

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

February 24, 2025

CALL TO ORDER:

The Marion County Board of County Commissioners met in a workshop session in Commission Chambers at 2:00 p.m. on Monday, February 24, 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 the Comprehensive Plan.

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 Craig Curry, District 1; Commissioner Matthew McClain, District 3; and Commissioner Michelle Stone, District 5. Also present were County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, 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 a 37 page Agenda packet to follow along with the PowerPoint presentation.

WORKSHOP PRESENTATION

1. Workshop to Discuss Updates to the Comprehensive Plan.

Growth Services Director Chuck Varadin presented the following recommendation:

Description/Background: Florida Statute Section 163.3191 requires an evaluation of the Comprehensive Plan every seven years to ensure consistency with statutory requirements and community engagement. This Evaluation Appraisal Report (EAR) identified changes to the Comprehensive Plan that need to be completed over the next year (by February 2026).

The workshop today is the second of ten workshops scheduled over the next five (5) months. During this series of workshops, the Board will focus on gaining consensus for proposed changes to the Comprehensive Plan and discuss broader topics that will help set the vision for guiding future growth and development in Marion County. At today's workshop the Board will discuss bring-back items from the last workshop (economic, potable water, and aquifer elements) as well as step-down approaches, protections of rural areas, and rural activity centers (RACs). The Board will also review proposed edits to the intergovernmental coordination element and the capital improvement element of the Comprehensive Plan.

Recommended Action: Staff is seeking Board discussion and consensus on the proposed edits.

Blair Knighting, Kimley-Horn and Associates, Inc. (KHA), Grand Bay Parkway West, Jacksonville, presented a 7 page handout entitled, "Redlines – Economic Element"; and a 2 page handout entitled, "Protection of Rural Land and Step-Down Approaches". She began the presentation by discussing "bring back" items from the previous workshops (Economic Development; Potable Water Element; Aquifer Recharge Element; etc.). Ms. Knighting referred to the screenshots (as shown in the overhead screen) and advised that there were a few items the Commissioners wanted to revisit, noting the changes that were made are based on the Commissioners' previous suggestions. The purpose was to ensure everyone understood the updates and to gather any additional feedback before proceeding.

Commissioner Stone raised a question about Objective 1.4, specifically the wording "shall coordinate with the Chamber and Economic Partnership" and expressed concern about locking the County into coordinating with specific entities for the duration of the Comprehensive Plan.

County Administrator Mounir Bouyounes advised that the County makes Geographic Information Systems (GIS) layers available to the Chamber and Economic Partnership (CEP) for economic development purposes (i.e., what land uses and zoning designations currently exists) and the CEP uses that layer to help determine and promote the properties that are suitable for economic development. He opined that while the word "shall" indicates a formal obligation, the intention is not to limit the availability of these GIS resources exclusively to the CEP.

Chairman Bryant recommended broadening the accessibility of the list by stating, "This list shall be made available to anyone in the public upon request," ensuring that the data is not restricted to CEP alone, but is open to public inquiries, reflecting an inclusive policy direction.

Commissioner Zalak suggested the language read, "The County shall coordinate with any economic development organization in Marion County to maintain inventory."

General discussion ensued.

Assistant Growth Services Director Ken Weyrauch advised that the Department has the GIS on its interactive map, as well as on the data portal, noting anyone who contacts the Department requesting a copy of the GIS layer would be provided one.

General discussion resumed.

It was the general consensus of the Board to amend the language to read "The County in coordination with the CEP will maintain an inventory of commercial and industrial designated lands for economic growth and job creation purposes. This list shall be made available to anyone in the public upon request." This approach was set to underline the County's commitment to transparent governance and equitable information sharing among all stakeholders interested in Marion County's economic development.

Ms. Knighting addressed the Potable Water Element Policy 1.3.2, noting the language was generalized as requested by Commissioner Zalak. The language now reads as "The County shall investigate the feasibility of requiring privately owned systems to adhere to standards and regulations contained in the Land Development Code (LDC) for County owned systems".

Ms. Knighting addressed the Aquifer Recharge Element, noting minor changes were made, including adding "where applicable" to Policy 1.6.5. as it relates to clustering, open space, drought tolerant landscaping, water conservation and irrigation.

General discussion ensued.

Ms. Knighting addressed the protection of rural lands and the step-down development

approaches, noting the importance of protecting the rural areas and rural neighborhoods in the Comprehensive Plan. She opined that overall, the Future Land Use Element (FLUE) does a good job of protecting rural lands. Ms. Knighting referred to Policy 2.1.6 Protection of Rural Areas which states. "Rural areas shall be protected from premature urbanization, and a vibrant rural economy shall be encouraged outside the Urban Growth Boundary (UGB) and Planned Services Areas (PSAs). Urban and suburban uses incompatible with agricultural uses shall be directed toward areas appropriate for urban development, such as within the UGB and PSAs as further described in Policy 3.1.3." She commented on additional language that could be added to Policy 2.1.7. as it relates to Amendment Applications for Conversion of Rural Lands. Ms. Knighting opined that applications for conversion/amendment of agricultural properties designated as Rural Land should demonstrate the following: 1) will not result in urban sprawl; 2) availability of public infrastructure; 3) close proximity of the site to the UGB; 4) the need for the conversion/amendment; 5) is compatible with the surrounding area and meets the intent if the Comprehensive Plan; and 6) the conversion/amendment shall also meet the requirements of the LDC.

Commissioner McClain opined that the way to protect rural land is to try and incentivize people to use it, noting the current development stems from different generations selling off their rural lands (i.e., working farms).

Mr. Minter advised that "Rural Areas" is defined in the Comprehensive Plan as the land area outside of the UGB, noting some people confuse Rural Area with the Rural Land Use Designation, which are 2 separate things. He clarified that Rural Area is not a Land Use Designation any more than the Urban Area is not a Land Use Designation.

General discussion ensued in regard to what the Board envisions for a vibrant rural economy.

Mr. Minter commented on previous Board discussion relating to the placement of RACs. General discussion resumed.

Commissioner Stone commented on the infrastructure (water, sewer, etc.) necessary before a property can be developed.

General discussion resumed.

In response to Chairman Bryant, ACA Tracy Straub advised that if the main use of a property is an agricultural use and a property owner requests to have a commercial use on that property (e.g., produce stand on a farm, wine tasting on a winery) than it is considered compatible.

General discussion resumed.

Chairman Bryant requested staff put together a list of the things that are already allowed by either County policies or State Statutes in the agricultural areas.

In response to Commissioner Zalak, Mr. Weyrauch commented on Policy 5.1.2. as it relates to converting rural land uses to urban land uses through either a land use amendment, zoning change, or special use permit (SUP), noting the County can require the applicant to provide a Needs Analysis and proof that the request is compatible with the surrounding area.

Commissioner Zalak opined that the County should have a guideline of what needs to be included in a Needs Analysis.

Commissioner Stone concurred and opined that the analysis should include whether the project would bring jobs to that part of the County, if the project would provide a housing element that is missing in that particular area, etc.

General discussion ensued relating to guidelines the County needs to require for a Needs

Analysis, including how it supports the County's Vision Statement, as well as the definition of rural areas and urban sprawl.

Ms. Knighting addressed Policy 2.1.13., Protection of Rural Neighborhoods, noting the recommendation is to amend the language as follows: "Marion County shall recognize that existing "Rural Neighborhoods" deserve special protection from the intrusion of urban uses, densities, and intensities where new development occurs within the immediate vicinity. For the purpose of this policy, a "Rural Neighborhood" is an existing recorded or unrecorded subdivision where the overall density does not exceed one unit per three acres and the subdivision has a predominant Future Land Use Designation of Rural Land".

Commissioner Curry commented on Policy 2.1.7. and questioned if the County is still allowing for package plants in rural areas. Mr. Bouyounes advised that staff does not encourage package plants/wastewater treatment plants, but it becomes part of the discussion based on the size of the proposed development as to whether they would be required to build a full wastewater treatment facility. He stated package plants also have to be approved by the Department of Environmental Protection (DEP).

In response to Commissioner Curry, Senior Planner Chris Rison advised that Bel Lago subdivision will be connecting to the central water system coming out of the Spruce Creek Preserve subdivision and will be on septic tanks. He clarified that those residents have 1 to 5 acre tracts. Mr. Rison advised that package plants are often considered where there are RACs that have more concentrated activities or at Recreational Vehicle (RV) parks. Chairman Bryant commented on encouraging agricultural uses on agricultural property, noting if someone wanted to do a "farm to table" restaurant and did not have the ability to hook up to public infrastructure then they should be allowed to build a packaging plant.

Ms. Knighting referred to the 2 page handout entitled, "Protection of Rural Land and Step-Down Approaches" as it relates to Policy 3.1.3. Protection of Rural Lands Outside the UGB. The Policy states "The County shall require step-down approaches for new developments, which are both within and directly adjacent to the UGB. For new developments directly inside the UGB that are adjacent to Rural Lands land use an existing agricultural use or an existing Rural Neighborhood directly outside the UGB, the following strategies shall be implemented: 1) The new development shall incorporate a 100-foot buffer either retaining the existing natural vegetative buffer or a Type A vegetative buffer (approved by the County's Landscape Architect) surrounding the entire property boundary which borders the UGB".

Commissioner Zalak requested the language "100-foot buffer" be changed to "100-foot setback". It was the general consensus of the Board to concur.

Ms. Knighting stated proposed language in Policy 3.1.3. also includes: "2) No structure shall be located within the 100-foot buffer. 3) The heights of structures shall be no greater than thirty-five (35) feet at the 100-foot buffer line and may increase in height five (5) feet for every ten (10) feet away from the 100-foot buffer. The maximum height shall also be regulated by the LDC. 4) Cluster Density Bonus option. The new development may qualify for a Cluster Density Bonus under this policy if the project provides the following: a) Preservation of 60% of the area in open space and the open space is strategically located to protect a Rural Lands land use, an existing agricultural use, or an existing Rural Neighborhood directly outside the UGB. The open space may be used as passive recreation for the development; b) The development is connected to central water and sewer; and c) The density bonus shall be regulated through an approved Planned Unit Development (PUD) application and may obtain up to one (1) unit per gross acre of added

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density and may feature smaller lot sizes than typically permitted”.

General discussion ensued relating to Policy 3.1.3. and the impact that Cluster Density Bonus (one (1) unit per gross acre of added density) would have on the border of the UGB line.

Ms. Knighting stated the language could be amended, noting the Comprehensive Plan currently allows Cluster Density Bonus outside of the UGB at one (1) unit per 5 acres (i.e., hamlet).

Chris Rison clarified that the current Comprehensive Plan has 2 provisions for Bonus Densities inside the Rural Area/Rural Lands that are located outside the UGB, but not in the Farmland Preservation Area (FPA). The language stipulates if a developer wants to develop a hamlet it can be (1) unit per 5 acres or one (1) unit per 3.5 acres with certain requirements. The Comprehensive Plan also addresses Residential Cluster, which states if the property is within specific distances of certain facilities the developer would receive “points” that allows for an additional Density Bonus. The maximum Density Bonus would be one (1) unit per 7 acres.

General discussion resumed about the unintended consequences of the density bonus, especially its compatibility with the goal of establishing step-down zoning as a transition between urban and rural areas.

Ms. Knighting noted language relating to the Cluster Density Bonus option could be amended or completely removed. It was the general consensus to remove the Cluster Density Bonus option for areas adjacent to urban growth boundaries.

General discussion ensued relating to step-down approaches.

Chairman Bryant stated she would like staff to create a map of the UGB, the land uses around that line, as well as the associated zoning designations.

Commissioner Zalak opined that the County should not have a “Type A” buffer in a plan that is going to last out into the future for another 20 years. He advised that he would prefer policy language that prioritizes opacity as a means to achieve visual and functional buffering.

General discussion ensued in regard to buffering requirements.

Chairman Bryant suggested the language in Policy 3.1.3(1) be changed to read “The new development shall incorporate a 100-foot buffer either retaining the existing natural vegetative buffer or a buffer that meets the opacity requirements of the LDC”. It was the general consensus of the Board to concur.

Ms. Knighting stated she would bring back policy options relating to cluster densities that are located more centrally (in the core) within the UGB.

Commissioner McClain out at 3:33 p.m.

Ms. Knighting addressed RACs, noting they are intended to serve as mixed-use nodes offering residential, commercial, and agricultural-related uses. This strategic placement aims to ensure that residents in rural areas have access to necessary goods and services without traveling significant distances into more urban settings.

Mr. Weyrauch presented an “11x17” inch map illustrating the location of RACs and their 5-mile buffers. The map aimed to provide insights into the coverage and strategic placement of these centers within Marion County, particularly focusing on their effectiveness in serving rural populations without encouraging urban sprawl.

Commissioner McClain returned at 3:36 p.m.

Mr. Weyrauch provided a brief overview of the map and explained the rationale behind the 5-mile buffer, noting that it aligns with various planning principles, including minimizing “food deserts”, which are defined by distances greater than 10 miles in rural areas. He

advised that the RACs are strategically located to maximize accessibility across the County's geography, ensuring almost every resident is within 5 miles of a commercial node. The buffer zones help visualize this accessibility and reveal where the County may or may not be adequately serviced by these centers.

Commissioner Zalak expressed concerns that the US Highway 441 corridor lacked sufficient RACs, suggesting that this could create limitations for economic activities there, as existing zoning and entitlements do not allow the flexibility that RACs provide.

Mr. Weyrauch advised that staff will bring back a list of the activities (existing uses) allowed in Commercial nodes versus those allowed in a RAC, noting most of the day to day needs are allowed in the Commercial zoned entitlements. He stated there are a few RACs along US Highway 441 (north of the split); however, new RACs have not been added south of the split primarily to maintain the corridor's flow as a Strategic Intermodal System (SIS) network and avoid congestion that could impede traffic movement.

General discussion ensued.

Chairman Bryant advised that there are some parcels along that corridor that have Commercial zoning, noting anyone of those can bring forward a request/application for a change of land use and zoning change in order to develop a RAC.

Ms. Knighting referred to pages 12 through 37 of the Agenda packet, which contain redline drafts of the Intergovernmental Coordination and Capital Improvement Elements (CIE). She stated the only major change to the Intergovernmental Coordination Element entailed streamlining a complex table filled with confusing and technical verbiage. For the Capital Improvements Element, one of the key modifications was an effort to delineate and update level of service (LOS) standards, with potential alterations reflected in clearer tables.

Ms. Knighting advised that the next workshop is scheduled for Tuesday, March 11, 2025 at 2:30 p.m., noting the topics will be Transportation LOS and redline reviews of the Transportation Element.

BOARD DISCUSSION AND CLOSING COMMENTS

Mr. Bouyounes referred to page 22 of the Agenda packet as it relates to Policy 1.2.4., noting the proposed language change would require a local Ordinance to add a new project to the Capital Improvements Element (CIE) schedule.

Ms. Knighting advised that the red lined language is the old language prior to the changes to the Statutory compliance, noting the old requirement was for a Comprehensive Plan Amendment if the County wanted to add a new project to the CIE. She clarified that the changes were made to align with State Statutes, which now allow corrections, updates, and modifications concerning costs, revenue sources, and facility capacity to be made by local Ordinance without having to amend the Comprehensive Plan and go through the State process. Ms. Knighting advised that corrections, updates, and modifications concerning costs, revenue sources, facility dedications, and construction dates may be made by Resolution and no longer require an Ordinance. She noted she would provide the Statute information to the Board for their review.

Ms. Knighting addressed the organizational changes in the tables related to concurrency, which cover categories such as what's currently subject to concurrency and what's exempt. She emphasized that these tables did not involve content changes but were reorganized for clarity, thereby facilitating a better understanding of infrastructure needs and growth demands.

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NEW BUSINESS: ACA Tracy Straub stated she just received an email from a citizen who wanted to remind everyone that the Southeastern Youth Fair Steer Show will take place this evening at 6:00 p.m. at the Southeastern Livestock Pavilion (SELP).

CONTINUED: Mr. Minter commented on the Comprehensive Plan language and its interplay with zoning and land use decisions. He referenced a case called “MoCA Military” in Miami, which states “It is a leap in logic to argue that the Comprehensive Plan’s permissive language made it reasonably foreseeable that, and non-speculative to assume that the properties would be zoned by a specific date for residential use. A property owner does not reasonably foresee the enactment of land development regulations authorizing whatever use it hopes to make of its property in the future”. He advised that the Florida Supreme Court has declared “A Comprehensive Plan only establishes a long range maximum limit on the “possible” intensity of land use. A plan does not simultaneously establish an immediate minimum limit on the possible intensity of land use. The present use of land may, by zoning Ordinance, continue to be more limited than the future use contemplated by the Comprehensive Plan. Even if a Comprehensive Plan explicitly authorized development for a residential use (in this particular case) as the Plan merely contemplated a range of uses. The actual permitted uses of the subject properties would nevertheless be confined to those the City chose by legislative action to expressly permit in the zoning code”. Mr. Minter further read “does the fact that a proposed use is consistent with the Plan mean that the planners contemplated that the use would be acceptable at some point in the future. Zoning involves the exercise of discretionary power within the limits imposed by the Comprehensive Plan”.

In response to Chairman Bryant, Mr. Minter stated there is language in the LDC that states if a PUD expires, it automatically reverts to the prior zoning.

Mr. Weyrauch advised that there is a provision in the Code that states the applicant can come in and request a 1 year extension from the Board.

Mr. Minter advised that the idea is that all development orders, including rezonings, have to be consistent with the Comprehensive Plan.

General discussion ensued.

There being no further business to come before the Board, the meeting thereupon adjourned at 3:56 p.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk

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