

**Official Minutes of
MARION COUNTY
BOARD OF COUNTY COMMISSIONERS**

April 17, 2025

CALL TO ORDER:

The Marion County Board of County Commissioners met in a workshop session in Commission Chambers at 2:33 p.m. on Thursday, April 17, 2025 at the Marion County Governmental Complex located in Ocala, Florida.

INTRODUCTION OF WORKSHOP BY CHAIRMAN KATHY BRYANT

Chairman Bryant advised that the workshop was scheduled this afternoon to discuss buffers and tree mitigation.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance to the Flag of our Country.

ROLL CALL

Upon roll call the following members were present: Chairman Kathy Bryant, District 2; Vice-Chairman Carl Zalak, III, District 4; Commissioner Matthew McClain, District 3; and Commissioner Michelle Stone, District 5. Commissioner Craig Curry, District 1 was absent due to a prior commitment. Also present were County Attorney Matthew G. Minter, Assistant County Administrator (ACA) Tracy Straub, Growth Services Director Chuck Varadin, Deputy Growth Services Director Ken Weyrauch and Senior Planner Chris Rison.

The Deputy Clerk was in receipt of an 89 page Agenda packet to follow along with the PowerPoint presentation.

WORKSHOP PRESENTATION

1. Workshop to Discuss the Buffers and Tree Mitigation.

Growth Services Director Chuck Varadin presented the following recommendation:

Description/Background: This is a workshop for Marion County Growth Services and Parks & Recreation Departments to discuss landscape buffers and tree mitigation under Division 7 (Tree Protection and Replacement) and Division 8 (Landscaping) of the Marion County Land Development Code (LDC). This workshop will discuss existing conditions, suggested changes, and potential next steps in amending the LDC in regard to buffers and tree mitigation.

Recommended Action: For discussion.

Growth Services Director Chuck Varadin advised that today's workshop is to discuss the buffers and tree mitigation. He stated buffers help reduce negative impacts and make things compatible. Mr. Varadin provided a brief overview of the Agenda for today's workshop.

Mr. Varadin commented on previous workshops, noting it was recommended that staff set the buffer standard higher so if waivers or reductions are granted it is still at a standard the County wants. He commented on updates relating to buffers between similar uses, buffers along any public right-of-way (ROW), long-term maintenance issues and a new plan relating to protecting trees and mitigating their removal. Mr. Varadin addressed the intention of buffers, noting much of what Parks and Recreation Director Jim Couillard will

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speak to relates to the qualitative elements.

Parks and Recreation Director Jim Couillard presented a packet containing a 2 page handout entitled, "Proposed Code Change Summary", a 2 page handout entitled, "Existing Buffer Table", a 2 page handout entitled "Proposed Buffer Table", a 1 page handout entitled, "Hernando County-Construction Buffer", a 12 and 14 page handout entitled, "Land Development Code Article 6 - Technical Standards And Requirements Division 7. Tree Protection And Replacement", a 15 and 19 page handout entitled, "Land Development Code Article 6 - Technical Standards And Requirements Division 8. Landscaping" and 15 (11X17) depictions of the various buffer examples.

Mr. Couillard stated the slide relating to the intention of buffers, as seen on the overhead screens, has not changed from the Code. He referred to a slide that refers to the current land use categories for buffers and a slide showing the existing buffer types and requirements. Mr. Couillard advised that buffer walls and wall/berm combinations are still in the Code and should remain. He stated requests for fences as a substitute for walls are being pushed back to the Board.

Mr. Couillard addressed buffer planting requirements, noting they are very open in the current Code and lack descriptive material in regard to the quality of the buffer. He advised that the proposed buffer changes include adjustments to the buffer land use table and the buffer type table, noting the addition of a Type C buffer with board fencing along certain roadways for equine appeal. Mr. Couillard stated there are updated planting specifications in certain buffer locations and updated buffer descriptions and content.

Mr. Couillard advised that the first major change to discuss today relates to the proposed land use categories for buffers. He commented on the agricultural (permitted or existing use), noting changes from a Type E buffer to a Type A buffer relating to Single family Residences (SFR), Multi-family (MF) and Public (PUB) areas. Mr. Couillard clarified that the buffer is going from a 5 foot wide single strip to something that could be 30 or 50 feet wide. He advised that the intent of the change focuses on the Board's direction to staff in regard to protecting Rural communities. Mr. Couillard stated when there is Multi-family homes going up to horse farms a 5 foot wide strip with trees every 25 feet is not sufficient; however, by increasing it to a Type A buffer it will be adequate. He advised of a proposed change to SFR to SFR that would remove the ability to just use a 6 foot opaque fence. Mr. Couillard stated Types A through E are the same classification; however, the widths have changed. He commented on the increase in planting requirements relating to the 30 foot width as opposed to a 50 foot wide Type A buffer, noting the necessity for continuous shrubs remain for both widths. Mr. Couillard advised that this is a way for staff to say the Type A 50 foot is required and applicants can negotiate to go down to the 30 foot providing the quality/opacity of the buffer increases. He stated this theory continues with the next 4 buffer types, noting as the buffer narrows the amount of plant material increases.

In response to Commissioner McClain, Mr. Couillard stated an applicant will be able to choose from the 2 options relating to the buffer types.

Mr. Couillard commented on Type C buffers and the additional requirement for them to include the 25 foot buffer width and planting requirements, as well as an equestrian or agricultural-themed 3-rail or 4-rail wooden fence of 48 inches in height and at least 50 percent (%) of the buffer's lineal footage. He clarified that this would apply within the Farmland Preservation Area (FPA), west of Interstate 75 (I-75), east of US Highway 41, north of and including State Road (S.R.) 40 and all collector roadways classified as a Scenic Road.

Mr. Couillard addressed the general proposed buffer requirement changes, noting per

definitions, the intent of buffers has not changed. He advised that the year-round screening requires the use of evergreen and semi-deciduous trees only (no 100% deciduous species). Mr. Couillard provided the definition of deciduous.

In response to Commissioner Stone, Mr. Couillard stated a red maple, elm trees and crape myrtles are deciduous, noting live oaks and laurel oaks are semi-deciduous. He advised that the County allows deciduous and semi-deciduous trees. Mr. Couillard stated this is just a plant material change, noting there is not a large cost increase to change. He clarified that Magnolia Trees are evergreen and do not lose their leaves all year long. Mr. Couillard advised that use of landscaping, buffer walls and fencing all remain, noting the staff want to encourage the use of more berms, especially in areas with high noise conditions. He stated the use of existing or adjoining buffers is new and staff are trying to make that permissible. The use of existing buffers that meet requirements of this section is permissible.

Mr. Couillard advised that if a large development wants a pedestrian path on the backside/private side of a wide buffer, staff would like to make that permissible, noting there will be a requirement for Landscape Architects to design the buffers. Staff will outline the use of plant quantities and parameters to achieve an appealing comprehensive landscape design. He commented on the desire to move away from cookie-cutter type buffers, noting language has been added to the Code stating to use the quantities and plant material staff is requesting based on the buffer type classification. Mr. Couillard stated plantings should be on the public side of a wall. He advised that the next bullet point would result in a cost increase relating to buffers; however, this is how staff will start improving the quality. Mr. Couillard stated for the continuous hedge staff is looking for, not the smaller shrubs, they want them to be installed at a 7-gallon size with a minimum height of 24 inches rather than the 3-gallon size. He clarified that if the performance specifications relating to buffer say they should reach 3 or 6 feet within 1 year of planting, those plants have to start at a bigger size. Mr. Couillard advised that if the plants do not start at the bigger size, it will limit every buffer to just sweet viburnum. A diverse landscape is preferable.

Mr. Couillard stated another performance specification relates to shrubs and ground covers attaining 80% opacity within 12 months of planting when a buffer wall is not required. He advised that when there is a wall, 50% is fine.

Commissioner Stone commented on the possibility of true affordable housing being developed next to SFR, noting a Type E buffer would be required with the possibility of an opaque fence in lieu of vegetative buffering.

Mr. Couillard stated that is how it is currently.

Commissioner Stone clarified that the fence would go away in that scenario relating to the proposed buffer requirement changes. Mr. Couillard concurred.

Commissioner McClain requested information relating to how the opacity will be judged (80% versus (vs.) 50%).

Mr. Couillard advised that when presented a set of plans, he is going to dig deep into the type of plant material being specified. He stated staff can look at whether something is a shrub or ornamental grass and determine the difference in the quality of buffering with those plants. Mr. Couillard advised that staff look at the plant material being specified and how it is arranged on the buffers and then work with applicants to hopefully get the 80%. He commented on technology that is able to measure the opacity.

Commissioner McClain expressed concern relating to making a call based on an individual's judgement.

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Chairman Bryant stated if the applicant hires a Landscape Architect as required by the Board, they should have the credentials to perform the work.

Mr. Couillard concurred.

Commissioner McClain questioned if the plant materials are standard across the Board for all Landscape Architects. Mr. Couillard advised that everyone comes from different backgrounds, training, experience and skill sets; however, the specifications in the Code reference Marion County friendly landscaping and Florida-Friendly Landscaping (FFL) and the performance specifications in the buffers start to hone down a certain amount of plant material. He stated staff are preparing a plant list, noting due to the changes in the Code it is a good thing to have the list. Mr. Couillard advised that the list along with the speed of the growth, denseness of the foliage, irrigation, climate, fertilizer, right care, etc., all play a role in how the buffer will appear and be maintained over years. He stated if there is a plant performance issue or poor maintenance issue, those things will impact whether a buffer does the job of screening.

In response to Commissioner McClain, Mr. Couillard stated the plant materials specified in the Code should reach that 50% or 80% opacity and the rest will be ornamental.

Commissioner Zalak advised that whatever the outcome of the workshops are, the County still needs Mr. Couillard to come up with a couple good examples of each buffer type including the plant materials. He stated the Board should specify how much of each buffer component is needed, noting individuals typically utilize the minimum requirements. Commissioner Zalak questioned what the growth factor is relating to the rendering. Mr. Couillard advised that the pictures do not reflect the plantings at installation, noting these trees would be many years old before they begin growing together and touching as they do in the depiction.

In response to Commissioner Zalak, Mr. Couillard advised that the trees will be much thicker in 20 years than they are in the rendering on the overhead screens. He stated to get to this thickness right away is a big cost, noting staff are trying to balance the cost for the developer/owner with the requirements staff are trying to achieve. Mr. Couillard commented on the need for proper irrigation and good quality landscape maintenance contractors. He advised that there is a low pool of such individuals in the County, noting these are generally low wage jobs that have a lot of turn over. Mr. Couillard commented on the need for the whole Code to work together, noting when certain parts are waived it can chip away at the performance.

General discussion ensued relating to buffer maintenance and performance.

Commissioner McClain commented on requirements relating to water and fertilizer and questioned if there are concerns in the environmentally sensitive areas. Mr. Couillard stated there are concerns; however, there are things in the County Code about using FFL practices to avoid over-fertilization. He commented on the use of microirrigation, and low volume irrigation, which will do the job better than high volume irrigation. Mr. Couillard advised that limiting the amount of pesticides/herbicides on turf grass is all in the Code. He stated it was put back through the Springs Protection Blue Ribbon Task Force before 2012.

Mr. Couillard provided an overview of the various proposed buffer renderings.

Commissioner Stone questioned what the City of Ocala's landscape requirements are when individuals exit the Interstate. Mr. Couillard advised that he is not aware of any required enhancements for gateways, noting he would prefer to have them.

Commissioner Stone stated after the Board makes decisions about how to proceed, there can be discussions with the City.

Mr. Couillard addressed the additional proposed Code changes relating to landscaping. He advised that the process now requires the contractor to call the design professional responsible for the landscaping to perform a site inspection walk through. Mr. Couillard stated once that is completed and it has been confirmed that the landscape is in compliance, staff should receive a letter with some sort of "as-built" drawing, noting it is not an official surveying as-built. He advised that there should also be documentation relating to the big things relating to irrigation (main line, irrigation valves, meters and point of connection). Mr. Couillard commented on working with the general contractors in the community to build that time into their schedules, which will assist in avoiding chasing staff around late on a Friday to clear review comments.

Mr. Couillard addressed the buffer performance certification process for new buffers, noting this relates to buffers being installed and dying. He clarified that this item requires an owner to hire an individual to come out after 2 years to review that landscaping, which entails going back to the County, obtaining the improved development plans and other necessary information, reviewing the buffer and advising the County that the buffer is still in compliance. Mr. Couillard stated the letter would come to Parks and Recreation or Growth Services and be entered into an electronic system to ensure accurate record keeping and compliance relating to the buffers.

Chairman Bryant stated this is a great idea; however, there is still some work to be done on the process. She opined that when the letter goes out, all of the plans should already be on file, noting the plan could possibly go out with the letter. Chairman Bryant advised that this process is the only way staff can keep up with ensuring that Conditions are met at the time of the Certificate of Occupancy (CO), but also that they are maintained. She opined that it is best to require the property owner to have the information certified by another party and return it to the County.

Mr. Couillard stated this sort of thing already happens with other aspects of site improvements, specifically stormwater management systems are required to be inspected by the Water Management Districts.

In response to Commissioner McClain, Mr. Couillard advised that if he were charging someone to perform that function, he would charge roughly \$350.00.

Commissioner Stone questioned if the timeframe for stormwater management systems was every 5 years. ACA Tracy Straub stated for stormwater management systems the Water Management Districts (WMDs) permitting requires every 3 to 5 years depending on what has been seen during the application process and if there have been issues onsite. She clarified that engineers typically offer to perform this task for \$500.00. Ms. Straub advised that the rules and regulations exist for both water quality and quantity.

Chairman Bryant stated this be would a buffer certification aimed at preventing the need to send out Code Enforcement like the County currently does. She commented on a previous discussion relating to Code Enforcement looking at some older corridors where there was a buffer plan in place that has not been followed. Chairman Bryant advised that the discussion included getting in touch with those property owners to advise the buffers need to be brought back.

In response to Commissioner Stone, Mr. Couillard stated an owner would be required to complete the certification process every 2 years.

Chairman Bryant advised that the timeframe could be made longer.

Commissioner Zalak stated the initial review could be at 2 years with subsequent certifications occurring every 5 years. He commented on the existing corridors throughout the County, noting none of them look like the renderings. He advised that there is not a

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gas station or convenience store that has been in place between 10 and 40 years that has any maturity. Commissioner Zalak commented on property owners having the trees cut down and not replanting due to a lack of knowledge that they have an obligation relating to the buffer.

Mr. Couillard advised that the issue is a lack of understanding relating to maintenance. Commissioner Stone addressed residential communities, noting once the developer is done, a Homeowner's Association (HOA) often takes over. She stated the HOA identifies ways to bring down costs for those residents.

Chairman Bryant advised that the HOA is responsible for the buffer, noting there is an education process that needs to take place. She opined that the 2 year letter would help to ensure individuals are aware of the requirement.

Mr. Couillard stated the theory is that if the buffer does not meet the intent or is not performing the certification does not come to the Board until it is fixed. If the issue does not get resolved, it would then go before Code Enforcement.

Chairman Bryant commented on businesses in other communities where there is a natural buffer in place that was never allowed to come down when the business was built. Mr. Couillard stated Lowe's on S.R. 40 is that way, noting the whole front buffer is natural vegetation. He noted they did have to build a stack block wall.

Mr. Couillard commented on how the roadways would be today if the buffers had been maintained from the day they were installed.

Commissioner McClain commented on individuals that choose not to respond to the letter, noting staff will be in the same position as they are currently. He opined that incentives work better than penalties and the only way to make it happen is to give individuals a reason to maintain the buffers.

Mr. Couillard advised that when he began working for the County, he had the pleasure of going to Gainesville and being a juror for their Beautification Board. He commented on how the businesses applied for the awards to get a sign on their property, noting the program was well received in that community.

Commissioner Stone addressed the possibility of grant funding to help individuals.

Mr. Couillard stated there is one-time grant funding for the installation and questioned the possibility of the same for maintenance.

Chairman Bryant advised that it is available in the Community Redevelopment Area (CRA). She opined that the idea warrants further investigation. Chairman Bryant stated there needs to be a way to ensure the landscape portion is a Condition of the project whether it is residential or commercial development, noting the need to educate owners relating to maintenance requirements. She commented on the possibility of sending a letter of congratulations when they get their CO, which includes a reminder of the maintenance requirements relating to the landscaping. Chairman Bryant advised that there could be a Marion County Business Beautification or curbside appeal award to raise awareness and garner participation.

Commissioner Stone questioned whether the Conditions stipulated in a Developer's Agreement transfer to the HOA when the property changes hands and if it is recorded in Official Records with a Book and Page number, so those individuals are aware that they are responsible. Ms. Straub stated when a Planned Unit Development (PUD) is approved and there is an Ordinance and Resolution containing Conditions, she is unaware how they show up to a homeowner. She clarified that Codes, Covenants and Restrictions are required to be recorded, but staff do not perform an official review of those documents.

Growth Services Deputy Director Ken Weyrauch concurred, noting the Department does

not have anything that ensures the information goes to the homeowner. He advised that in the past when there were violations, there were Code Enforcement cases and staff were able to educate the HOA.

Chairman Bryant stated most of the developments that are being approved now with the HOAs have deed restrictions and questioned why the Board cannot advise the Developers to include the buffer maintenance requirements in the deed restrictions.

Mr. Weyrauch advised that staff could work with the HOAs and developers.

General discussion ensued.

Ms. Straub stated she is communicating with County Attorney Matthew G. Minter and questioning if it is within the County's purview to require certain things to be included in the deed restrictions.

Mr. Couillard stated in the County's Code for new residential developments there is a requirement relating to information on FFL that is provided to the owner. He advised that it has been in the Code since 2012, noting the County is attempting to make a change to allow staff to review the material as part of the landscape plan application.

Chairman Bryant opined that this language can be added to the notification.

Commissioner Zalak stated the PUD can be made an exhibit in the HOA documents and if the developer does not have the right HOA that takes care of the buffers, then a Municipal Service Benefit Units (MSBU) can be put into place. He clarified that the County's Municipal Service Taxing Units (MSTU) Department already takes care of that common ground in a few of those communities on S.R. 200.

Commissioner Stone commented on the streetlighting currently done through the County's MSTU/MSBU Department.

In response to Commissioner Stone, Commissioner Zalak advised that the Municipal Services Department performs mowing and landscaping work in Marion Oaks and Silver Springs Shores (SSS).

Mr. Couillard stated staff is proposing a new requirement relating to front yard trees in new residential developments. He advised that the trees are to be installed within the residential lot area between the ROW and the residential structures; must be installed between 5 and 20 feet of the ROW line; and spaced 100 feet apart along both sides of internal roads. Mr. Couillard noted for 50 foot lots, this requirement would result in a tree on every other lot, and the specified tree would be 3.5 inches.

Chairman Bryant commented on lots that are closer together, noting the ROW is where utilities are usually placed. She questioned how to avoid tree roots growing into utility lines, specifically a water line. Mr. Couillard stated he has spoken with Utilities Director Tony Cunningham relating to working with the same condition at Gainesville Regional Utilities (GRU), noting he has good experience and knowledge.

In response to Chairman Bryant, Mr. Couillard advised that the likelihood of roots impacting utilities all depends on the type of tree being planted. He commented on trees being planted up against new homes by homebuilder landscapers, noting they are not focused on quality of placement. Mr. Couillard advised that it will be helpful to be able to dictate where the front yard trees will be located.

Mr. Couillard provided an overview of the current process relating to tree protection, removal, and replacement including the requirements for the majority of development applications. He stated staff are requesting a change in regard to tree assessments to include who must provide the tree assessment, noting the recommendation is to have a certified arborist or landscape architect to perform the work. Mr. Couillard addressed pre-construction site inspections, which requires tree protection barricades be in place prior

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to clearing, specifically for Commercial properties as the Code stands now. He advised that currently with residential development, the County generally sees clearing, building and replanting. Mr. Couillard stated prior to clearing on Commercial/non-residential properties, staff will go out and ensure the tree protection barricades are in place, which is not happening now. He commented on tree protection inspections during construction, noting this measure will ensure the barricades remain up during the building process.

Commissioner Stone questioned how much this will add to the timeline for a developer to have this measure in place. Mr. Couillard advised that notifying staff and having the inspection performed would take roughly 24 to 48 hours. He stated there is currently a vacant Project Assistant position in the Department that he has spoken to Administration about reclassifying into more of a Development Review type of inspection position to handle this work.

Commissioner Stone questioned if there is anybody else in the County qualified to perform the work should the Department get backed up for some reason. Mr. Couillard advised that a solution can be found whether it be a staff member or somebody in the private sector.

Mr. Couillard stated the landscape plan will show staff where the developer is placing new trees prior to receiving their approval. He advised that the County requires a tree survey, noting it seems to be a common waiver especially with residential developments due to the removal and replanting of the tree. Mr. Couillard addressed the expense relating to a tree survey and advised that with the new Code staff want to work more closely with developer relating to the matter. He stated tree replacement is not required if the property owner retains existing trees on the site which total an average of 100 inches diameter at breast height (DBH) per acre. If replacement is necessary, a minimum of 100 inches DBH per acre on average shall be achieved. If the pre-development ratio is less than 100 inches DBH per acre, the property owner shall replace trees to equal the pre-development ratio.

Mr. Couillard stated staff are looking for a new definition relating to specimen trees, noting there is nothing in the Code now; however, there are certain requirements for trees 30 inches and over that requires the County's specific permission. He clarified that specimen tree is a term used throughout the State, and it helps increase the identity importance of specific trees. Mr. Couillard advised that the new definition reads, "A regulated tree that is 36" DBH or larger; in good condition as determined by a proper evaluation by a Certified Arborist or Landscape Architect and confirmation by the County Landscape Architect; and offers value due to its species, type, age, historic value, or other outstanding qualities." He stated if an individual comes to the County with a 36 inch tree and a favorable assessment that is performed correctly and confirmed, it can still be removed but it must be mitigated. Mr. Couillard advised that the mitigation requirements are higher for these trees.

Chairman Bryant commented on the possibility of incentivizing keeping specimen trees by allowing them to be treated as an amenity. She stated there would need to be conversations with the developers and the residents of the community in regard to how much the amenities are being used. Chairman Bryant advised that this type of green space amenity can possibly have more value than a dog park or picnic table.

Mr. Couillard stated this is addressed at the end of the presentation, noting it is the overlap of the open space, amenity and tree requirements and how it all works together. He advised that if it is not all done together, it will fall apart.

Commissioner Zalak opined that it should not be easy to take down a 100 to 200 year old

tree in good shape; however, it cannot be impossible.

Mr. Couillard concurred.

Chairman Bryant stated if the option is offered to keep a specimen tree in favor of not being required to add another amenity, someone may be more willing to redesign their site to keep the specimen tree if it is counted as an amenity.

In response to Commissioner Stone, Mr. Couillard advised that there are several ways replacement trees can be planted, noting one of them currently in the Code is the shade tree requirement.

Chairman Bryant passed the gavel to Commissioner Zalak who assumed the Chair.

Commissioner Bryant out at 3:43 p.m.

Mr. Couillard stated in this proposed Code staff are looking to give credit to parties that save trees. He advised that a specimen tree that at 36 inches will give 5 shade tree credits, which is an incentive.

Commissioner Zalak stated based on the size of those trees and the roots systems, it could take a lot or 2 out, noting the value of the lots may be higher to a developer. He questioned if it is possible to lower the open space requirement from 20% to 15% for developers that save these trees allowing them to place the lots in another location on the property. Commissioner Zalak stated specimen trees should be mitigated in lots.

Commissioner Bryant returned at 3:44 p.m.

Chairman Zalak returned the gavel to Commissioner Bryant who resumed the Chair.

Commissioner Zalak opined that there needs to be a way to put the lots somewhere else, reducing the open space a little, noting there has to be a negotiation that works.

Mr. Couillard stated this is not the first time this suggestion has been made.

Commissioner Zalak commented on the ability to redesign the road going through a development vs. losing a lot.

Chairman Bryant advised that if developers were not being required to include a very costly amenity, they might be willing to give up that lot.

Commissioner Zalak stated he would rather keep the amenities and reduce the open space, noting it is all a negotiation in the PUD.

Chairman Bryant opined that individuals get more use out of the open space.

Commissioner Zalak commented on the possibility of doubling or tripling the credit in the open space created on a particular piece making it more valuable.

Mr. Couillard provided a brief overview relating to the value of trees, noting if an individual considers the carbon sequestration, the cooling, and water absorption the tree provides for that community, the value is very high.

Chairman Bryant commented on trees giving individuals a sense of place within a community, noting sometimes it is more valuable than a cleared dog park or similar amenity.

Mr. Couillard advised that staff emphasize that in their plans, but they do not see it happening.

Chairman Bryant opined that the County has to do a better job relating to incentives.

Commissioner Stone stated there has to be value for the developer.

Commissioner Zalak commented on the portion of the Code relating to a minimum 100 inch DBH per acre for tree replacement, noting he has seen it before where individuals met the exact requirement. He advised that parties take a treed lot, clear the entire thing, use it for bona fide agricultural in regard to grazing for exactly 1 year and then come before the Board and request a zoning change.

Mr. Couillard stated that matter will be addressed later in the workshop.

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Mr. Couillard provided an overview relating to the shade tree credits. He advised that Parks and Recreation solicits bids annually from local contractors to provide a tree for 2 years that is irrigated, maintained and then they create a per inch price for mitigation. Mr. Couillard stated staff averages all of the bids together, obtains the total amount of inches and divides it by 3.5 (3 and-a-half inch trees) and that gives staff a per inch price. He advised that when a developer is unable to fit all of their replacement trees on their site, staff allows them to pursue mitigation by coming before the Board for approval. Mr. Couillard stated it is cheaper for developers to plant the trees than to go into mitigation, which is the intent. He advised that the dollars are deposited in the Department's Tree Mitigation Fund, and they used to plant trees on public property. Mr. Couillard stated with some of the funds received from the recent tree mitigation payees, \$50,000.00 has been allocated to go towards the trees in the Animal Services Center project. He advised that staff are looking for a change to allow use of the funds to plant trees and enhance the County Park System, noting one use could be a playground, pavilion or replacement equipment. Mr. Couillard stated staff has reached out to the Clerk of Court's Office to see if any other changes are needed to allow the Department to utilize those funds for things other than planting trees. He advised that there is close to \$700,000.00 in that fund currently and there is another applicant that has committed to paying another \$370,000.00 in the future. Staff are working with that applicant now to find a solution relating to whether they pay the entire amount or find a way to reduce the payment; however, it will come back before the Board due to its previous action relating to this matter.

Ms. Straub clarified that when the County does a project like the Animal Center it also has to meet the requirements of the Code. She stated the property was wide open pasture without a lot of landscaping, noting the County is not avoiding its own mitigation obligations.

Chairman Bryant advised that prior to changing the Code to allow more than the trees, she would like to see some kind of analysis as to the projects the County has coming up and the expected costs will be relating to the landscaping, tree plantings, etc. She requested information in regard to how much funding the County will be responsible for over a specific timeline so when there is a project the funding is available to do what is necessary. She commented on ensuring those dollars are not used for something else.

Mr. Couillard stated the development of an annual report for the Board was also included in the Code relating to what funds were collected and how they were used, noting a projection relating to that data is a good idea.

Commissioner McClain questioned if there is predictability relating to the fund as far as how the fund has looked. Mr. Couillard advised that it has skyrocketed over the last year. He stated staff were anticipating small payments once or twice a year.

Commissioner McClain commented on earlier discussions relating to competition and education, noting the County could utilize some of the mitigation funds to support a grant that individuals could compete to earn. He advised that individuals who enter and score over a certain figure when judged by Mr. Couillard, would earn a grant to go towards the improvement of their buffer. Commissioner McClain stated everyone else will still be competing and improving their buffers due to the incentive.

Commissioner Zalac commented on new criteria relating to horse fencing, noting it can only be enforced on new projects. He opined that the grants may provide incentives to add the horse fencing needed for the desired look along Highway 27 and S.R. 40 where much of the area is already built. Commissioner Zalac commented on the possibility of

having additional horse themed elements like the ones they have in Kentucky, noting it provides a way to demarcate those corridors along with the new interchange at NW 49th Street.

Chairman Bryant stated she would like to see an analysis done first to ensure the County needs are not shortchanged by putting those funds back into the private sector.

Commissioner Zalak commented on the trees at Rotary Sportsplex, noting that was done through the tree mitigation fund.

Mr. Couillard advised that it was his first project with the County. He stated the requirement at that time was that the tree mitigation funding had to be used in two years or it went back to the developer.

Chairman Bryant advised that there are a lot of places with needs including sunshades at Shocker Park. She stated it cannot be done today unless the Ordinance is changed.

Chairman Bryant commented on the possibility of a tree mitigation and shade fund.

Commissioner Stone advised that it could include gazebos.

Mr. Couillard referred to Section 6.7.2 of the Marion County Land Development Code (LDC) relating to exceptions, noting the first item references bona fide agricultural uses. He stated staff is requesting to strike another sentence that reads, "Lands with an urban land use designation may not use this exemption." Mr. Couillard advised that this relates to lands with an Urban land use designation that have been planted with pine and questioned why the County would make them mitigate the property. He clarified that the land will be cleared and then be developed as a Commercial property and be held to a Code requirement, shade tree requirements and buffer trees. Mr. Couillard stated there have been a couple of cases that were worked through administratively as the result of that one sentence.

In response to Commissioner Zalak, Mr. Couillard advised that the change would remove some ambiguity relating to the whole process.

Mr. Couillard commented on the next paragraph that states, "On lands where either of the two exemptions in Sections 6.7.2.A and B above has enabled tree removal without a permit, no applications for any land use or zoning changes, or development plans, shall be accepted within five years of the tree removal date...", noting it currently stands at 1 year.

In response to Chairman Bryant, Mr. Couillard advised that the reason for the change is due to the exemption being used for land that applicants know is going to be changed in the future, so the trees are being cleared as an agricultural exemption, with no mitigation. He stated applicants are waiting a year and providing plans, so they only have to provide buffers and street trees for residential development. He advised that when applicants stated they have mitigated everything it is because there was no mitigation that occurred.

Commissioner Zalak opined that this might not solve the issue, but it will help.

Commissioner Stone expressed concern relating to the proposed change relating to clearing the property with the intent to develop a year later with no obligation to mitigate the trees.

Commissioner Zalak stated if the change is not made, specimen trees will be cleared under the agricultural zoning classification.

Commissioner McClain expressed concern relating to the proposed change.

Chairman Bryant advised that this has happened on a piece of property somebody thought they owned, but did not, noting there was another instance where major trees were taken down.

In response to Commissioner McClain, Commissioner Zalak stated there will be additional

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workshops on the subject. He clarified that most of the trees in the Urban Growth Boundary (UGB) are not pine and developers do not want to do the replacement mitigation, so they clear cut the property, use an agricultural land use for a period of time and then apply to rezone it to bypass the tree replacement process.

Commissioner McClain questioned how it is a bona fide agricultural use if it is not pine. Commissioner Zalak stated an example of a bona fide agricultural use could be clearing the land to plant hay or place cows on the property, noting it is done all the time.

Mr. Couillard advised that as long as an individual is maintaining the agricultural use it is fine.

Commissioner Stone questioned how an individual can get the value of their trees in a bona fide way and still be able to come in within a 5 year period and do something different with that property.

Commissioner McClain expressed concern relating to an individual whose property in the UGB has a lot of trees that have been growing for 20 to 30 years with development happening around them being able to cut their trees and cash out.

Mr. Couillard stated staff want individuals to perform a tree survey to see what is there allowing staff to decide what should be protected so an applicant can develop the property around certain trees to create a beautiful community rather than clear cutting the land and waiting a period of time prior to coming in for a land use change. He clarified that if the intent is to develop a community on a 40-acre lot, then do it right by performing a tree survey and mitigating the trees.

Commissioner Zalak commented on the timbering that happens in his District, which is not what is occurring for the most part in the UGB.

In response to Commissioner McClain, Mr. Couillard advised that the pine trees along Maricamp Road are the thing that was struck with the Urban land use designation. He stated the other part of the conversation relates to clear cutting major lots that are zoned agricultural now, waiting for a year and then coming back in and making an application. Mr. Couillard advised that the lots on Maricamp Road have a future land use designation of Urban.

Commissioner Zalak questioned what would occur if someone harvested their pine trees (not oaks or other trees County staff are concerned about) and now want to sell the property. Mr. Couillard stated it would not apply due to the Urban land use designation, noting a permit will no longer be required to survey rows of pine trees and the applicant does not have to wait 5 years.

Commissioner Zalak out at 4:11 p.m.

Mr. Couillard referred to the document from Hernando County relating to construction buffers.

Commissioner Zalak returned at 4:12 p.m.

Mr. Couillard stated the document requires land over 2 acres abutting residentially zoned housing not in previously developed or future phases of the same development, must provide a construction buffer at the perimeter of the construction site boundary. He advised that applicants could achieve this 1 of 2 ways.

Commissioner Zalak stated there are issues with the document and the County would need to make adjustments; however, it has been working in other communities relating to clear cutting and mitigation as previously discussed by the Board. He commented on a project Mr. Couillard evaluated after grading work was performed, noting the applicant saved what they could and agreed to construct a fence where they could not save the vegetation. Commissioner Zalak opined that this example is closer to what the County

wants to do than what has been occurring. He advised that the applicant was able to buffer more individuals by leaving the trees. Commissioner Zalak commented on the possibility of taking this Code and some real life application to find the right balance. He requested Mr. Couillard work on this to see if any of the elements are the right fit prior to coming back before the Board.

Chairman Bryant stated it is worth discussing due to additional infill projects, noting a recent project involved burning when it should not have occurred. She opined that if there had been some kind of vegetative buffer maintained around that while it was being cleared, it would have been a much better situation for those adjoining property owners. Mr. Couillard provided a brief overview of next steps prior to coming back before the Board.

In response to Commissioner Zalak, Chairman Bryant advised that staff is going to take the feedback from today, conduct one-on-ones with the Board, go to the Land Development Regulation Commission (LDRC), and then bring it back to the Board.

There being no further business to come before the Board, the meeting thereupon adjourned at 4:16 p.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk

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