, Mosaic Fertilizer, Inc. filed with the DeSoto County Development Department and Official Zoning District Atlas (RZ 2016-05) and fee to change from Agriculture 10 (A-10) to Phosphate Mining-Industrial (PM-I) the zoning district of 14,057.50+acres of land generally located north of SW Adams Road, south of the DeSoto/Hardee County line, west of NE County Road 661, and east of the DeSoto/Manatee/Sarasota County line ; and

WHEREAS, the Interim 2040 Future Land Use Map shows that the property undergoing the Official Zoning District Atlas amendment is designated Rural/Agricultural with a Generalized Phosphate Mining-Overlay; and

WHEREAS, the Phosphate Mining-Industrial zoning district is the specific zoning district intended to implement the Generalized Phosphate Mining-Overlay; and

WHEREAS, consistent with LDR Section 20-1404, on February 13th, 2018 the Board adopted Resolution No. 2018-02 which authorized the use of alternative public hearing procedures for complex quasi-judicial public hearings; and

WHEREAS, consistent with LDR Sections 20-1497 and 20-1498, the Development Director prepared a staff report addressing the 15 factors the Planning Commission must consider when making a recommendation to the Board of County Commissioners on an Official Zoning Atlas amendment application; and

WHEREAS, consistent with LDR Section 20-1502, the Development Director caused a

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duly noticed public hearing to be published at least ten calendar days before the June 5th and 6th, 2018 Planning Commission meeting; and

WHEREAS, at the duly noticed June 6th, 2018 Planning Commission public hearing, the Planning Commission entered into the record the Development Department Report and all other competent substantial evidence presented at the public hearing, adopted findings and conclusions, and forwarded the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be adopted; and

WHEREAS, on July 24th and July 25th, 2018, the DeSoto Board of County Commissioners (Board) held a duly noticed public hearing on application number RZ 2016-05, and the Board considered the Development Department Report and recommendation, the Planning Commission recommendation and all competent substantial evidence presented at the Planning Commission public hearing, all other competent substantial evidence presented at the Board public hearing, and determined that the application complies with the DeSoto County Comprehensive Plan, the Land Development Regulations and all other applicable regulations; and

WHEREAS, the Board finds adoption of this Ordinance is in the best interest of the residents of DeSoto County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. *Whereas clauses incorporated.* The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Ordinance.

Section 2. *Findings and conclusions.* The Development Department Report and the public hearing records are the findings and conclusions to support the adoption of this Ordinance and is incorporated herein by reference.

Section 3. *Rezoning granted.* Mosaic Fertilized, Inc is hereby granted an Official Zoning District Atlas amendment (RZ 2016-05) changing from Agriculture 10 (A-10) to Phosphate Mining-Industrial (PM-I) the zoning district of 14,057.50+acres of land generally located north of SW Adams Road, south of the DeSoto/Hardee County line, west of NE County Road 661, and east of the DeSoto/Manatee/Sarasota County line, the legal description which is included in Exhibit A.

Section 4. *Codification.* The provisions of this Ordinance shall become and be made a part of the Land Development Regulations and staff is hereby directed to amend the Official Zoning District Atlas to codify the map change approved by this Ordinance.

Section 5. *Effective date.* This Ordinance shall take effect immediately upon its adoption.

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PASSED AND DULY ADOPTED this 26th, day of July, 2018.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF DESOTO COUNTY, FLORIDA**

By: _____
Mandy J. Hines
County Administrator

By: _____
James F. Selph, Chairman
Chair, Board of County Commissioners

Approved as to Form and Correctness:

By: _____
Donald D. Conn
County Attorney

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PROPOSED ORDINANCE

LEGAL DESCRIPTION

MOSAIC & IMC/AGRICO – DESOTO COUNTY **TO BE REZONED TO PM-I**

All totaling 9,467.4 acres more or less described as follows:

IN TOWNSHIP 37 SOUTH, RANGE 23 EAST, DESOTO COUNTY, FLORIDA

Section 1: The N-1/2 of SE-1/4, the SE-1/4 of SE-1/4, and the S-1/2 of SE-1/4 of NE-1/4.

Section 2: (a) The SE 1/4 of the SW 1/4 of Section 2 also known as Eckle & Eckle Addition to Pine Level Subdivision (now vacated), recorded in Plat Book 4, page 40, DeSoto County, Florida:

(b) A parcel of land formerly known as Lots 19, 20, 21, 22, 23 and 24, Block H, First Addition to Pine Level, as recorded in Plat Book 4, Page 47, Public records of DeSoto County, Florida, together with the West 1/2 of Mizell Avenue (now vacated) lying East of and adjacent to said Lot 24, extending to the centerline of Grace Street and the North 1/2 of Grace Street (now vacated) lying South of and adjacent to Lots 19 through Lot 24, extending to the centerline of Mizell Avenue, all in the Southwest Quarter of the Southwest Quarter, Section 2, Township 37 South, Range 23 East, DeSoto County, Florida.

Together with all right, title and interest the Grantor may have in and to each platted street(s) abutting the Grantor's lot(s).

Said East 1/2 of Plat closed by resolution recorded in O.R. Book 63, Page 263.

(c) Lots 9 and 10, Block P, Callahan's Second Addition to Pine Level, as per Plat Book 4, page 48 of the Public Records of DeSoto County, Florida, in Section 2, Township 37 South, Range 23 East.

Said Plat being closed by Resolution recorded in O.R. Book 63, page 261, Public Records. DeSoto County, Florida.

Section 5: All of Section 5 lying south of State Road 70.

Section 6: (a) BEGINNING at the SE corner of Section 6; thence north 89°46'43" west along the south line of Section 6 a distance of 801.14 feet; thence north 00°20'22" east and parallel to the east line of said Section 6 a distance of 1,945.34 feet to a point on the southerly right-of-way line of State Road No. 70; thence south 65°00'05" east along said right-of-way line 881.53 feet to a point on the east line of said Section 6; thence southerly along said east line 1579.90 feet more or less to the point of beginning.

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(b) That part of Section 6 lying within the following described land: Commence at the southwest corner of Section 6, Township 37 South, Range 23 East, for POINT OF BEGINNING; thence north 00°19'20" east along the west line of said Section 6, 4,107.15 feet to a point on the southerly right-of-way line of State Road No. 70, thence south 64°59'40" east along said right-of-way, 1,320.75 feet, thence south 25°00'20" west, 7.00 feet, thence north 64°59'40" west and parallel to said right-of-way, 452.00 feet, thence north 67°33'02" west 224.22 feet, thence south 72°44'30" west, 29.73 feet, thence south 25°00'20" west, 150.00 feet, thence south 28°49'10" west, 180.40 feet, thence south 25°00'20" west, 127.21 feet to a point of curvature of a curve to the left having a delta angle of 24°41'00", a radius of 1,844.86 feet and an arc distance of 794.78 feet, thence southerly along arc of said curve, 794.78 feet to point of tangency of said curve, thence south 00°19'20" west and parallel to and 180 feet east of the west line of said Section 6, 2,503.05 feet, thence south 89°40'40" east, 400.00 feet, thence south 00°21'02" west, 500.00 feet to a point in Section 7, Township 37 South, Range 23 East, thence north 89°38'22" west, 400.00 feet, thence south 00°21'38" west and parallel to and 180 feet east of the west line of said Section 7, 2,275.00 feet, thence south 89°38'22" east, 435.00 feet, thence south 00°21'38" west and parallel to west line of said Section 7, 550.00 feet, thence north 89°38'22" west, 420.00 feet, thence south 00°21'38" west and parallel to west line of said Section 7, 375.00 feet, thence north 89°38'22" west, 15.00 feet, thence south 00°21'38"¹¹ west, 1,743.32 feet to a point on the south line of said Section 7, thence south 89°50'32" west along said south line, 130.005 feet to a point lying 50 feet east of the west line of said Section 7; thence north 00°21'38" east and parallel to and 50 feet east of the west line of said Section 7, 3,444.64 feet, thence north 89°38'22" west, 50.00 feet to a point on the west line of said Section 7, thence north 00°21'38" east along said west line, 1,869.89 feet to the point of beginning.

(c) A 20 foot strip of land lying northerly of and adjacent to State Road No. 70 in Section 6, Township 37 South, Range 23 East, DeSoto County, Florida, described as follows: Commence at the southwest corner of said Section 6, thence north 0°19'20" east along the west line of said Section 6, 4,253.52 feet to a point on the northerly right-of-way line of State Road No. 70, thence south 64°59'40" east along said right-of-way, 130.70 feet to POINT OF BEGINNING; thence continue same line 1,251.17 feet, thence north 25°00'20" east, 20.00 feet, thence north 64°59'40" west and parallel to said right-of-way, 1,251.17 feet, thence south 25°00'20" west, 20.00 feet to point of beginning.

Section 7:

That part of Section 7 lying within the following described land: Commence at the southwest corner of Section 6, Township 37 South, Range 23 East, for POINT OF BEGINNING; thence north 00°19'20" east along the west line of said Section 6, 4,107.15 feet to a point on the southerly right-of-way line

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of State Road No. 70, thence south 64°59'40" east along said right-of-way, 1,320.75 feet, thence south 25°00'20" west, 7.00 feet, thence north 64°59'40" west and parallel to said right-of-way, 452.00 feet, thence north 67°33'02" west 224.22 feet, thence south 72°44'30" west, 29.73 feet, thence south 25°00'20" west, 150.00 feet, thence south 28°49'10" west, 180.40 feet, thence south 25°00'20" west, 127.21 feet to a point of curvature of a curve to the left having a delta angle of 24°41'00", a radius of 1,844.86 feet and an arc distance of 794.78 feet, thence southerly along arc of said curve, 794.78 feet to point of tangency of said curve, thence south 00°19'20" west and parallel to and 180 feet east of the west line of said Section 6, 2,503.05 feet, thence south 89°40'40" east, 400.00 feet, thence south 00°21'02" west, 500.00 feet to a point in Section 7, Township 37 South, Range 23 East, thence north 89°38'22" west, 400.00 feet, thence south 00°21'38" west and parallel to and 180 feet east of the west line of said Section 7, 2,275.00 feet, thence south 89°38'22" east, 435.00 feet, thence south 00°21'38" west and parallel to west line of said Section 7, 550.00 feet, thence north 89°38'22" west, 420.00 feet, thence south 00°21'38" west and parallel to west line of said Section 7, 375.00 feet, thence north 89°38'22" west, 15.00 feet, thence south 00°21'38"¹¹ west, 1,743.32 feet to a point on the south line of said Section 7, thence south 89°50'32" west along said south line, 130.005 feet to a point lying 50 feet east of the west line of said Section 7; thence north 00°21'38" east and parallel to and 50 feet east of the west line of said Section 7, 3,444.64 feet, thence north 89°38'22" west, 50.00 feet to a point on the west line of said Section 7, thence north 00°21'38" east along said west line, 1,869.89 feet to the point of beginning.

Section 8: That part of Section 8 lying south of State Road 70 and lying east of the following described line: Commence at the southeast corner of Section 8; thence north 89°00'12" west along the south line of said Section 8, a distance of 2,853.32 feet to the POINT OF BEGINNING; thence north 09°30'30" west 3,890.00 feet; thence north 24°33'47" west 1,590.78 feet to a point on the north line of Section 8 and to the POINT OF TERMS of said described line.

Section 9: All of Section 9 lying south of State Road 70.

Section 10: (a) The SE-1/4 of SE-1/4 of NE-1/4, and the NE-1/4 of SE-1/4.

(b) BEGIN at the northwest corner of Section 10, and run thence south 1°26'29" west, along the west boundary thereof 250 feet, thence south 89°17'41" east parallel to the north boundary thereof 5,029.26 feet to a point 250 feet west of the east boundary of Section 10, thence south 1°10'41" west parallel to said east boundary thereof 1,745.92 feet to the south boundary of the N-1/2 of SE-1/4 of NE-1/4 of said Section 10, thence south 89°06'55" east along the south boundary of the N-1/2 of SE-1/4 of NE-1/4 250 feet to the east boundary of said

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Section 10, thence north 1°10'41" east along the east boundary 1,996.71 feet to the northeast corner of Section 10, thence north 89°17'41" west along the north boundary thereof 5,278.11 feet to the POINT OF BEGINNING.

(c) That part of the SW-1/4 of SE-1/4 of Section 10 lying south of State Road 70, LESS that part of the following described land lying within the SW-1/4 of SE-1/4 of said Section 10: Commence at the southwest corner of the SW-1/4 of SE-1/4 of Section 10 and run thence south 88°49'50" east along the south boundary of Section 10 a distance of 172.83 feet to the POINT OF BEGINNING, run thence north 1°02'08" east 216.81 feet, thence south 88°31'09" east 617.25 feet, thence south 0°52'51" west 236.7 feet, thence north 88°38'09" west 617.88 feet, thence north 1°02'07" east 21.14 feet to the POINT OF BEGINNING.

(d) All of Blocks 26 through 29, inclusive, of Kellison & Berry's Re-subdivision of Durnace and Treadwell's Addition to Pine Level, Plat Book 5, page 94, DeSoto County, Florida, LESS State Road 70 (being that part of the SE-1/4 of SE-1/4 of Section 10 lying south of State Road 70.

(e) That part of the SW-1/4 lying south of State Road 70 (as such road existed on May 16, 1975).

Section 11:

(a) A parcel of land formerly known as Lots 1 and 2 in Block I of Callahan Addition to Pine Level, as recorded in Plat Book 4, page 39 of the Public Records of DeSoto County, Florida, together with the South 1/2 of Wamsley Street (now vacated) lying North of and adjacent to said Lots 1 and 2, and the East 1/2 of Louisiana Ave (now vacated) lying West of and adjacent to Lot 1, extending to the centerline of Wamsley Street, all in the Northwest Quarter of the Northwest Quarter, Section 11, Township 37 South, Range 23 East, DeSoto County, Florida.

Together with all right, title and interest the Grantor may have in and to each platted street(s) abutting the Grantor's lot(s).

Said Plat being closed by Resolution recorded in O.R. Book 63, page 265, Public Records, DeSoto County, Florida.

(b) A parcel of land formerly known as Lots 3,4,5 and 6 in Block I of Callahan Addition to Pine Level, as recorded in Plat Book 4, page 39 of the Public Records of DeSoto County, Florida, together with the South 1/2 of Wamsley Street (now vacated) lying North of and adjacent to said Lots 3 through Lot 6, all in the Northwest Quarter of the Northwest Quarter, Section 11, Township 37 South, Range 23 East, DeSoto County, Florida.

Together with all right, title and interest the Grantor may have in and to each platted street(s) abutting the Grantor's lot(s).

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Said Plat being closed by Resolution recorded in O.R. Book 63, page 265, Public Records, DeSoto County, Florida.

Section 12: The NW 1/4 of the NW 1/4 of the NW 1/4.

And That part of the E-1/2 of NE-1/4 lying north of the following described line: Commence at the northeast corner of Section 12, Township 37 South, Range 23 East, thence south 00°44' 51" west along the east line of said Section 12, a distance of 1567.39 feet to the POINT OF BEGINNING; thence north 89°59'26" west 1390.53 feet more or less to the west boundary of said E-1/2 of NE-1/4 and to the POINT OF TERMINUS of said described line.

Section 13: The S-1/2 of SW-1/4 of SW-1/4, and the SE-1/4 of SW-1/4, and not included in the land described as: BEGIN at the southwest corner of the S-1/2 of NW-1/4 of SE-1/4, run thence north 0°52' east along the west line of said S-1/2 of NW-1/4 of SE-1/4, 41.67 feet to the POINT OF BEGINNING, thence continue north 0°52' east 437.31 feet to the south right-of-way line of State Road 70, thence south 65°03' east along said right-of-way line 178.45 feet, thence south 24°57' west 399.24 feet to the POINT OF BEGINNING.

(b) BEGIN at the southeast corner of the SE-1/4 of NE-1/4 of SW-1/4 and run thence north 0°52' east along the east line of said SE-1/4 of NE-1/4 of SW-1/4, 478.98 feet to the south right-of-way line of State Road 70, thence north 65°03' west along said right-of-way line 71.55 feet to the east right-of-way of Horse Creek Channel, thence south 24°57' west along the east right-of-way of Horse Creek Channel 219.26 feet, thence south 35°57' west along said east right-of-way 382.18 feet to the south line of said SE-1/4 of NE-1/4 of SW-1/4, thence south 89°51'30" east along the south line of the SE-1/4 of NE-1/4 of SW-1/4, 374.49 feet to the POINT OF BEGINNING.

Section 14: The W-1/2 of NE-1/4 lying south of the south right-of-way for State Road 70 and the E-1/2 of NW-1/4 lying south of the south right-of-way for State Road 70 and LESS that part of Block P of EAST ADDITION TO NEW PINE LEVEL, Plat Book 2, page 147, lying south of State Road 70, and the NW-1/4 of NW-1/4 lying north of State Road 70.

Section 15: All of Section 15, LESS the N-1/2 of S-1/2 of NE-1/4 of SE-1/4 and LESS that part of the following described land lying within the NW-1/4 of NE-1/4 of said Section 15: Commence at the southwest corner of the SW-1/4 of SE-1/4 of Section 10, Township 37 South, Range 23 East, and run thence south 88°49'50" east along the south boundary of Section 10 a distance of 172.83 feet to the POINT OF BEGINNING, run thence north 1°02'07" east 216.81 feet, thence south 88°31'09" east 617.25 feet, thence south 0°52'51" west 236.7 feet, thence

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north 88°38'09" west 617.88 feet, thence north 1°02'07" east 21.14 feet to the POINT OF BEGINNING.

Section 16: All.

Section 22: (a) Commence at the southwest corner of Section 22, thence north 3°26'30" west 25.83 feet to fence corner for POINT OF BEGINNING, thence south 89°57'40" east along fence 1,117.91 feet to fence corner, thence north 0°03'20" west along fence 203.0 feet to fence corner, thence south 87°24'40" east along fence 204.92 feet to fence corner, thence north 0°17'30" east along fence 998.71 feet to fence corner, thence north 65°29' east along fence 26.13 feet to fence corner, thence north 17°35'10" east along fence 362.67 feet to fence corner, thence north 53°28' east along fence 166.87 feet to fence corner, thence south 55°08'30" east along fence 501.45 feet to fence corner, thence north 5°26'30" east along fence 1,034.96 feet to fence corner, thence north 84°00'20" west along fence 1,089.80 feet to fence corner, thence north 4°58' west along fence 1,323.86 feet to fence corner, thence north 84°57'20" west along fence 615.0 feet to fence corner, thence north 85°18' west along fence 267.46 feet to fence corner, thence south 0°37'20" west along fence 1,285.23 feet to fence corner, thence south 0°19' west along fence 2,614.92 feet to POINT OF BEGINNING, LESS commence at the southwest corner of the SW-1/4 of SW-1/4 of said Section 22, said southwest corner of SW-1/4 of SW-1/4 of Section 22 being in the approximate center of a public road known as Pine Level Road, and run thence north 3°26'30" west 25.83 feet to the north right-of-way line of the road, thence along the north right-of-way line of the road south 89°57'40" east 1,017.91 feet, more or less, to a point 100 feet west of the southwest corner of the land that was on July 9, 1981, occupied by Pine Level United Methodist Church ("church land"), such point being the POINT OF BEGINNING, thence continue south 89°57'40" east 100 feet to the southwest corner of the church land, thence north 0°03'20" west along the west boundary of the church land 203 feet to the northwest corner of the church land, thence south 87°24'40" east along the north boundary of the church land 204.91 feet to the northeast corner of the church land, thence north 0°17'30" east 100 feet, thence north 87°24'40" west 305.62 feet, thence south 0°03'20" east 307.48 feet to the POINT OF BEGINNING.

(b) Begin at the common corner of Section 15, 16, 21 and 22, the same being marked by an iron axle in the center of a graded county road and being known as the "Scott Kimbrell Corner" described in instrument recorded in Chancery Order Book 20, page 481, DeSoto County, Florida, run thence south 4°43'30" east along the east section line of said Section 21 a distance of 1,313.74 feet to the southeast corner of the NE-1/4 of NE-1/4 of said Section 21 and the POINT OF BEGINNING, thence continue the same course along the east section line of

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said Section 21, 1,290.60 feet to a point of intersection with a fence line, said point lying 23.15 feet northwesterly of the southeast corner of the NE-1/4 of said Section 21, as measured along the east line of said section, thence south 89°45'34" east 231.33 feet to a fence corner, thence north 0°37'20" east along fence line 1,264.78 feet to a point of intersection with south boundary of the NW-1/4 of NW-1/4 of said Section 22, thence north 86°20'25" west 352.10 feet along said south boundary to the POINT OF BEGINNING; BEING ALSO DESCRIBED AS: BEGIN at the southwest corner of Section 22, run thence north 0°19' east 2,614.92 feet to a fence corner and the POINT OF BEGINNING, thence north 0°37'20" east 1,264.78 feet to a point of intersection with the south boundary of NW-1/4 of NW-1/4 of said Section 22, thence north 86°20'25" west along said south boundary 352.10 feet to the southeast corner of the NE-1/4 of NE-1/4 of Section 21, Township 37 south, Range 23 East, DeSoto county, Florida, thence south 4°43'30" east along the east boundary of said Section 21 a distance of 1,290.60 feet to a point of intersection with a fence line, said point lying 23.15 feet northwesterly of the southeast corner of the NE-1/4 of said Section 21, as measured along the east line of said Section 21, thence south 89°45'34" east to the POINT OF BEGINNING, all lying in the SW-1/4 of NW-1/4 of Section 22.

It is intended that, in the event of any conflict or discrepancy between the fence lines and fence corners, on the one hand, and the courses and distances set forth in the foregoing description, on the other, the calls by courses and distances shall control.

(c) The N-1/2 of NW-1/4 and the SE-1/4 of NW-1/4 and the W-1/2 of NE-1/4.

(d) The property lying between the east boundary of the SE-1/4 of Section 21, Township 37 South, Range 23 East, DeSoto County, Florida, LESS the E-3/4 of N-1/2 of NE-1/4 of SE-1/4 of Section 21, and the fence line presently existing to the east thereof also described as: BEGIN at the southwest corner of Section 22, Township 37 south, Range 23 East, run thence north 4°43'30" west along the west line of said section 22, 1,970.62 feet, thence south 86°26'27" east 171.76 feet to fence line, thence south 0°19'0" east along said fence 1,927.51 feet to fence corner, thence south 3°26'30" east 25.83 feet to POINT OF BEGINNING.

LESS the following portions of Section 22:

TRACT ONE:

Commence at the southwest corner of the SW-1/4 of SW-1/4 of Section 22, Township 37 South, Range 23 East, DeSoto County, Florida; thence north 03°26'30" west 25.83 feet to a point on the north maintained right-of-way line of Pine Level Road for a point of beginning; thence south 89 ° 57' 40" east,

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along said north maintained right-of-way line, a distance of 563.32 feet; thence north 01°32'50" east 760.33 feet; thence north 89°26'31" west 578.89 feet; thence south 00°22'24" west 765.33 feet to the point of beginning.

TRACT TWO:

Commence at the southwest corner of the SW-1/4 of SW-114 of Section 22, Township 37 South, Range 23 East, DeSoto County, Florida; thence north 03°26'30" west 25.83 feet to a point on the north maintained right-of-way line of Pine Level Road; thence south 89°57'40" east, along said right-of-way line, a distance of 563.32 feet to a point of beginning; thence continue south 89°57'40" east, along said right-of-way line, a distance of 454.59 feet; thence north 00°03'20" west 307.48 feet; thence south 87°24'40" east 39.11 feet; thence north 00°03'20" west 450.05 feet; thence north 89°26'31" west 472.42 feet; thence south 01°32'50" west 760.33 feet to the point of beginning.

TRACT THREE:

Commence at the southwest corner of the SW-1/4 of SW-1/4 of Section 22, Township 37 South, Range 23 East, DeSoto County, Florida; thence north 03°26'30" west 25.83 feet to a point on the north maintained right-of-way line of Pine Level Road; thence south 89°57'40" east, along said right-of-way line, a distance of 1,017.91 feet; thence north 00°03'20" west 307.48 feet; thence south 87°24'40" east 39.11 feet for a point of beginning; thence continue south 87°24'40" east 266.51 feet; thence north 00°17'30" east 459.47 feet; thence north 89°26'31" west 269.03 feet; thence south 00°03'20" east 450.05 feet to the point of beginning.

Section 23: The north 250 feet of the SE-1/4 of SE-1/4, and the west 250 feet of the SE-1/4 of SE-1/4.

Section 24: (a) The NE-1/4 of NW-1/4, and the NW-1/4 of NW-1/4 of NE-1/4, and the W-1/2 of SW-1/4 of NW-1/4 of NE-1/4, and the W-1/2 of NE-1/4 of NW-1/4 of NE-1/4

(b) The north 250 feet of the SW-1/4 of SW-1/4.

Section 26: The north 250 feet of the NW-1/4, and that part of the north 250 feet of NW-1/4 of NE-1/4 lying west of county road.

Section 33: (a) The N-1/2 LESS that part of the NE-1/4 of SW-1/4 of NE-1/4 described as follows: BEGIN at the northeast corner of the NE-1/4 of SW-1/4 of NE-1/4, run thence west 466.7 feet, thence south 466.7 feet, thence east 466.7 feet, thence north 466.7 feet to the POINT OF BEGINNING; BEING ALSO DESCRIBED

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AS: BEGIN at the northeast corner of Section 33, run thence north 89°12'30" west along the north line of said Section 33 a distance of 1,346.91 feet, run thence south 0°33'40" west 1,320.14 feet to the POINT OF BEGINNING, thence continue on the same course 466.70 feet, thence north 89°12' west 466.70 feet, thence north 0°33'40" east 466.70 feet, thence south 89°12' east 466.70 feet to the POINT OF BEGINNING.

(b) The S-1/2 LESS that part of the SE-1/4 of SE-1/4, if any, lying south of State Road 72.

(c) An undivided one-sixth (or possibly one-third) interest in that part of the SE-1/4 of SE-1/4, if any lying south of State Road 72.

Section 34: The NW-1/4 of NW-1/4, and the NE-1/4 of SW-1/4 of NW-1/4 and the W-1/2 of SW-1/4 of NW-1/4.

IN TOWNSHIP 38 SOUTH, RANGE 23 EAST, DESOTO COUNTY, FLORIDA

Section 4: (a) All LESS the NE-1/4 of SE-1/4.

(b) That portion of Section 4 lying east and north of the east and north boundaries, respectively, of said Section 4, as determined by Cravens, included in the following description: BEGIN at the northwest corner of Section 4, and run thence north 89°07'57" east along the "Carlton Line" a distance 6,069.13 feet, thence south 2°33' west along the "Carlton Line" a distance of 2,649.53 feet, thence south 88°56'56" west 657.14 feet to the east section line of said Section 4, thence north 0°17'35" east along said east section line 2,499.13 feet to the northeast corner of said Section 4 (by Cravens), thence south 89°15'58" west along the north section line of said Section 4 (by Cravens) 5,306.73 feet to the POINT OF BEGINNING.

(c) That portion of Section 4 lying east of the east boundary of said Section 4, as determined by Cravens, included in the following description: BEGIN at the northwest corner of Section 4, and run thence north 89°07'57" east along the "Carlton Line" a distance of 6,069.13 feet, thence south 2°33' west along the "Carlton Line" a distance of 2,649.53 feet, thence south 2°46'53" west along the "Carlton Line" 2,660.65 feet to a point, said point being the southeast corner of said Section 4 (by Carlton) and the POINT OF BEGINNING, thence north 89°21'56" west 544.44 feet to a point, said point being the southeast corner of said Section 4 (by Cravens), thence south 89°37'39" west along the south boundary of said section 2,624.54 feet to a point, said point being the southwest corner of the S-1/2 of SE-1/4 of said Section 4 (by Cravens), thence north 0°00'24" east a distance of 1,314.93 feet to a point, said point being the northwest corner of the S-1/2 of SE-1/4 of said Section 4 (by Cravens), thence north 89°31'28" east 2,632.67 feet, thence south 89°45'09" east 600.45 feet to a

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point of intersection with the "Carlton Line" hereinabove described, thence south 2°46'53" west along said "Carlton Line" 1,324.71 feet to the POINT OF BEGINNING.

The recitation of monuments in the foregoing description is intended for descriptive purposes only, and the calls by courses and distances shall control the references to monuments.

References to corners by Cravens refer to corners established by double proportional measurement from the following section corners in this township and range established by the DeSoto County surveyor of the same name, to wit: the common corner of Sections 5, 6, 7 and 8, and the common corner of Sections 8, 9, 16 and 17. The northwest corner of said Section 4 lying as follows with respect to such common corners, to wit: (a) from the common corner of said Sections 5, 6, 7 and 8, run thence north 88°50'10" east 5,253.32 feet to the southwest corner of said Section 4, thence north 0°18'24" west 5,240.67 feet to the northwest corner of said Section 4, and (b) from the common corner of said Sections 8, 9, 16 and 17, run thence north 0°31'36" east 5,240.83 feet to the southwest corner of said Section 4, thence north 0°18'24" west 5,240.67 feet to the northwest corner of said section 4.

Section 5: All LESS road right-of-way for State Road 72.

Section 8: All

Section 9: (a) All.

(b) That portion of Section 9 lying east of the east boundary of Section 9, as determined by Cravens, included in the following description: BEGIN at the northwest corner of Section 4, and run thence north 89°07'57" east along the "Carlton Line" a distance of 6,069.13 feet, thence south 2°33' west along the "Carlton Line" a distance of 2,649.53 feet, thence south 2°46'53" west along the "Carlton Line, 2,660.65 feet to the POINT OF BEGINNING, run thence south 0°24'23" west 663.78 feet, thence south 0°27'41" west 663.47 feet, thence south 0°11'51" west 1,323.74 feet, thence south 0°41'52" west 1,316.75 feet, thence south 0°25'07" west 1,318.67 feet, thence north 89°05'49" west 564.50 feet to the southeast corner of Section 9, Township 38 south, Range 23 East, DeSoto County, Florida (Cravens Corner), thence north 0°39'14" east along the east line of said Section 9, a distance of 5,283.71 feet to the southeast corner of said Section 4 (Cravens Corner), run thence south 89°21'56" east 544.44 feet to the POINT OF BEGINNING.

IN TOWNSHIP 37 SOUTH, RANGE 24 EAST, DESOTO COUNTY, FLORIDA

Section 4: The S-1/2 of SW-1/4, and the SW-1/4 of SW-1/4 of SE-1/4 of Section 4.

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- Section 5:** The S-1/2 LESS the E-1/2 of NW-1/4 of SE-1/4 and LESS the NE-1/4 of SE-1/4.
- Section 6:** The SE-1/4 LESS the N-1/2 of NW-1/4 of SE-1/4, and the S-3/4 of SE-1/4 of SW-1/4.
- Section 7:** All.
- Section 8:** All.
- Section 9:** All LESS the NE-1/4 of SE-1/4 of SE-1/4.
- Section 10:** (a) The south 50 feet of the SW-1/4 of SW-1/4 of SW-1/4.
(b) The south 75 feet of the SW-1/4 of SE-1/4 of SW-1/4, and the south 75 feet of the SE-1/4.
(c) The south 100 feet of the SE-1/4 of SE-1/4 of SW-1/4, and the south 100 feet of the SE-1/4 of SW-1/4 of SW-1/4.
- Section 11:** That part of the S-1/2 of SW-1/4 of SW-1/4 described as: BEGIN at the southwest corner of Section 11, run thence north 0°41'51" west along the west line of Section 11 a distance of 50.0 feet, thence north 89°13'57" east and parallel to the south line of Section 11 a distance of 746.22 feet to the PC of a curve to the left having a radius of 453.34 feet and a delta angle of 79°05'07", thence northeasterly along the arc of said curve, 540.15 feet to a point on the west right-of-way line of the Seaboard System Railroad, Inc., thence south 4°24'50" west along said right-of way line 336.86 feet to the south line of Section 11, thence south 89°13'57" west along said south line of Section 11 a distance of 1,136.98 feet to the POINT OF BEGINNING.
- Section 16:** The N-1/2 of the N-1/2 of the NW 1/4 of NW 1/4.
- Section 17:** The NW-1/4 and the N-1/2 of NE-1/4 and the W-3/4 of SW-1/4.

LEGAL DESCRIPTION

MINERAL INTEREST - LANDS [AKA: KEYS TRACT - BREWER, DIMARE, HOLLINGSWORTH] TO BE REZONED TO PM-I

All totaling 4,575.1 acres more or less described as follows:

TOWNSHIP 36 SOUTH, RANGE 23 EAST, DESOTO COUNTY, FLORIDA.

ATTACHMENT 6

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Section 19: ALL LESS the east 400 acres thereof.

Section 30: ALL.

Section 31: **(a)** The W-1/2 of SW-1/4;
 (b) The E-1/2;
 (c) The E-1/2 of SW-1/4; and
 (d) The NW-1/4 LESS the SW-1/4 of SW-1/4 of NW-1/4.

Section 32: The S-1/2.

Section 33: The S-1/2.

TOWNSHIP 37 SOUTH, RANGE 23 EAST, DESOTO COUNTY, FLORIDA.

Section 4: The W 1/2 of the W 1/2 LESS S 1/2 of the SW 1/4 of the SW 1/4 & the W 1/2 of the E 1/2 of the W 1/2 LESS SW 1/4 of the SE 1/4 of the SW 1/4.

Section 5: ALL that part lying north of State Road 70.

Section 6: **(a)** ALL that part of Section 6 lying north of State Road 70 LESS a 20 foot strip of land lying northerly and adjacent to State Road 70 described as follows:

Commence at the southwest corner of said Section 6, thence North 0°19'20" East along the west line of said Section 6, 4,253.52 feet to a point on the northerly right-of-way line of State Road 70, thence South 64°59'40" East along said right-of-way, 130.70 feet to POINT OF BEGINNING; thence continue same line 1,251.17 feet thence North 25°00'20" East, 20.00 feet, thence North 64°59'40" West and parallel to said right-of-way, 1,251.17 feet, thence South 25°00'20" West, 20.00 feet to a POINT OF BEGINNING.

(b) ALL that part of Section 6 lying south of State Road 70, LESS Parcel 1 and 2 as described below:

PARCEL 1

That part of the following described parcel lying in Section 6, Township 37 South, Range 23 East:

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PROPOSED ORDINANCE

Commence at the southeast corner of Section 8, Township 37 South, Range 23 East, for the POINT OF BEGINNING; thence North 89°00'12" West along the south line of said Section 8, a distance of 2,853.32 feet; thence North 09°30'30" West 3,890.00 feet; thence North 24°33'47" West 1,590.78 feet to a point on the south line of Section 5; thence North 88°03'58" West along said south line 1,125.91 feet to the southwest corner of said Section 5; thence North 89°46'43" West along the south line of Section 6 a distance of 801.14 feet; thence North 00°20'22" East and parallel to the east line of said Section 6 a distance of 1,945.34 feet to a point on the southerly right-of-way line of State Road 70; thence South 65°00'05" East along said right-of-way line 881.53 feet to a point on the east line of said Section 6; thence South 65°00'05" East along said right-of-way line a distance of 3,069.81 feet; thence South 65°05'39" East along said right-of-way, 1,057.10 feet; thence South 64°58'19" East along said right-of-way 1,502.33 feet to a point on the east line of said Section 8; thence South 02°08'10" East along said east line 4,572.01 feet to the POINT OF BEGINNING.

PARCEL 2

That part of the following described parcel lying in Section 6, Township 37 South, Range 23 East:

Commence at the southwest corner of Section 6, Township 37 South, Range 23 East, for POINT OF BEGINNING; thence North 00°19'20" East along the west line of said Section 6, 4,107.14 feet to a point on the southerly right-of-way line of State Road 70, thence South 64°59'40" East along said right-of-way, 1,320.75 feet, thence South 25°00'20" West, 7.00 feet, thence North 64°59'40" West and parallel to said right-of-way, 452.00 feet, thence North 67°33'02" West, 224.22 feet, thence South 72°44'30" West, 29.73 feet, thence South 25°02'20" West, 150.00 feet, thence South 28°49'10" West 180.00 feet, thence South 25°00'20" West, 127.21 feet to a point of curvature of a curve to the left having a delta angle of 24°41'00", a radius of 1,844.86 feet and an arc distance of 794.78 feet, thence southerly along arc of said curve, 794.78 feet to point of tangency of said curve, thence South 00°19'20" West and parallel to and 180 feet east of the west line of said Section 6, 2,503.05 feet, thence South 89°40'40" East, 400.00 feet, thence South 00°21'02" West, 500.00 feet to a point in Section 7, Township 37 South, Range 23 East, thence North 89°38'22" West, 400.00 feet, thence South 00°21'38" West and parallel to and 180 feet east of the west line of said Section 7, 2,275.00 feet, thence South 89°38'22" East, 435.00 feet, thence South 00°21'38" West and parallel to west line of said Section 7, 550.00 feet, thence North 89°38'22" West, 420.00 feet, thence South 00°21'38" West and parallel to west line of said Section 7, 375.00 feet, thence North 89°38'22" West 15.00 feet, thence South 00°21'38" West,

ATTACHMENT 6

PROPOSED ORDINANCE

1,743.32 feet to a point on the south line of said section 7, thence south 89°50'32" west along said south line, 130.005 feet to a point lying 50 feet east of the west line of said Section 7, thence North 00°21'38" East and parallel to and 50 feet east of the west line of said Section 7, 3,444.64 feet, thence North 89°38'22" West, 50.00 feet to a point on the west line of said Section 7, thence North 00°21'38" East along said west line, 1,869.89 feet to a POINT OF BEGINNING.

Section 7: ALL LESS that part of the following described parcel lying in Section 7: Commence at the southwest corner of Section 6, Township 37 South, Range 23 East, for POINT OF BEGINNING; thence North 00°19'20" East along the west line of said Section 6, 4,107.14 feet to a point on the southerly right-of-way line of State Road 70, thence South 64°59'40" East along said right-of-way, 1,320.75 feet, thence South 25°00'20" West, 7.00 feet, North 64°59'40" West and parallel to said right-of-way, 452.00 feet, thence North 67°33'02" West, 224.22 feet, thence South 72°44'30" West, 29.73 feet, thence South 25°00'20" West, 150.00 feet, thence South 28°49'10" West, 180.40 feet, thence South 25°00'20" West, 127.21 feet to a point of curvature of a curve to the left having a delta angle of 24°41'00", a radius of 1,844.86 feet and an arc distance of 794.78 feet, thence southerly along arc of said curve, 794.78 feet to a point of tangency of said curve, thence South 00°19'20" West and parallel to and 180 feet east of the west line of said Section 6, 2,503.05 feet, thence South 89°40'40" East, 400.00 feet, thence South 00°21'02" West, 500.00 feet to a point of Section 7, Township 37 South, Range 23 East, thence North 89°38'22" West, 400.00 feet, thence South 00°21'38" West and parallel to and 180 feet east of the west line of said Section 7, 2,275.00 feet, thence South 89°38'22" East, 435.00 feet, thence South 00°21'38" West and parallel to west line of said Section 7, 550.00 feet, thence North 89°38'22" West, 420.00 feet, thence South 00°21'38" West and parallel to west line of said Section 7, 375.00 feet, thence North 89°38'22" West, 15.00 feet, thence South 00°21'38" West, 1,743.32 feet to a point on the south line of said Section 7, thence South 89°50'32" West along said south line, 130.005 feet to a point lying 50 feet east of the west line of said Section 7, thence North 00°21'38" East and parallel to and 50 feet east of the west line of said Section 7, 3,444.64 feet, thence North 89°38'22" West, 50.00 feet to a point on the west line of said Section 7, thence North 00°21'38" East along said west line, 1,869.89 feet to a POINT OF BEGINNING.

Section 8: That part of Section 8 lying north of State Road 70 and lying west of the following described line: Commence at the southeast corner of Section 8; thence north 89°00' 12" west along the south line of said Section 8, a distance of 2,853.32 feet to the POINT OF BEGINNING; thence north 09°30'30" west 3,890.00 feet; thence north 24°33'47" west 1,590.78 feet to a point on the north line of Section 8 and to the POINT OF TERMS of said described line.

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Section 9: All that part of Section 9 lying north of State Road 70.

ATTACHMENT 7

DEVELOPMENT REVIEW COMMENTS

1. **Earl R. Hahn-Planning & Zoning Division (863-993-4806)**
 - See Development Department Report
2. **Mike Giardullo- Engineering Division (863-491-7543):**
 - The Engineering Division has no comments regarding the proposed rezoning from A-10 to PM-I.
3. **Lester Hornbake –Building Division (863-993-4811):**
 - There are no comments from Building for this property at this time.
4. **Eddie Miller- Utilities Department (863-491-7500):**
 - Utilities has no comment at this time.
5. **Donna Carver- FDOT (863-993-4634):**
 - They will need to permit any crossings, driveways, etc. with the FDOT.
 - All fence lines along SR 70 and SR 72 will need to be relocated back to the right of way lines. There are fence lines currently on FDOT right of way.
6. **Keith Keene- FDOH (863-993-4601):**
 - The Florida Department of Health has no comments.
7. **Barrie Buenaventura (813-639-9599):**
 - Received no comments
8. **Robert Womack - Sanitation (863-494-1580):**
 - Received no comments
9. **Juanita Gaitan – Public Safety Department (863-993-4811):**
 - Fire has no comments on the rezoning of the property.
10. **Jorge Hernandez- Code Enforcement Division (863-491-6165):**

ATTACHMENT 7

DEVELOPMENT REVIEW COMMENTS

- Email stated no open liens on the properties located within the Phosphate rezoning application.

ATTACHMENT 8

RESOLUTION No. 2018-02

DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2018 - 12

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, DESIGNATING THE HEARING TO BE HELD ON THE REZONING APPLICATION FILED BY MOSAIC FERTILIZER, LLC, AS A SPECIFIED QUASI-JUDICIAL HEARING IN ACCORDANCE WITH ORDINANCE 2017-20, INCLUDED AS SECTIONS 20-1401, 20-1402 AND 20-1404 OF THE DESOTO COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the DeSoto County Board of County Commissioners (the "Board") adopted Ordinance 2017-20 after public hearing before the Planning and Zoning Commission and the Board; and

WHEREAS, in adopting Ordinance 2017-20 the Board found that there was a need to clarify and distinguish the procedures by which evidentiary and procedural issues and objections will be handled in quasi-judicial hearings which present complex issues and expert testimony from multiple witnesses; and

WHEREAS, the Board further found that the rights of all persons and parties participating in quasi-judicial hearings are better protected if the procedures concerning quasi-judicial hearings include a process to be followed in more complex, specified hearings held by the Board that allows party intervention, prefilng of exhibits and qualification of expert witnesses; and

WHEREAS, the County Attorney and Planning Director have advised the Board that the hearing to be held on the rezoning application of Mosaic Fertilizer, LLC, ("Mosaic") qualifies to be designated and conducted as a Specified Quasi-Judicial Hearing under Ordinance 2017-20 due to the complex and technical nature of the issues and testimony that is anticipated to be received from multiple persons and organizations in support and in opposition to the application.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The foregoing "Whereas" clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Resolution.

Section 2. The Board finds that issues and evidence to be presented at the hearing on Mosaic's rezoning application are complex and likely to result in extensive expert testimony and/or requests by individuals or groups to present testimony, exhibits and cross examine witnesses, thereby resulting in the likelihood of a lengthy, multi-day hearing.

Section 3. The process for the conduct of specified quasi-judicial hearing established in Ordinance 2017-20 will allow all interested persons and organizations to be heard in an orderly and fair manner, and as a result, that the hearing will result in a clearer, more complete record than would otherwise be the case.

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RESOLUTION No. 2018-02

Section 4. Based on the foregoing, the Board designates the hearing to be held on Mosaic's rezoning application as a specified quasi-judicial hearing under the terms of Ordinance 2017-20, and said hearing will be conducted in accordance with the specified quasi-judicial procedures set forth in said Ordinance and included in the DeSoto County Code of Ordinances as Sections 20-1401, 20-1402 and 20-1404.

Section 5. That this Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 13th day of February 2018.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
DESOTO COUNTY, FLORIDA


Mandy Hines County Administrator


James Selph Chairman

Approved as to form and legal sufficiency:


Donald D. Conn, County Attorney