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R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

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AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AMENDMENTS TO CERTAIN SECTIONS OF CHAPTER 4, COASTAL MANAGEMENT ELEMENT; AMENDING THE PORT MANATEE MASTER PLAN DELETING OR REORGANIZING CERTAIN SECTIONS RELATING TO PORT HISTORY, FINANCE AND MARKETING; AND REVISE AND UPDATE GOALS AND OBJECTIVES RELATING TO CAPITAL IMPROVEMENTS DRAINAGE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of the County of Manatee to prepare and enforce comprehensive plans for the development of the county; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, titled "The Local Government Comprehensive Planning and Land Development Regulation Act," empowers and requires the Board of County Commissioners of the County of Manatee (a) to plan for the county's future development and growth, (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county, (c) to implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations, and (d) to establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of said Act; and

WHEREAS, Manatee County Ordinance 89-01 was adopted pursuant to general law for the purpose of providing a framework for land use and development in the unincorporated area of Manatee County; and

WHEREAS, Sections 163.3184 and 163.3187, Florida Statutes, titled "Process for Adoption of Comprehensive Plan or Amendment Thereto," and "Amendment of Adopted Comprehensive Plan," respectively, empowers the local government to develop and adopt comprehensive plan amendments; and

WHEREAS, the Manatee County Planning Commission has been established pursuant to Manatee County Ordinance 90-01; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the Board of County Commissioners of the County of Manatee, Florida by Ordinance 90-01 duly designated said Planning Commission as the Local Planning Agency for the unincorporated area of Manatee County; and

WHEREAS, the Manatee County Planning Commission, empowered by the above cited laws and ordinances, considered an amendment to the Manatee County Comprehensive Plan, altering the comprehensive plan text providing for amendments to certain sections of Chapter 4, Coastal management Element; amending the Port Manatee Master Plan deleting or reorganizing certain sections relating to Port History, Finance and Marketing; and revise and update Goals and Objectives relating to Capital Improvements Drainage; as referenced in the title of this ordinance, in order to more adequately address Manatee County's future development and growth; and

WHEREAS, the minimum statutory and plan administration requirements for public participation have been met or exceeded; and

WHEREAS, on May 5, 1993, the Manatee County Planning Commission, after due public notice, held a public hearing to consider the amendment, and forwarded its recommendation to the Board of County Commissioners as required by law; and

WHEREAS, after due public notice, the Board of County Commissioners of Manatee County received and considered the recommendation of the Manatee County Planning Commission, and held a public hearing to consider the amendment and the transmittal of the proposed amendment to the Florida Department of Community Affairs in accordance with Section 163.3184, Florida Statutes; and

WHEREAS, the State Land Planning Agency by letter dated September 13, 1993 transmitted their comments and objections on said amendment to the comprehensive plan; and

WHEREAS, said amendment to the comprehensive plan was revised as appropriate in view of comments by the State Land Planning Agency; and

93-06

"Comp Plan Amendment"

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on October 28, 1993 the Board of County Commissioners of the County of Manatee, Florida held another public hearing, with due public notice having been provided on said amended version of the comprehensive plan, and with written advance notice of such public hearing having been provided to the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearings, including appropriate changes to the Technical Support Document as needed, the recommendations of the Planning Commission, and objections, recommendations and comments of the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners has determined that the growth and development provisions initially approved are no longer appropriate because a change in circumstances has been demonstrated by the applicant;

WHEREAS, the Policies of the proposed plan amendment have been found by the Board of County Commissioners to be generally compatible and found to be consistent with the goals, objectives, and policies of the comprehensive plan; and

WHEREAS, in exercise of said authority, the Board of County Commissioners of the County of Manatee has determined it necessary and desirable to adopt said amendment of the comprehensive plan to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest, overcome present deficiencies and deal effectively with future problems that may result from the use and development of land within Manatee County; and

WHEREAS, the Technical Support Document for the Manatee County Comprehensive Plan includes background material and justification for the amendment to the Comprehensive Plan; and

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to Chapter 163, Florida Statutes, and the Plan Format and Administration Section of the Manatee County Comprehensive Plan; and

WHEREAS, this Plan Amendment has been adopted pursuant to the alternative process for amendment of an adopted Comprehensive Plan as provided in Section 163.3189, Florida Statutes (Supp. 1992).

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County that:

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, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: Based upon the findings made relative to the proposed text amendments to the Comprehensive Plan, it has been determined that the existing goals, objectives, and policies to be amended are no longer in the best interest of the public and should be amended as described in Section 3 below.

Section 3. Text Amendment: The Manatee County Comprehensive Plan, Ordinance 89-01, shall be amended as follows:

ITEM #1:

- Element: Coastal Management
- Page: 1 of Master Plan
- Text Ref: Section 1, Forward is hereby deleted in its entirety and placed in the Technical Support Document.

ITEM #2:

Element: Coastal Management
Page: 19 of Master Plan
Text Ref: Delete the existing section and replace as the new Section 1, Port Manatee-Current Analysis.

1.1. The Port Authority.

The Manatee County Port Authority operates under the authorization of Chapter 315, Florida Statutes, which is the general law authorizing Florida counties to engage in Port activities, and Special Acts, Chapter 67-1681, Laws of Florida, 1967, as amended, which is a special act pertaining to the Port Authority, giving the Port Authority the general powers contained in Chapter 315.

1.2. General Description.

Port Manatee is considered a landlord port in that it leases sites to private terminal operators and licenses stevedoring companies to handle cargo. The Port Authority builds and maintains berths, channels, selected storage facilities, onsite road, rail and other necessary port infrastructure.

The Port's proximity to Florida's phosphate rock deposits has made the export shipment of bulk phosphate fertilizer products a principal commodity since the Port's inception. Overall, the greatest cargo volumes are in the form of liquid and dry bulk. However, in recent years the percentage of these cargoes has declined from 98 percent of all tonnage to 91 percent because general cargo and containerized cargo have increased. Port trade development efforts have been directed to attracting higher value general cargo as well as diversifying the cargo mix.

1.3. Location.

Port Manatee is located in the northwestern corner of Manatee County, in the area generally known as Piney Point. Port Manatee fronts on Tampa Bay and borders the Manatee-Hillsborough County line. An access channel from the Port connects with the Federal Channel in Tampa Bay, and the point where it connects is only ten miles from the Gulf of Mexico. U.S. Highway 41 and a main line of the CSX Railroad are both situated a few hundred feet from the Port and provide rail and highway access to the Port facilities. The location of Port Manatee relative to other Tampa Bay Port facilities is shown on Exhibit 1.1.

1.4. Port Facilities.

The existing Port facilities include approximately 775 acres of land, a ship basin 1,500 feet long by 788 feet wide, and an access channel three miles long, initially 400 feet wide and 40 feet deep, which links the ship basin with the Federal Channel in Tampa Bay.

The ship basin has seven improved berths, four of which are capable of berthing vessels up to 850 feet in length. There is a roll-on, roll-off berth for handling trailer chassis and rolling equipment. Bunkering, electrical, and water connections are provided at the Port. Five of the berths have underground pipelines installed to handle the locating and discharge of petroleum. The Port operates its own Class III Terminal Railroad, with two switch engines and approximately 7 miles of track connecting with the CSX Railroad. The Port owns 230,000 square feet of warehouse space (including 27,000 square feet of chilled storage and 2,160 square feet of office space) for the storage of general cargo products. An additional 280,000 sq. ft. of warehouse space is provided by Port tenants.

The north side of the ship basin has two berths. Berth #7 is an all purpose berth, and berth #6 is also an all-purpose berth consisting of approximately 500 feet of steel bulkhead with a 60-foot clear apron. The south side of the ship basin has a continuous 1,230 foot long concrete dock with an 80-foot clear apron (berths #9 and #10). The east end of the basin has 800 feet of bulkheading and 500 feet of dock space (berth #8). Berth #11 consists of 500 feet of berthing and is used primarily for general cargo shipments. The Port facilities are shown on Exhibit 1.2.

1.5. Federal Harbor Improvements.

In December 1970, the United States Congress enacted legislation authorizing the deepening of Tampa Harbor Channels from 34 to 43 feet. The access channel that connects Port Manatee with the Federal Channel is designed for a depth of 40 feet, and is currently maintained by the Port Authority; however, as a result of a U.S. Corps of Engineers feasibility study begun in 1976 and updated in 1984, the Corps has recommended to Congress that the access channel to the Port be designated a Federal channel. This project was approved by Congress and the Corps of Engineers and by 1993, the Corps of Engineers will take over maintenance dredging of the Port channel and the care of the navigational aids, thereby making Port Manatee a Federalized Port.

1.6. Emergency Preparedness.

Port Manatee encompasses approximately 775 acres of land. Though the area is large, security is good and emergency preparedness is well developed. Emergency procedures are used and reviewed on a continuing basis. Designated Port personnel receive first aid and C.P.R. training. Refresher courses are provided as needed to maintain current certification. Designated Port personnel are trained in fire and rescue techniques and are encouraged to remain proficient in those skills. Routine procedures are used on a frequent basis for interacting with the North River Fire Department, the U.S. Coast Guard, Florida Marine Patrol, Florida Highway Patrol, Manatee County Sheriff's Office, Florida Department of Law Enforcement, U.S. Customs, U.S. Immigration and Naturalization Service, the Florida Department of Environmental Protection, the Manatee County Environmental Action Commission and others.

Direct radio communications are utilized between the Port and emergency crews and Port employees are encouraged to seek law enforcement, fire and rescue, and hazardous materials identification training. Port security, access, and control are tight and 100 percent evacuation of the Port can be accomplished in one hour. The most time consuming activity associated with an evacuation is arranging for Foreign National Merchant Marine personnel to abandon ship and legally enter the United States for transport to an evacuation shelter. Responsibility for evacuation of the county operated penal stockade rest with the Sheriff. A current Hurricane Preparedness Plan outlining the various oil spill response teams and their responsibilities in the event of a spill of any magnitude and a detailed plan for other hazardous materials controls are maintained. Drills are conducted from time to time to insure the efficiency and effectiveness of each.

1.7. Land Area and Use.

The Port owns approximately 775 acres of land and leases an additional 62 acres (a spoil island) from the State of Florida. Approximately 250 acres of property are currently being used by the Port and its tenants. The balance is vacant and available for use. The six current areas (zones) are depicted in Exhibit 1.3.

Zone A surrounds the waterfront. It is the area of greatest activity, serves the primary functions associated with ocean shipping, requires maximum flexibility for uses, determines the capacity of the Port, establishes the floor elevations for cargo handling activities, and is the foundation upon which development decisions are considered for all the other zones of the Port.

Zone B, adjacent to Zone A, is an area needed to support shipping by providing storage away from the docks. Dry bulk, liquid bulk, and container cargo terminals will eventually occupy this area. Some cargo manipulation, packaging, or assembly could occur in this zone. Terminals could be public or private and may overlap.

Zone C, an extension of Zones A and B, has been reserved for what are normally considered to be typical industrial/commercial land use activities. These activities are scheduled for Zone C because they need not be "on the docks". Offices, ship stores, repair services, warehousing, and similar professional, commercial, and service industries will occupy this zone.

Zone D is a tract of land owned by the Port but not immediately accessible to the waterfront. Scrap steel has been stored on the site

in the past, but the economics of moving cargo to or from the docks to this zone are not favorable. The site is well served by rail. The most likely uses for this site include distribution centers for general cargo, manufacturing activities which require proximity to ocean shipping facilities, and institutional uses. The county stockade occupies a portion of the zone, and a State of Florida Department of Natural Resources fish hatchery is adjacent to the site. In the event that non-maritime uses are allowed in this zone, care should be taken to preserve sufficient land for expansion of the existing rail facilities.

Zone E will be a difficult area to develop because of its location, configuration, and elevation. However, Zone E is sufficiently close to the docks to warrant the intense uses which can be served by conveyor or pipeline. Additionally, the westernmost 200 feet of the zone, the area adjacent to Smith Harbor, represents an area of unique natural habitats which should be protected.

Zone F is the site of the upland dredge spoil disposal facility. Maintenance and the vertical expansion of the facility is necessary for navigation safety on the bay.

1.8. Water and Air Quality.

1.8.1. Water Quality.

The existing water quality at and in the vicinity of Port Manatee is recognized to be good to excellent by all available, credible sources. Published documentation of every agency which presently or in the past sampled water at Port Manatee substantiates this statement, and summary documents are on file with any State, Federal, local or regional agencies. These agencies include DEP, EACHC, FDER, USACOE and EACMC. Currently, FDER has two sampling stations near the Port, USACOE has two stations in the Port Manatee channel, and NCEAC has a station north of Port boundaries at Piney Point. Exhibit 1.4 illustrates the location of the water quality monitoring stations.

Geotechnical studies show that dredging the Port and channel areas did not affect water supply formations in the region. The aquifer is beneath a relatively impervious limestone stratum and was not affected by original dredging. FDER provides a Class V classification for water used for navigational purposes; however the Port is committed to maintaining water quality at or above its present condition and maintaining a non-degradation standard. To that end, a water quality monitoring plan shall be developed and approved by the County by December 1993.

In addition, Port Manatee is aware of the sensitivity of nearby Aquatic Preserves, Cockroach Bay, Bishop Harbor and Terra Ceia. To help protect these areas, Port Manatee will coordinate with any duly authorized agency or advisory group representing these areas. One example of a duly authorized agency with which the Port will interact is the Cockroach Bay Aquatic Preserve Management Team. Also, Port Manatee will continue cooperation and interaction with the Tampa Bay National Estuary Program in assisting with their associated studies.

1.8.2. Air Quality.

Local, State, and Federal Governments have established a variety of air quality standards to ensure high caliber air quality throughout the State of Florida. Port Manatee air quality studies have indicated air quality at Port Manatee is within established Local, State, and Federal standards. An historic exception is Total Suspended Particulates (TSP). TSP values have been occasionally recorded at levels in excess of established standards. These activities include bulk materials handling and manufacturing operations which both contribute particulates to the atmosphere. Studies were conducted between 1976-78 to investigate TSP conditions at Port Manatee, these included maintaining all paved and unpaved roadways or sparsely vegetated areas with bahia grass to reduce soil erosion and particulate resuspension. Several recommendations were made and implemented in the resultant report which would minimize impacts on air quality.

Subsequent air quality sampling conducted in 1979-80 indicated the corrective measures were effective and no violations of TSP standards were observed. Additional studies conducted through 1989 indicate TSP

values, while still elevated in certain areas, have no offsite impact.

The Manatee County Environmental Action Commission operates several air monitoring stations in and around Port Manatee for compliance with all applicable State and County Air Quality Standards. There are two PM-10 particulate samplers, one located at the end of Piney Point Road, and other located on the corner of Buckeye Road and U.S. 41. These samplers monitor for small particles having the most health impact. A continuous monitoring site is located at the intersection of South Dock and Reeder Roads. Monitoring at this site includes parameters such as wind speed/direction, ozone concentration, and sulfur dioxide. A monthly report is submitted to the Board of County Commissioners summarizing the findings of the monitoring program, soil erosion and particulate resuspension.

Section 1.9. Cargo Tonnage.

1.9.1. Summary.

Petroleum products accounted for 2,953,131 tons or 56 percent of the total cargo tonnage moving through the Port during the twelve months ended September 30, 1992. Florida Power and Light Company (FP&L) is the largest single user of petroleum products moving through Port Manatee. All of the fuel oil for this plant is imported through Port Manatee, and moves to the plant via a 17-mile pipeline constructed by FP&L. The Coastal Fuels Marketing, Inc. also imports Bunker "C" type residual fuel oil and other petroleum products for distribution throughout Florida. Bunker "C" amounted to 78 percent of total petroleum handled in FY'92. Coastal Fuels imports other petroleum products, such as diesel oil, gasoline, jet fuel, kerosene, ethanol, and asphalt. Imports of these products was 1,270,434 tons in 1989 and 1,071,586 tons in 1992.

The volume of dry bulk products moving through Port Manatee has decreased from a peak level of 1,714,864 tons in 1988 to 1,400,449 tons in 1992. Phosphate, fertilizers, and cement accounts for most of the dry bulk shipments. Manatee Terminals, Inc., one of the original Port tenants, receives, stores, and exports phosphate fertilizer products. General cargo shipments at Port Manatee increased about 136,000 tons over the past five years. The Port anticipates continued growth in trade in this area with seaports in Mexico, Central and South American and the Caribbean.

1.9.2. Analysis of Historical Cargo Mix and Volume.

Exhibit 1.5 lists waterborne cargo tonnage volumes for the past five (5) years from 1988 through 1992. Over the past five years, cargo tonnage ranged from a low of 4.9 to a high of 6.3 million tons, averaging 5.4 million tons a year. The preponderance of cargo tonnage remains in the liquid and dry bulk cargoes. However, the ratio of general and containerized cargo to bulk cargo has increased. In 1978, general cargo amounted to only one percent of total tonnage. In 1992, nine percent of the tonnage was general cargo. Containers were not handled at Port Manatee until fiscal year 1984/85.

Scheduled liner service for RO/RO and containerized cargo began in 1985. At one period, three shipping lines connected Port Manatee to Central America and western Europe. Currently, two lines call on the Port. Tonnage has decreased from 35,792 tons in 1988 to 30,961 tons in 1992. Port tonnage increased during 1992 due to increases in all three areas with revenue pacing tonnage at the same rate.

Liquid bulk, primarily petroleum products, has remained relatively constant. During the earlier period of 1978 to 1983, tonnage ranged between 2.5 million to 3.5 million tons. The last five-year period reflects a stable tonnage range of about 3.4 million tons annually. Since 1982, Port Manatee has made an effort to diversify its cargo mix by pursuing general and containerized cargo. Higher revenues per ton is the principle reason for pursuing general cargoes; and general cargo is more environmentally favorable.

1.9.3 Shipping Trends.

Changes and technological developments in waterborne transportation over the past 20 years have greatly influenced the selection of ports for the throughput movement of commodities between land and water modes. Previous plans for Port Manatee assumed a vessel of 600 feet

in length, beam of 80 feet, and drawing 40 feet. Now, bulk and general cargo container vessels, with lengths of 700 feet-plus and deadweight tonnage of 40,000 and 50,000 tons, are not unusual, with larger vessels ranging up to 850 feet in length.

The increased size of the vessels in worldwide waterborne trade increases operating costs associated with the vessels. Previously, the normal daily vessel cost ranged from \$5,000 to \$10,000. Newer vessels incur costs that can range from \$25,000 to \$50,000 per day. With increased vessel size, port facilities must be more efficient to reduce cargo handling time. Port facility automation is a key to expeditious vessel port turnaround time.

1.9.4 Cargo Trends.

The era of containerized general cargo movement was launched in 1957, when it was demonstrated that standard sized containers (similar to highway trailers) could move goods successfully on a land-sea combination internodal journey anywhere in the world. The container type movement has increased steadily to a point that on a worldwide basis over 80% of general commodities are now moved in containers. In some cases, even liquid and dry bulk is moved in containers.

Since 1979, Federal deregulation has provided a further stimulus to internodal and containerized shipments. Land and maritime transportation regulations are less restrictive and the wider range of cargo routings and ratings have served to further intensify competition among ports. With the container revolution in shipping, it has become evident that port facility requirements will differ widely from those of the past. Containerized shipments require more paved open storage and accessibility to truck and rail. Originally, containers were lifted on and off vessels by onboard cranes. As vessels grew larger and scheduling became more important, the need for faster productivity created the need for shoreside cranes. For the most part, container vessels are now not self-sustaining with onboard cranes. Modern shoreside container cranes can move from 30-50 container units per hour. In most cases, they are operated in tandem and reduce vessel time in port to a matter of hours instead of days.

Section 1.10. Environmental Analysis of Planned Improvements.

1.10.1. Turning Basin, Widener and Maintenance Dredging.

At present, approximately 95 percent of the bulk cargoes received and shipped at Port Manatee, enter or leave in domestic and foreign ships with drafts in excess of 30 feet. Vessel-operating costs are approximately the same for fully loaded and light loaded conditions. Bringing in bulk cargoes restricted to lighter drafts increases unit costs considerably. In order to realize maximum transportation savings, it is necessary that the Manatee Harbor channel and berthing areas be maintained to depths and horizontal configurations required by fleet vessel design. In order to eliminate the hazards involved in navigating the turn into the Harbor Channel and maneuvering in the turning basin, enlargement of the widener and basin has been planned. Failure to maintain adequate depths and horizontal configurations creates hazards to navigation, and maximization of transportation savings becomes secondary to personnel safety and protection of estuary resources, both of which are primary public purposes. The April 1990 Post-Authorization Change Report for Manatee Harbor, Florida, prepared by the U.S. Army Corps of Engineers, reports that the dredging is needed for public safety and that a Public Benefits/Costs Ratio of 9.3 to 1 is expected from completion of the project. The Ship Navigation Simulator Study, Port Manatee Harbor, by R.A. McCollum and L.L. Dagget, Hydraulics Laboratory, Department of the Army, August 1989, reports that due to strong cross currents the improvements are needed to minimize the risks of ships leaving the Port Manatee Channel and/or the Federal Channel. Exhibit 1.6 illustrates the proposed locations of the turning basin and widener in relation to the access channel.

The channel will be maintenance dredged to 40 feet deep at mean low water with a 400-foot bottom width extending from the main Tampa Harbor channel to the Manatee County Port Authority Facilities. The channel length would be approximately 15,850 feet. From the Port facilities, the Manatee Harbor and main Tampa Harbor channels would provide access to the deeper water of the Gulf of Mexico. Channel

side slopes would be 1-foot vertical to 3-feet horizontal. The 400 foot bottom width would allow for occasional two-way traffic, and navigation markers would enable day and night passage. The northwest end of the Manatee Harbor channel would intersect the main Tampa Harbor channel in a widener. The west side of the channel would diverge in a circular path with a radius of 3,000 feet beginning 2,700 feet from the intersection. The east side of the channel would provide a 45 degree transition beginning 1,000 feet from the intersection. Construction of the widener would involve excavating approximately 1,175,000 cubic yards of material over a 33 acre area. The widener would be adequate for present and expected future vessels to navigate the turn without unnecessary hazards.

The Port basin is proposed to be enlarged approximately 6.6 acres adjacent to the southern berthing area to provide a circular turning basin. The diameter of the turning basin would be 980 feet and would involve excavating approximately 510,000 cubic yards of material. The turning basin would allow present and prospective vessels at the Port to maneuver safely. During the initial and subsequent maintenance operations, a 2 foot overdepth would be required in the channel, widener, and turning basin to allow for normal dredging inaccuracies. To obtain the project depths plus allowable overdepth, an estimated 3,185,000 cubic yards of material would be removed from the channel, widener, and turning basin.

1.10.2. Spoil Disposal Facilities.

Upland spoil disposal facilities are being considered for the above planned improvements. Exhibit 1.7 illustrates the proposed locations of these spoil disposal areas. The material obtained from enlarging the widener and turning basin would be placed within diked disposal areas having an area of +/- 130 acres. These areas will require the reconstruction of the existing dikes in order to contain the dredged material. Updated channel accretion estimates show that the channel would receive approximately 220,000 cubic yards of shoaling annually. Based upon 3-year intervals, 660,000 cubic yards of silty material would be removed during maintenance dredging operations. Three years after project implementation, the bulked silt will have subsided, somewhat, providing the additional capacity required to receive additional silty materials in the future.

1.10.3. Mitigation for Planned Improvements.

As a result of coordination with the US Fish and Wildlife Service and the Florida Game and Freshwater Fish Commission, it was determined that the shallow bay bottom proposed to be dredged in enlarging the turning basin contains areas of productive sea grasses, the loss of which would negatively impact the area's ecological balance and that it would be necessary to create an equal area of shallow bay bottom. Therefore, mitigation for the loss of 7.5 acres of shallow bay bottom in enlarging the turning basin is anticipated to be 11.5 acres of shallow bay bottom created from the adjacent created spoil emergent island. Consequently, material would be redistributed from 11.5 acres along the shoreline of the existing spoil island to obtain a desired -2 foot mean low water elevation.

A maximum of 7.5 acres of shallow bay bottom adjacent to the turning basin would be removed. One third of an acre of sea grasses is located within the 7.5 acres. However, the Ship Navigation Simulator Study, Port Manatee Harbor, by R.A. McCollum and L.L. Dagget, Hydraulics Laboratory, Department of the Army, August 1989, indicates that an area of less than 6.6 acres could be removed without compromising safety while showing a savings in costs. The Port is committed to mitigating for the maximum possible impact. Therefore, to mitigate the loss of 7.5 acres of shallow bay bottom in enlarging the turning basin, 11.5 acres of shallow bay bottom would be created from the adjacent created spoil emergent island. Consequently, material would be redistributed from 11.5 acres along the shoreline of the existing spoil island to obtain a desired -2 foot mean low water elevation. Relocation of sea grass beds shall meet all applicable mitigation requirements. None of the proposed mitigation activities will negatively effect existing bay bottom communities. Port staff will coordinate with the SWIM program staff to ensure that the proposed dredging and mitigation activities will not negatively impact the Tampa Bay ecosystem.

ITEM #3:

Element: Coastal Management
Page: 3 of Master Plan
Text Ref: Goals, Objectives and Policies
Additions/Deletions: Delete all existing goals, objectives and policies from the existing Port Manatee Master Plan and replace as new Section 2 as follows:

- Mission:** Development and operation of Port Manatee as a competitive and viable deepwater shipping port to stimulate local development and serve local, state, national and international shipping needs generated by local economic development. Also, operate Port Manatee with due consideration of environmental sensitivity, with systematic land use planning.
- 2.1 Growth Goal:** Solicit and encourage development and plan for its implementation.
- Objective 2.1.1** Expand and improve vessel berthing areas and other Port/internodal facilities to meet future cargo needs.
- Policy 2.1.1.1.** Pursue maintenance dredging to obtain authorized 40 foot water draft in Port Manatee channel and basin in 1993/94.
- Policy 2.1.1.2.** Initiate permitting process to deepen berths 4 and 5 to authorized 40 foot water draft in the 1994-96 time frame.
- Policy 2.1.1.3.** Identify other dock/facility development and required permit process to meet future projected cargo needs.
- Policy 2.1.1.4.** Improve and extend the Port Manatee railroad as required to enhance fluidity and productivity of cargo movement by upgrading existing track to insure safe operations and as needed to expand rail service.
- Objective 2.1.2.** Encourage industrial development that will provide a diversified tax base and create jobs that will utilize local manpower resources.
- Policy 2.1.2.1.** Insure the provision of berthing areas, warehouses and cargo handling facilities needed by local industries, trade and commerce.
- Policy 2.1.2.2.** Promote Port related industrial development that will utilize local manpower resources.
- Policy 2.1.2.3.** Encourage private industries to utilize and construct operational facilities. Port participation will be explored when required facilities cannot be developed by the private sector alone.
- 2.2 Marketing Goal:** Develop business strategies and promotional methods to assist Port growth.
- Objective 2.2.1.** Develop and implement a five year business strategy.
- Policy 2.2.1.1.** Develop long range cargo projections.
- Policy 2.2.1.2.** Encourage systematic planning for future cargo.
- Policy 2.2.1.3.** Examine variables of land use, cargo mix, intermodal expense, service expansion and facilities expansion in terms of potential net income, return on investment and cash flow.
- Policy 2.2.1.4.** Coordinate facilities development plans toward a

diversified future cargo mix.

- Policy 2.2.1.5. Seek to implement the Foreign Trade Zone by incorporating it into existing or new Port business opportunities.
- Policy 2.2.1.6. Protect the proprietary business and financial interests of Port clients, potential clients, tenants and users.
- Objective 2.2.2. Increase the employment potential of the Port by encouraging more and higher paying jobs.
- Policy 2.2.2.1. Encourage indirect support service jobs and industries to locate at the Port.
- Policy 2.2.2.2. Specific areas of the Port should be identified as support service locations.
- Objective 2.2.3. Plan for the Port to be highly visible in the community and maintain easy accessibility by authorized motor vehicles and rail.
- Policy 2.2.3.1. Promote the Port through tours, open houses, advertising or any other cost effective means to enhance visibility and viability.
- Policy 2.2.3.2. Install signage and signals as necessary to improve traffic flow and safety.
- 2.3 Safety Goal: Provide a safe operating environment.
- Objective 2.3.1. Provide protection for Port operations are in compliance with applicable health and safety standards.
- Policy 2.3.1.1. Ensure Port operations are in compliance with applicable health and safety standards.
- Policy 2.3.1.2. Construct new roads, eliminate intersectional problems, install signage and/or signal devices, queuing, parking and approach areas for trucks, tractors and trailers, as needed to support Port growth expansion.
- Policy 2.3.1.3. Implement a Disaster Evacuation Plan.
- 2.4 Environmental Goal: Keep the Port environmentally sensitive and responsive to growth and maintenance activities.
- Objective 2.4.1. Minimize environmental impacts caused by Port projects or expansion.
- Policy 2.4.1.1. All Port development/expansion plans shall include mitigation elements that address the impact on coastal resources.
- Policy 2.4.1.2. Adoption of a plan to manage the use of Port facilities while protecting the natural habitat.
- Policy 2.4.1.3. A water quality monitoring plan shall be developed and approved by the County by December 1993. The plan shall include:
- Existing available monitoring data and standards.
 - Additional monitoring necessary to further establish current conditions.
 - Long term trend monitoring to ensure the non degradation standard for the basin and surrounding water bodies is not violated.
- Policy 2.4.1.4. The Port shall commence the longterm monitoring program by FY 1994/95. The Port shall be responsible for coordination with EACMC, as necessary, in conducting the sampling and testing.

- Policy 2.4.1.5 Based upon data established by the approved Water Quality Monitoring Plan, the Port shall maintain a non-degradation standard for its basin and surrounding water bodies.
- Objective 2.4.2. Protect the Port area from abnormal water flow, flood and storm surge.
- Policy 2.4.2.1. Adopt and annually review a master drainage plan, including storm water management, by January 1, 1995.
- Objective 2.4.3. Protect the Port from any detrimental activities of surrounding development.
- Policy 2.4.3.1. Any activity that restricts cargo movement, limits safety, or infringes upon adopted environmental policies would be described as detrimental and the Port would strive to eliminate or mitigate.
- Policy 2.4.3.2. Airport Manatee will be monitored for future growth/operations infringements on Port Manatee.
- 2.5 Funding Goal: Ensure the Port maintains a fiscally sound posture as it grows and develops.
- Objective 2.5.1. Insure adequate funding for Port operations, facilities and services provided by the Port Authority.
- Policy 2.5.1.1. All business decisions will be based upon increasing revenues, positive return on investment and positive cash flow.
- Policy 2.5.1.2. Consult with the financial advisor and Clerk of the Circuit Court to establish benchmarks for expense control.
- Policy 2.5.1.3. Explore non-conventional sources for funding growth, i.e., joint ventures, lease purchase, etc.
- Policy 2.5.1.4. Utilize the borrowing power of the Port to fund Port growth and/or maintenance projects within the norms of sound financing criteria.

ITEM #4:

Element: Coastal Management
Page: 12 of Master Plan
Text Ref: Section 3, Port History
Additions/Deletions: This section has been deleted in its entirety.

ITEM #5:

Element: Coastal Management
Page: 19 of Master Plan
Text Ref: Section 4, Port Manatee 1991
Additions/Deletions: This section has been deleted in part and reworked to become Section 2, Port Manatee-Current Analysis as shown below. Subsection 7.4 from the adopted plan has been incorporated within this revised section as have portions of former Section 6, 10.3, 10.1.8 and 10.1.5.

Section 3: Port Manatee Projections (Five to Ten Years)

3.1 Port Dredging-Phase 1 and 2.

- 3.1.1. Phase 1
The Port and Corps of Engineers are preparing a contract for the maintenance dredging of the Port channel and basin. The Port must pay twenty five (25) percent of the cost of the dredging, however, must pay one hundred (100) percent of the costs of upland disposal and Port basin dredging. This dredging is necessary to achieve a forty (40) foot water draft in the channel and basin and a four hundred (400) foot wide channel, which is necessary for servicing existing Port tenants, future commerce, safety, and environmental protection. The time frame for completion is in the 1993-94 time frame.
- 3.1.2. Phase 2
The Corps of Engineers has determined that wideners need to be dredged at the intersection of the Tampa Bay channel and the Port Manatee channel. This is proposed for a time frame in the 1995-97 range.
- 3.2. Port Cargo Tonnage Projections.
The projected cargo tonnage increases for Port Manatee are illustrated in Exhibit 3.1. These increases in cargo cannot be achieved without berth and facilities expansion and infrastructure improvements. The balance of this section will be devoted to a discussion of those needs.
- 3.3. Cruise Ship Operation.
A successful cruise ship operation is very desirable for any port because of the stable income stream. Port Manatee will have to provide adequate secure parking, a dedicated berth, and covered terminal building to attract a cruise line. The south side of the Port basin would be acceptable for a cruise terminal, especially south of berth 11.
- 3.4. Analysis of Existing Facility Utilization and Capacity.
 - 3.4.1 Vessel Berth Utilization.
An analysis is made annually of berth utilization at the Port. The period of 1985-92 showed a use percentage of 60. The most recent two year period (1990-92) was a usage of 48 percent. There are differences of opinion in the industry about what represents optimum and maximum utilization, however, a public seaport does not directly control vessel arrivals and departures, and therefore Port staff considers 50 percent utilization to be a warning sign and maximum utilization is considered to be in the 75 percent range. Port Manatee is currently below the warning percentage, but must plan for expansion since it is estimated a minimum of two years is needed for a new berth.

Currently, as evidenced by Exhibit 3.2, only two berths at the Port are at a congestion warning level. Berth 9 is used primarily for liquid bulk and other berths are available in the event a vessel is at dock and another desires dockage. However, berth 7 is used almost exclusively for dry bulk and there could be congestion in the near future due to the high concentration of bulk cargo requiring that specific berth.
- 3.5. Facility Requirements.
 - 3.5.1. Introduction.
Ports are the focal point where ocean and land modes of transportation join, and the point at which the transfer of cargo takes place. The facilities to handle the waterborne commerce must be available to permit expeditious cargo movement through the Port, with effective interchange between highway and rail and keyed to handle peak volumes.

At most ports, facilities for bulk, especially dry bulk, are located in a separate area from facilities for containerized, general, and RO-RO cargo transfers. Dry bulk vessels normally require longer cargo operational periods at berths. Containerized cargo vessels require berths at specific times to maintain liner schedules and turnaround time is faster.
 - 3.5.2. Liquid Bulk Cargo Facilities.

The projected growth of liquid bulk cargo will be moderate over the next five years. Port facilities are adequate for handling the immediate and mid-term periods. Any major expansion of liquid bulk facilities will likely be in the mid-1990's. The upland area of the Port can accommodate these increased capacity needs, but additional berth space would be necessary.

3.5.3. Dry Bulk Cargo Facilities.

Berth 7, the primary dry bulk berth, is nearing maximum capacity at current throughput levels. Shoreside vessel cargo handling capacity needs to be upgraded, including rail car dump facilities, trackage, and the ship loading system. Otherwise, improvements in vessel berth and cargo storage capabilities may not be maximized for overall throughput of dry bulk cargo. For the short term (five years), additional dry bulk cargo berths and upland facilities will be needed. Berths 4 and 5 would, dredged to 40 feet depth, accommodate expansion, including liquid bulk.

3.5.4. General and Containerized Cargo Facilities.

The most visible facility needs are in the general and containerized cargo areas. The volume and variety of cargo mix in this category was not originally anticipated for Port Manatee, so existing facilities and storage space were installed in a reactionary manner.

General and containerized cargo require extensive improved open storage. The vacant sites east of the basin are too far from shipside for cost effective cargo handling and storage. Therefore, any new berths ideally should be located with adequate areas (30-40 acres) behind each for storage and terminal handling operations. Land area requirements depend on the following factors:

1. The amount of oversized cargo suitable for outside storage.
2. Number of containers and ship lines.
3. Parking requirements for longshoremen, steamship line employees, and government officials.
4. Parking for material handling equipment.
5. Storage of dunnage and pallets.
6. Truck and chassis parking.
7. The number of warehouse truck docks.

Container operations require a considerable amount of paved open storage. A minimum of 25 additional acres could be needed during the next five years. Likewise, additional open storage of 10 acres or more could be needed for general cargo.

If, as planned, container and general cargo levels increase, crane(s) acquisition could be necessary. Wheel mounted mobile cranes may be utilized as backup for a container crane and/or terminal work. In the event private stevedore companies or terminal operators do not secure adequate material handling equipment, the Port may have to invest in such equipment for leasing.

3.6. Transportation.

3.6.1. Port Road System.

The existing Port road system appears to offer a satisfactory network for efficient vehicle flow. As vehicular traffic increases, another east-west road will be necessary to serve general cargo berths and storage facilities. A projected roadway is planned to be constructed easterly from berth 8, south of Eastern Cement, and initially to Reeder Road. This route serves two purposes: it facilitates truck movement and also opens for development the vacant 80 acres lying between the Port railroad and Reeder Road. Additionally, the dirt haul road around the north side of the Port is scheduled to be paved in the 1993-94 time frame. The Port will amend the General Development Plan in 1993 to incorporate these road projections.

3.6.2. Rail.

The existing Port rail system is adequate for daily rail car switching with CSX Rail. Any significant increase in rail

movement could necessitate greater rail car marshalling and segregation capacity. The Port may have to consider development of an on-site container rail yard if the movement of containers by rail increases considerably.

3.7. Other Facility Needs.

3.7.1. Administration Building.

Port staff currently uses a portion of Transit Warehouse No. 1 for office space. Old mobile trailers provide additional administrative space for the staff. The Port recently acquired a modular building comprising about 4,000 sq. ft. of floor space to consolidate its office space. The modular building connects with the existing Port Authority offices on the northeast corner of warehouse #1.

Port Manatee also needs office space for Port support services such as steamship agents, cargo marine superintendents, brokers, chandlers, and Federal governmental activities. The presence of more direct maritime activity at the Port can be beneficial to Port development and growth. With the recent designation of Port Manatee as a US Customs Port of Entry, it is most likely that more permanent office space will be required by US Customs instead of the present temporary office trailer. To meet the administrative and operational needs of the maritime services and Port staff, a permanent office building should be considered within five years.

3.7.2. Consolidation/Distribution Warehouses.

Terminals and warehousing for lot consolidation of less than truckload (LTL) or less than rail carload (LCL) should be developed on property close to US Highway 41. This location would be suited for warehouses which do not need to be on the waterfront.

3.7.3. Office/Warehouse Park.

A planned 70-acre office/warehouse park can be located in the same general location on the east side of the Port between Reeder Road and the CSX Railroad. Public utilities are available. This could be a joint venture with an experienced office/warehouse development firm.

3.7.4. Stevedore Cargo Building.

With increased general and containerized cargo, a need has developed for covered facilities to protect cargo handling equipment from the elements. This type of facility can be located a reasonable distance from the waterfront area. Building and site should be planned for additional construction as demand increases.

3.8. Expansion Plans-Environmental Impact.

To accommodate existing tenants, expected growth, and to improve current conditions, the immediate needs of the Port that are environmentally sensitive are:

- a. Port basin maintenance dredging and Port Manatee channel maintenance dredging
- b. Paving of the North Road

The greatest positive impact on the environment will come from the maintenance dredging to remove the fines and other materials from the channel. These materials are disturbed with the passing of each vessel and contribute to poorer water quality in the vicinity of the grassbeds.

Updated channel accretion estimates indicate that the channel receives approximately 220,000 cubic yards of shoaling annually. Based upon three (3) year intervals, 660,000 cubic yards of silty material would be removed during maintenance dredging operations. Upland spoil disposal facilities are proposed to contain and consolidate the spoil material resulting from dredge maintenance operations. There is potential impact from the paving; however, adequate measures will be taken to treat run-off. Conversely, paving would reduce substantially the emission of dust particles

into the atmosphere of the Port.

3.9. Environmental Assessment of Planned Development.

3.9.1. Natural Resources.

During Phase I maintenance dredging of the basin and Port Manatee channel, there would be a general but temporary negative impact on the marine environment. Run-off from paving will be collected and held as required by current regulations. Deep sump catch basins will continue to be utilized throughout the system and the remaining boxcut ditches will be reconstructed with wide bottoms and grassed slopes capable of being mowed.

3.9.2. Environmental Impact Reduction.

Phase II of the Port dredging agreement with the United States Army Corps of Engineers contains areas of productive sea grasses. A previously approved mitigation plan has been designed to compensate for the loss of 7.5 acres of shallow bay bottom. Eleven point five (11.5) acres of shallow bay bottom would be created from the adjacent spoil island. Material would be created from the adjacent spoil island. Material would be redistributed from 11.5 acres along the shoreline of the existing spoil island to obtain a desired -2 foot mean low water elevation. Turbidity screens will be utilized, as appropriate, to contain turbidity within the immediate dredging area. Return water from the upland disposal site will be monitored to assure water quality standards are maintained. Discharge canals are well vegetated and contain numerous sumps to improve the discharge water quality. Every effort will be made to conserve and protect wetlands, marine life, and wildlife to maintain their environmental, economic and aesthetic values.

3.10. Environmental Monitoring Program.

Port Manatee recognizes the importance of proper environmental stewardship of on-site resources and those resources of adjacent habitats. A monitoring program has been designed with the intention of protecting and conserving natural resources in the area. Data generated from this program will document existing Port environmental conditions, allow for trend analysis, and aid in regulatory and resource management decisions. This program will identify problems and dictate a course of action to remedy existing pollution problems and to plan ahead for operational changes as they occur during Port growth. This program shall be drafted, approved by the EAC and implemented by 1997.

Components of the subject monitoring program will include meteorology, hydrology, water quality sediments, and ecology. It will also include two additional elements: air quality; and a component designed to track and review all monitoring requirements stipulated in Port permits as well as permits of Port tenants and users. The air quality element will be conducted by Manatee County EAC at their recently installed site.

Integral with the Port's monitoring efforts is the intention of compiling monitoring data from all other agencies and organizations conducting studies in the vicinity of Port Manatee. Presently the Port regularly receives this information from several sources either by contract or through letter of agreement. These sources include the Florida Department of Environmental Regulation (FDER), the Florida Department of Natural Resources (FDNR), the US Army Corps of Engineers (USACOE), Mote Marine Laboratory (MML), the Manatee County Audubon Society (MCAS), Manatee County Environmental Action Commission (MCEAC), Conservation Consultants, Inc. (CCI), Environmental Affairs Consultants, Inc. (EAC), and various contract consultants of Port Manatee.

The Florida Coastal Management Program Final Environmental Impact Statement (FEIS) identified "Ports" as one of ten primary issues of special focus (DER, undated). The FEIS further states that water quality and air quality are perhaps the most important elements to consider as issues relating to Port management. The value of an ongoing monitoring program as described above should be recognized as a necessary Port Management tool. The environ-

mental analysis and data information is found in Exhibit A, Environmental Analysis.

ITEM #5:

Element: Coastal Management
Page: 42 of Port Manatee Master Plan
Text Ref: Section 5, Port Manatee: 2011
Additions/Deletions: This section was deleted and reorganized to become Section 3, Port Manatee Projections (Five to Ten Years). Certain portions of Section 7 were also modified and added to this section as were certain portions of Section 10.

ITEM #6:

Element: Coastal Management
Page: 56 of Port Manatee Master Plan
Text Ref: Section 6, Shipping and Port Economics
Additions/Deletions: This section has been incorporated within Section 1 as subsection 1.9.

ITEM #7:

Element: Coastal Management
Page: 62 of Port Manatee Master Plan
Text Ref: Section 7, Alternative Development Plans
Additions/Deletions: Sections 7.1, 7.2 and 7.3 have been incorporated within Section 4 as 4.8. Section 7.4 has been included within 2.11 of the revised plan.

ITEM #8:

Element: Coastal Management
Page: 68 of Port Manatee Master Plan
Text Ref: Section 8, Implementation of the Master Plan
Additions/Deletions: This section has been deleted in its entirety, and certain important sections have been incorporated within Section 3.

ITEM #9:

Element: Coastal Management
Page: 73 of Port Manatee Master Plan
Text Ref: Section 9, Financial Planning
Additions/Deletions: This section has been deleted in its entirety as it is unnecessary to the Plan. This should be placed within the Technical Support Document.

ITEM #10:

Element: Coastal Management
Page: 80 of Port Manatee Master Plan
Text Ref: Section 10, Environmental

Additions/Deletions: Much of this section has been moved into Appendix A, Environmental Analysis. The remainder is found in Section 1.12, 3.9, 3.10, and 3.11.

Section 4. Severability: If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The Board declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision or application.

Section 5. Effective Date: This Ordinance shall take effect immediately upon the state land planning agency, as defined in Section 163.3164, Florida Statutes, issuing a notice of intent to find the Ordinance in compliance with Section 163.3184(9), Florida Statutes, or upon the Administration Commission issuing a final order finding the Ordinance to be in compliance in accordance with Section 163.3184(10), Florida Statutes, or whichever occurs first.

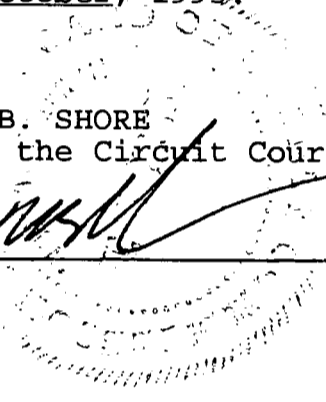
PASSED AND DULY ADOPTED, with a quorum present and voting this 28th day of October, 1993.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

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

By: *Kari Ann Harris*

By: *[Signature]*



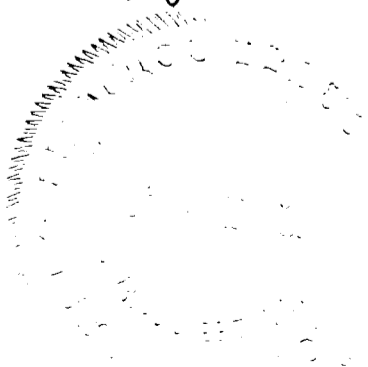
STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true
copy of ORDINANCE NO. 93-06 adopted by the
Board of County Commissioners of said County on
the 30 day of November, 1993, this 3 day
of December, 1993, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: *Rubin Liberty P.C.*

copy to Barbara Tyler

12/13/77

HH





FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State
DIVISION OF ELECTIONS
Bureau of Administrative Code
The Elliot Building
Tallahassee, Florida 32399-0250
(904) 488-8427

FILED FOR RECORD
R. B. SHORE
CLERK CIRCUIT COURT
MANATEE COUNTY FLORIDA
DEC 8 10 47 AM '93

December 6, 1993

Honorable R. B. Shore
Clerk of the Circuit Court
Manatee County Courthouse
Post Office Box 1000
1112 Manatee Avenue West -Suite 641
Bradenton, Florida 34206

Attention: Susan G. French, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of December 3, 1993 and certified copies of Manatee County Ordinance Numbers 93-06, 93-07, 93-08, 93-09, 93-12, 93-13, 93-14 (B), 93-15, 93-16, and 93-46, which were received and filed in this office on December 6, 1993.

The duplicate copies showing the filing date are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosures (10)