

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

June 23, 2025

CALL TO ORDER:

The Marion County Board of County Commissioners (BCC) met in a workshop session in Commission Chambers at 10:02 a.m. on Monday, June 23, 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 morning 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; and Commissioner Michelle Stone, District 5. Commissioner Matthew McClain, District 3, was absent due to a prior commitment. 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.

Chairman Bryant congratulated Commissioner McClain on his new baby and wished him and his wife the best of luck.

The Deputy Clerk was in receipt of a 55 page handout entitled "Redlines – Future Land Use Element" and a 78 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 ninth of ten workshops scheduled over a five (5) month period. During this series of workshops, the Board has focused on gaining consensus for proposed changes to the Comprehensive Plan and has discussed 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 related to Transportation Level of Service (LOS) and Transfer of Development Rights (TDR). The Board will also discuss a final overall recap and review redline changes for the Future Land Use Element.

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, noted if the Board gets through everything today, then there would be no need for another follow-up workshop. She commented on prior workshops, noting she has brought back the LOS table along with more information relating to the TDRs as discussed at previous meetings.

Ms. Knighting referred to the table on page 59 of the Agenda packet as it relates to Policy 2.1.2: Level of Service Standards, noting there was previous discussion relating to the LOS for scenic roads.

In response to Chairman Bryant, Ms. Knighting clarified that by changing Scenic Roads to a LOS "C", it will not change the road designation.

Ms. Knighting addressed Policy 9.1.1: Maximum Density and Intensity Bonus with Transfer of Rights Programs, noting the importance of making the TDR process successful. She stated Commissioner Zalak had previously questioned whether there were successful programs utilized by other Counties that do not use the bank system. Ms. Knighting advised that Collier County, Florida, as well as the Cities of Redmond and Pierce, Washington all have really good TDR programs. She stated Collier County example uses a County run website that maintains the information, noting they are not a bank and utilize the private market that has allowed them to conserve thousands of acres. Chairman Bryant questioned whether any conversations were held with stakeholders to discuss what is keeping them from utilizing the TDR program. Ms. Knighting stated staff have met with members from Horse Farms Forever (HFF) and listened to their input and ideas which were taken into consideration.

Deputy Director Ken Weyrauch, Growth Services, advised that staff have had ongoing conversations with developers throughout the years, noting staff recently discussed the TDR program with a developer and were told that they generally like the program, but there was an issue with trying to find out what the market rate of the units are for the developing project. He advised that staff spoke to Brad Dinkins with CLD Properties, noting he was involved with a Planned Unit Development (PUD) that came before the BCC and was ultimately denied. The applicant was told to come back with the TDRs in order to receive the number of units they were asking for, but the project never came back. Mr. Weyrauch stated during the discussions, staff asked why the project was never brought back and he responded that their concern was the predictability, noting a developer can go all the way through the process and still be told no.

In response to Chairman Bryant, Mr. Weyrauch advised that staff is working on its website to ensure the contact information is more up to date and to verify phone numbers and email addresses so that a developer can directly contact the holder of those credits.

Ms. Knighting referred to page 60 of the Agenda packet relating to Policy 9.1.1. and opined that it may be more desirable if the County changed the Density Bonus language from two (2) dwelling units (du) per one gross acre to three (3) du per gross acre for Urban Area land use designations. She referred to Section 1 a. and b., which states: a.) "Requests for the use of one (1) dwelling unit per one (1) acre over the maximum density within the existing land use and zoning district may be approved administratively so long as all other provisions of the Transfer of Rights Program is met" and b.) "Any request over one (1) dwelling unit per one (1) acre over the maximum density within the existing land use and zoning district shall require Board of County Commission approval".

Ms. Knighting opined that by allowing the extra unit(s) to be approved administratively, it

may remove some of the risks that were addressed by developers.

Senior Planner Chris Rison, Growth Services, clarified that one of staff's thoughts in relation to that was the concept of having the one extra du per acre be something that can be done administratively as an addition. Then the developer is not going to go through those extra efforts to add one more unit per acre, which might seem a difficulty. The other aspect is, for instance, in medium density, which is 4 units per acre, a developer could potentially go to five as an administrative decision. Or what the County could do is allow a developer to buy up to three additional units that would take it from 4 to 7 units, which is less than high density (8 du), so that there would not be a need to pursue a Comprehensive Plan Amendment.

General discussion ensued.

Commissioner Zalak expressed concern that when the BCC holds a hearing regarding these matters the public is made aware of what to expect, at least at some level from a density and buffer perspective, and now with the proposed process the developer can have that changed administratively.

Mr. Rison advised that currently the PUD process requires concept plans and master plans, but the answer might be to have those plans locked in by providing more detailed plans than are currently required today, and showing the Board the actual concept in the public hearing setting.

General discussion resumed.

Chairman Bryant clarified that if a developer has 40 acres with a Medium Density land use and the appropriate zoning is already in place, if they want to add additional units, they can go through the TDR process and get one additional unit per acre approved administratively. Mr. Rison concurred, noting it would go through the Development Review Committee (DRC) process. He advised that today, the minimum lot width without water and sewer is 85 feet (ft), if the property has water and sewer the minimum lot width is 70 ft, noting with the TDRs those lot widths would be smaller (i.e., 50 or 60 ft). Chairman Bryant opined that if this is approved then it would take away the need for a developer to come to the BCC and request a PUD. She stated if a developer brought this type of project in under straight zoning, they would not get this density.

Commissioner Stone advised that the County has a goal to have 5,000 acres in the TDR conservation program and noted there is currently less than 2,000 acres. She questioned if this proposal would allow the County to cap that amount in order not to exceed the goal of 5,000 TDRs. Mr. Rison advised that it would mean that the County would not put anymore properties into conservation easements to limit development on the property.

General discussion resumed.

Mr. Bouyounes stated he has not seen any data on the Urban Growth Boundary (UGB) in regard to how much it can accommodate, future population being planned for, and if that can be accommodated in the UGB under the current existing different land uses and whether the County needs to start adding or increasing density throughout the UGB even though the Board decided not to do a step down. He questioned if the County is going to allow those high densities to go all the way to the edge of the UGB, and what would be the number of units allowed. Mr. Bouyounes stated the key driver is the population the County is trying to accommodate within the existing UGB.

Ms. Knighting advised that with the current housing units, existing land uses and vacancy rates, the County does have enough (approximately 20,000 extra units) to accommodate growth through 2050.

Mr. Bouyounes stated he agreed with Commissioner Zalak in regard to the information

being provided at public hearings and then to turn around and allow a developer to add more units administratively.

Chairman Bryant opined that if a developer wants to come before the Board and push for the highest density that they can get within that land use designation and within that zoning, then they should be required to provide TDRs.

In response to Chairman Bryant, County Attorney Matthew G. Minter, Legal, advised that the Board does not have to approve the maximum amount of units being requested by a developer, especially early in the horizon of the County's Long Range Comprehensive Plan.

Chairman Bryant reiterated that if nothing changes with what the County already has for land use and zoning that is out there right now, then there are more than enough units to suffice. She opined that there is no reason staff cannot keep track of the population, what developments are in the works, etc., through the years and if someone wants to come in and develop above that, then the BCC should require TDRs. Chairman Bryant stated the County giving out higher densities just because they are being requested is not good planning. She noted the County is behind on infrastructure, which should be taken care of prior to approving any development higher than what is allowed.

Commissioner Stone stated the Board has already approved the Farmland Preservation Area (FPA) that protects that special area from development.

Commissioner Curry advised that there is approximately 50 percent (%) of the UGB left for development and it was his understanding that is where the County was trying to direct growth densities, especially where infrastructure is already in place.

General discussion ensued.

Mr. Minter advised that when most people think of Collier County they think of Naples, but to the east of Naples is the Town of Immokalee, as well as some other dramatic farm lands to the east of Naples. He stated one of the factors that causes concurrency to fail in many jurisdictions is because their urban growth area would have a LOS that was failing and so the reaction to that was that growth would go out into the rural areas because the LOS on those roads were not failing. The problem is the Counties were driving growth to the rural areas to avoid a LOS problem on the road. Mr. Minter expressed concern with regard to TDRs and adopting policies that, without qualification, would allow somebody to administratively qualify for higher densities if they met the terms. If the developer comes into their property within the UGB, but the road they are on becomes a failing LOS, then the County could have a situation where the developer is going to tell the Court Judge that the County invited the development to come in and are now being told they cannot do anything because of a failing roadway.

Mr. Bouyounes opined that the County needs to be sensible and selective because the UGB is a scarce commodity, and the Board has to be selective where it allows growth and higher density. There are areas within the UGB with transportation and utility plans in place and/or being implemented that may allow certain areas to have higher density. He expressed concern that giving a blanket policy for additional units that can be added anywhere in UGB may cause issues in the future.

Chairman Bryant suggested having targeted areas within the UGB where developers can utilize TDRs administratively.

Chairman Bryant directed staff to review areas within the UGB that have transportation and utility infrastructure that could be considered as targeted areas for utilization of TDRs. She clarified that the maximum additional du per one gross acre could be no more than 2 units and there will not be any additional units approved administratively.

Mr. Minter questioned whether the Board is saying that a target area would be a subcategory of a receiving area or is the Board saying that target and receiving is the same thing.

General discussion ensued relating to requiring TDRs for all requests for extra unit requests.

Chairman Bryant noted she does not remember the last time the Board had a project come before them that did not have some kind of a negative impact, whether it was transportation, public safety, schools, any of those things.

General discussion resumed.

Commissioner Curry advised that the thought process that came back to the Commission was if the property has medium density, the correct land use, etc., and the owner wants to go to the next level, then that is what involves the TDR process. He stated there needed to be some benefit tradeoff for the preservation of land. Commissioner Curry advised that the Board is not trying to hold the high density back in every case, but there needs to be a process to let the TDR program work.

General discussion resumed.

Ms. Knighting stated staff will bring back more recommendations relating to the utilization of TDRs.

Chairman Bryant commented on a recent 4-lane road project and opined that there needed to be a policy in place regarding the requirement for a wall whenever a development is next to a 4-lane highway.

Mr. Bouyounes advised that the requirement can be addressed in the Land Development Code (LDC).

Ms. Knighting provided a brief overview of the overall changes to the Elements, which included cleaning up all the language redundancies; incorporating user friendly ways to make the document easier to read; added a definition section using the LDC and State Statutes for definitions; moving the abbreviation section to the front with the definitions; correcting formatting issues; and taking a deep dive into all of the elements to ensure the communities interests were taken into account. Staff focused on major topics such as LOS; special programs like TDRs and Planned Service Areas (PSAs); protection of Rural lands, Rural neighborhoods, and agriculture; density; and Rural Activity Centers (RACs). Ms. Knighting stated there were no major changes to the Housing Element other than cleaning up the policies and adding what was required by State Statutes. For the Transportation Element staff worked on the LOS to better fit the County's needs and transportation concerns; and reorganized the format to be more user friendly. She stated for the Conservation Element staff did add some policies to prioritize environmentally sensitive resources; used some funds for the open space "Fee in Lieu Of Program" to acquire environmentally sensitive important resources; and inventoried existing platted conservation tracts to create an urban trail network.

Ms. Knighting advised that for the Sanitary Sewer Element, policies were added for investigating the feasibility of establishing franchise regulations for privately owned systems so that when the County takes over these private facilities that they meet County standards and included updated policies to meet State Statutes (Basin Management Action Plan (BMAP)). Other Objectives and Policies included language that the County shall coordinate through Interlocal Agreements (ILAs) with municipalities and private utilities to provide and extend wastewater facilities to areas currently within the unincorporated areas of the County that have been identified in the Comprehensive Plan.

Ms. Knighting stated in regard to the Potable Water Element, staff cleaned up many of

the policies to meet current processes and to be more flexible for the County. She stated for the Solid Waste Element staff added language for new private solid waste facilities to follow County requirements. Ms. Knighting advised that there were no major changes to the Stormwater and Aquifer requirements, noting some language was removed that was already covered in the LDC.

Ms. Knighting commented on the Recreation and Open Space Element, noting staff are working on the LOS to fit the County's needs. She advised that this Element will be incorporated into the community workshops, noting staff will also work on incorporating policies that encourage trail expansion and park land acquisition. Ms. Knighting noted there were no major changes to the Intergovernmental Element. She commented on the Capital Improvement Element, noting staff will update the Capital Improvement Plan (CIP) with the LOS changes for the appropriate Elements. Ms. Knighting advised that after working with the Board and County staff the Economic Element has completely been revised. She noted the only change to the Property Rights Element was updating the Horizon to the year 2050.

Ms. Knighting addressed the Future Land Use Element, noting staff took their time analyzing this Element line by line and cleaned up many of the policies to align with the County's current processes. She advised that the biggest update was strengthening the protection of rural lands, rural neighborhoods, and agricultural industries. Ms. Knighting commented on Policy 1.1.7., which discourages strip commercial and isolated development. She opined that this is a really good policy because it requires interconnectivity to surrounding and adjacent uses where feasible and having interconnectivity with commercial parcels will help with those trips. Ms. Knighting commented on Policy 1.1.8., which implements programs to encourage the vacation of antiquated subdivision plats. There were no major changes to Policy 1.1.9. She advised that staff added Policy 1.1.10. to delineate between the rural areas and the urban areas to help eliminate confusion and staff will have a map for that at the transmittal hearings. Ms. Knighting addressed Policy 2.1.2: Land Use Requirements, which states "minimum densities shall be adhered to within the Urban Growth Boundary and PSAs unless otherwise approved through the Board".

In response to Commissioner Zalak, Mr. Rison advised that if a piece of property has a commercial designated area and has a residential component to it as well, for instance, if it is a 40 acre site and 30 acres are medium and 10 acres are commercial, that translates back into what their density and their intensity perceivably allows. Then what the County does is allow a developer to propose a PUD to blend that together and can intermix it across their site however they choose, similar to the Laurel Commons PUD.

Commissioner Zalak opined that the County should leave commercial designation as commercial and not let somebody take a floor area ratio (FAR) and average that over residential.

General discussion ensued.

In response to Commissioner Zalak, Mr. Minter commented on the importance of not giving the impression that there is an automatic entitlement.

Mr. Rison stated the way the current plan functions, it is an opportunity or an option that developers can seek coming forward to the Board.

Commissioner Zalak advised that he wants language that clearly states that developers are not entitled to automatically average FAR if they bring back a PUD, and move that commercial node and fill it up with residential.

General discussion resumed.

Ms. Knighting stated staff will have County Legal review the language in Policy 1.1.9. Density and Intensity Averaging Allowance.

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

Commissioner Bryant out at 11:14 a.m.

Ms. Knighting referred to Policy 2.1.22: Commercial (COM), noting this land use designation is intended to provide for mixed-use development and allows for mixed residential development as a primary use or commercial uses with or without residential uses.

Commissioner Zalak expressed concern with Commercial designated properties becoming 50% Commercial and 50% Residential, which was not the original intention of that land use.

Commissioner Bryant returned at 11:16 a.m.

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

Ms. Knighting commented on Policy 2.1.6. Protection of Rural Lands, and Protection of Rural Neighborhoods, noting this was a major priority staff heard within the community through the surveys and in person.

Ms. Knighting addressed Policy 2.1.7: Amendment Applications for Conversion of Rural Lands, and advised that language in this Policy states the developer must ensure the amendment will not result in urban sprawl; ensure availability of public infrastructure; the proposed amendment site is adjacent to the UGB or other more densely populated lands; and that the amendment is compatible with the surrounding area.

In response to Commissioner Zalak, Ms. Knighting stated the opposite of urban sprawl is a healthy community.

Commissioner Zalak opined that The Villages community has the best internal capture rate he has ever seen, noting they have everything planned out because they happen to own all of the land. This gives them the ability to plan the roads, plan where the subdivisions go, town squares, etc., and they plan most of the commercial on the outside of it, yet down at County Road (CR) 466 it is a mess.

General discussion ensued in regard to the need for developments to have internal capture to help eliminate trips on the road.

Ms. Knighting commented on Policy 2.1.9: Landfills, noting the language changes were based on previous Board discussions. She addressed the Future Land Use (FLU) Policy 2.1.15: Professional Office and Commercial Uses in Residential Land Use Designations, noting language changes were made to uses for both Residential and Commercial categories based on input from County staff.

Mr. Weyrauch advised that some of the language changes stemmed from the settlement with On Top of the World (OTOW) as it relates to allowing for commercial uses to be internal of PUD's, which is part of the LDC as well.

General discussion ensued.

Ms. Knighting commented on Policy 2.1.29: Commercial Recreation, which is a new land use and provides for low-intensity outdoor recreational uses and accessory facilities owned and/or operated by private or non-profit entities for commercial tourism purposes.

Ms. Knighting addressed Policy 3.1.2: Planning Principles within UGB, noting language was added as follows: "encourage and incentivize distinctive, attractive communities with a strong sense of place as described in the County's Vision Statement".

Ms. Knighting advised that Policy 3.1.3: Protection of Rural Lands Outside the UGB, is a new Policy that reads as follows: "The County may require additional buffering or setback

requirements for new developments which are inside and adjacent to the UGB to protect existing adjacent rural development outside of the UGB as further defined in the LDC".

Ms. Knighting addressed Policy 3.3.1: Elements of Rural Character in the Farmland Preservation Area, noting number 6 was added as follows: "Equestrian/Agriculture: In order to support the sustainability of equestrian/agricultural uses, agritourism should be encouraged as an alternative to conversion to non-equestrian/nonagricultural uses".

Ms. Knighting commented on Policy 8.2.5: Environmental Assessment for Listed Species (EALS)/Listed Species Review, which includes language as follows: "The land development review process shall, at a minimum, provide for review under the following instances, as further defined in the LDC". This Policy addresses land clearing and includes the following: "All development or land clearing shall require development review, except for bona fide silvicultural or agricultural activities."

In response to Commissioner Curry, Ms. Knighting stated silvicultural includes projects such as tree harvesting.

Mr. Minter questioned whether at this particular spot is there any bleeding over of the umbrella concept of land clearing and either mining or borrow pits that happen sometimes in some development projects.

Ms. Knighting clarified that if a developer wanted to mine, they would have to provide the listed species report.

Commissioner Curry out at 11:39 a.m.

Ms. Knighting noted this is the end of her presentation and if there are no bring back items being requested, then the tentative workshop set for July 22, 2025 could be cancelled.

BOARD DISCUSSION AND CLOSING COMMENTS

Chairman Bryant advised that she spoke to several residents in the Marion Oaks subdivision who expressed interest in the County's PSA program.

Mr. Weyrauch advised that staff will begin scheduling community workshops.

Commissioner Zalak opined that he still does not have a clear understanding of how the Board is going to address mini farms in rural lands (3 to 5 acres).

Chairman Bryant stated it was her understanding that the County would address those as hamlets with exemptions when it came to water and sewer infrastructure.

Commissioner Zalak opined that it may be something the County would want to do as a step-down area in the UGB. He stated the County needs to have a clear and easy process for somebody to come in and have that type of development in Marion County.

Commissioner Curry returned at 11:42 a.m.

General discussion ensued.

Ms. Knighting advised that since no follow up workshop is needed staff will schedule 2 in-person community meetings and 1 virtual meeting to receive citizen input.

NEW BUSINESS:

Chairman Bryant commented on a recent zoning case relating to a nursing home development and requested Mr. Rison provide an update at this time.

Mr. Rison advised that he did have a conversation with the property owner, who expressed to him that he did prefer the wall option. He stated he provided that information in the e-mail he sent to Commissioners if they choose to reach out to the owner.

Chairman Bryant clarified that one of the buffer requirements is the outcome of a discussion and agreement between the applicant and BCC that a wall would be required if desired by the owner based on subsequent staff contact with that property owner. She

noted it was the consensus of the Board to require the wall.
Commissioner Zalak requested staff let the applicant know that they can save those trees if they do it with the prefabricated slat/panel wall.

There being no further business to come before the Board, the meeting thereupon adjourned at 11:47 a.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk

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