

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

September 10, 2025

CALL TO ORDER:

The Marion County Board of County Commissioners (BCC) met in a workshop session in Commission Chambers at 2:01 p.m. on Wednesday, September 10, 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 proposed Evaluation and Appraisal Report (EAR) based Amendments to the Marion County 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 475 page Agenda packet to follow along with the PowerPoint presentation, a 204 page handout entitled, "Senate Bill 180 (SB 180) Summary", and a 32 page handout containing survey results.

WORKSHOP PRESENTATION

1. Workshop to Discuss and Receive Board Input Regarding the Proposed Comprehensive Plan Amendments related to the Evaluation and Appraisal Report
Growth Services Deputy Director Kenneth Weyrauch presented the following recommendation:

Description/Background: The Marion County Board of County Commissioners, Growth Services, and consultant Kimley-Horn have conducted a series of 10 workshops to review Evaluation and Appraisal Report (EAR) based amendments to the Marion County Comprehensive Plan. Following those workshops, two in-person community meetings were held - one in Marion Oaks and one in Silver Springs Shores - to present and receive public input on the proposed Comprehensive Plan changes and Planned Service Areas (PSAs). The Marion Oaks meeting also included citizen feedback on a potential project to develop the neighborhood greenbelts into a trails and recreation network.

This workshop plans to (1) review the results of the community meetings and the survey, (2) discuss the edits to proposed comprehensive plan amendments due to Florida's Senate Bill 180 (SB180), and (3) look at the remaining bring-back items. During this workshop we also plan to briefly discuss the adoption and transmittal

process of the proposed comprehensive plan amendments.

The current timeline has a special meeting with the Planning and Zoning Commission scheduled for October 6, 2025, at 5:30 p.m. and a Transmittal Hearing with the BOCC scheduled for October 29, 2025, at 2:00 p.m. At that point, if it is approved to transmit, then the documents will be sent to the State for a 60-day review and back in time for a January BOCC adoption hearing of the Marion County Comprehensive Plan revisions.

Budget/Impact: None.

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

Blair Knighting, Kimley-Horn and Associates, Inc. (KHA), advised that today is the final workshop relating to the EAR. She provided a brief overview of the public engagement and workshops that have taken place since 2024. Ms. Knighting stated the topics with the most support were conservation, recreation and open space, noting the topics with a few concerns were the Future Land Use Element (FLUE) (office and commercial in residential uses) and slightly mixed views on the PSA form-based code. She stated there were roughly 150 participants in the resident online survey. The majority of the responses supported the Conservation Element, Solid Waste revisions, Recreation and Open Space Element, Economic Element and the PSAs, but there were concerns relating to the FLUE and Transportation Element.

Ms. Knighting commented on Senate Bill (SB) 180, which states Municipalities cannot make their Land Development Regulations more restrictive or more burdensome. She advised that Orange County submitted their Comprehensive Plan to the State and it was null and void, which is not something Marion County wants to happen after all the hard work that was put into preparing the plan. Ms. Knighting provided a brief overview of the proposed changes that relate to SB 180. She stated the language in the proposed FLUE Policy 3.1.3, Protection of Rural Lands Outside the UGB, reads as more restrictive; therefore, staff is recommending for the language not to be included in the Comprehensive Plan.

Commissioner Zalak opined that the Comprehensive Plan should be sent to the State as currently proposed and if it is rejected at least the citizens will know that the Board went through the process and submitted the best ideas from a local government's perspective. In response to Commissioner Stone, Ms. Knighting advised that KHA worked on Orange County's Comprehensive Plan for 4 years, noting Orange County decided to move forward and submit it to the State. The State sent back a null and void because there were policies that were more restrictive. She stated this is uncharted territory.

Chairman Bryant opined that the State is overstepping when they are telling Marion County what should be done when it comes to the local communities. She stated the Board has gone through the Comprehensive Plan line by line, held workshops, and received the feedback from stakeholders within the community, noting the State has not. Chairman Bryant advised that the State made broad based Legislation across the entire State and are treating the entire State the same, but the entire State is not the same. She expressed support for submitting the plan that they have created and if the State does not like it the Board can decide how it wants to move forward.

Commissioner McClain advised that he is not willing to risk the State declaring the entire document null and void.

In response to Commissioner McClain, Commissioner Zalak advised that if the State declares the document null and void it would mean that none of the proposed changes

will be implemented and the existing plan will remain in place.

General discussion ensued.

Mr. Bouyounes recommended the Board go through the presentation and review the different items affected by SB 180. He stated previously during discussion the Board determined they were not going to do any step down buffering; therefore removing Policy 3.1.3, Protection of Rural Lands Outside the UGB, should not be an issue. Mr. Bouyounes advised that properties will be subject to the buffer and landscape requirements already in place.

Commissioner Curry questioned what will happen if the State does reject the Plan. Mr. Minter advised that he does not recall if SB 180 states what will happen if the whole plan is rejected; however, in Chapter 163 every County in the State of Florida is required by law to have a Comprehensive Plan. He opined that if rejected the County would revert back to the existing Comprehensive Plan.

Mr. Knighting advised that she anticipates it would become a negotiation back and forth with the State.

In response to Mr. Bouyounes, Mr. Minter stated the issue with making the changes effective after the deadline is that every time there is a new storm there is a new deadline. Mr. Bouyounes advised that once the policy is in the Comprehensive Plan it meets the existing deadline.

Ms. Knighting stated St. John's County recently transmitted their Comprehensive Plan and it is more restrictive, noting KHA is watching to see how the State responds.

General discussion ensued.

Mr. Minter questioned if Orange County is negotiating with the State or if the State said it was null and void and nothing has happened since then. Ms. Knighting advised that the last she heard Orange County was negotiating with the State.

In response to Chairman Bryant, Ms. Knighting advised that the transmittal deadline is January 28, 2026. She advised that St. John's County submitted their Comprehensive Plan to the State in July, which means they should be getting a response any day now. Ms. Knighting advised that it is unclear what exactly null and void means.

Chairman Bryant suggested the Board wait to submit and watch what is happening with the other Counties. It was the general consensus of the Board to concur.

Commissioner Zalak opined that the Board can review all the proposed changes relating to SB 180, noting there are a few that will be an issue. He stated the Board could wait until January 2026 to transmit to the State, which will allow time to see what happens with other Counties. Commissioner Zalak advised that he has no problem with submitting the plan, receiving a null and void, then negotiating with the State and changing what has to be changed. He opined that from a community standpoint it is better to submit it and have the State tell them they are not allowed to plan it how they want and rather require it the way the State wants.

Chairman Bryant advised that the turnaround time from the state is 45 days.

Ms. Straub commented on the timeline of the Comprehensive Plan submittal.

Ms. Knighting advised that the County has until January 2026 to submit the updated Comprehensive Plan, noting prior to transmittal it has to go through the Planning and Zoning (P&Z) Commission and the BCC.

Chairman Bryant questioned if the State declares the plan null and void can the Board resubmit a new one. Ms. Knighting expressed concern with not being able to resubmit and the County being considered late on the transmittal.

Commissioner Zalak opined that if the State denies the plan, they have to give the County

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another period of time to resubmit.

Ms. Knighting advised that this is uncharted territory, noting the State could not allow the County to resubmit or make any more changes to the Comprehensive Plan.

Commissioner Zalak stated if that is the case then the existing Comprehensive Plan would remain in place.

Commissioner McClain advised that he does not want to get into a legal argument with the State so government can establish more regulations.

Chairman Bryant opined that it is not more regulation, but instead better policy for the continued development of the community.

Ms. Knighting advised that since the Board was not in favor of creating a stepdown approach, they can strike the proposed Policy 3.1.3: Protection of Rural Lands Outside the UGB.

Chairman Bryant stated the language does not say the County “shall” it says the County “may”; therefore, it would not need to be removed.

Commissioner Zalak advised that there are certain cases where things need more buffering, noting it will probably be brought before the Board as a Planned Unit Development (PUD).

Mr. Bouyounes opined that this language has no value, noting there are not standards in place for what would be applied between the two different land uses.

It was the general consensus of the Board to strike Policy 3.1.3: Protection of Rural Lands Outside the UGB.

Ms. Knighting addressed FLUE Policy 8.2.5, Environmental Assessment for Listed Species (EALS)/Listed Species Review, noting language was added to make it very clear to the State that this is already regulated through the Land Development Code (LDC). She stated changes to Policy 2.1.5, Bicycle and Pedestrian LOS, are also specifying that this is not new language. Ms. Knighting advised that if the Board moves forward with transmittal KHA will have a memo outlining the changes and how they are not more burdensome.

Mr. Knighting advised that KHA wanted to ensure that the highlighted language in Policy 2.3.6, Bicycle and Pedestrian Infrastructure, makes it obvious that the LDC or the Master Plan is what is being referenced and is already established. She stated Policy 7.1.6, Public Airports and Surrounding Land Use, includes the language “Pursuant to Florida Statute”, showing it complies with the State regulations.

Ms. Knighting stated KHA reverted the language in Objective 1.4 back to “will be available to” as opposed to “are required for” and added the word “sewer” because it was missing. Chairman Bryant questioned the language change. Ms. Knighting advised that the previous Utilities Department Director (Jody Kirkman) made the original change prior to retirement, noting KHA was concerned that the word “required” would be seen as too restrictive by the State.

Commissioner Zalak stated it is already required; therefore, the language does not need to be changed.

General discussion ensued.

Chairman Bryant advised that the language “will be available to” could be interpreted as the County being responsible for sanitary sewer.

Ms. Knighting stated this could be why Mr. Kirkman wanted to make sure the language was cleaned up.

Mr. Minter expressed concern with the way the language reads.

In response to Mr. Bouyounes, Ms. Knighting advised that “will be available” is what is

included in the current Comprehensive Plan.

General discussion ensued.

Chairman Bryant directed KHA to modify the language to state “per the LDC connection requirements that implement this policy” and keep “are required for”.

Ms. Knighting advised that the verbiage “higher treatment standard” is being removed in Sanitary Sewer Objective 1.6 because it is already regulated and it could look as if the County is making it more restrictive.

Chairman Bryant recommended changing the language to “new and expanding wastewater facilities shall be designed to maximize treatment standards”. It was the general consensus of the Board to concur.

Ms. Knighting commented on the proposed changes to Solid Waste Policy 1.2.5. She stated this is not regulating it further, but is setting the standards for the new use.

Ms. Knighting advised that the language in Conservation Policy 1.1.2 was reverted back to the following “The County Shall include the following as locally significant natural resources due special protection to minimize adverse impacts to these resources:”.

Ms. Knighting stated the language “d. The preservation of Specimen Trees” was added in Conservation Policy 1.2.2 because of previous conversations relating to saving trees. It is more restrictive; therefore, KHA is now recommending to remove this language.

Chairman Bryant expressed opposition to removing the language, noting when trees can be saved, they should be saved.

Commissioner Zalak commented on the possibility of creating an incentive to encourage developers to preserve trees.

General discussion ensued.

Chairman Bryant advised that the specimen trees are being considered with the LDC. She recommended changing the language to “The preservation of specimen trees as specified in the LDC...”

Ms. Straub advised that anything that is perceived as more restrictive either in the Comprehensive Plan or the LDC will receive the same response from the State.

Chairman Bryant commented on the tree preservation being incorporated into an amenities swap.

Commissioner Zalak advised that if this is not approved then the County will have to ensure every property has a tree survey first, which is required in the current Code.

Mr. Bouyounes stated previous conversation was to allow the developer to utilize the existing trees as an offset to other requirements. He opined that it would not add any restrictions, noting this is providing options and clarifying what can be done.

Mr. Minter advised that this could be handled similarly to wetland mitigation banks.

Commissioner Zalak suggested the language “specimen tree mitigation opportunities”.

Ms. Knighting advised that Conservation Policy 1.2.4 was struck.

Ms. Knighting addressed Recreation and Open Space Policy 1.3.4, which was modified to state “Encourage new recreational facilities to interconnect with existing recreation facilities in the immediate area”.

Ms. Knighting provided a brief overview of the proposed changes to Transportation Policy 2.1.2, Level of Service Standards.

Commissioner Zalak advised that he wants to figure out how to keep the updated LOS.

Commissioner Stone opined that the Board should come back to this discussion after they see what happens with other Counties’ Comprehensive Plans.

Chairman Bryant recommended moving forward with submitting the plan and if the State does null and void what is proposed then negotiations can begin.

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Commissioner Stone stated the goal was not to go into negotiations.

Commissioner Zalak advised that Ms. Knighting can write the narrative outlining the issues and community feedback.

Chairman Bryant addressed the negative comments received from the community relating to transportation.

Ms. Knighting advised that this information can be included as background data when submitting the Comprehensive Plan. She stated there are only a few streets that are actually affected by the LOS change.

In response to Chairman Bryant, Amber Gartner, KHA, SE 17th Street, advised that there were 3 roadway segments, based on the 2023 Congestion Management Plan (CMP), that were exceeding the new LOS. She stated the roads that would be impacted are as follows: County Road (CR) 35/Baseline Road north of State Road 40; County Road 42 on the east side of the County; County Road 484 at Interstate 75 (I-75); and County Road 475A. Ms. Gartner advised that all the facilities that currently exceed the adopted LOS would continue to fail with the proposed new standards.

Mr. Bouyounes advised that the new policy would be adding more restriction on the County, noting at a certain percentage of the County has to begin planning improvements. General discussion ensued.

County Engineer Steven Cohoon advised that the LOS is a policy decision, noting if adopted there are going to be a plethora of roads that are going to trip the 80%. He commented on the staffing that will be needed to address the road projects.

Chairman Bryant expressed support to keep the updated LOS.

In response to Commissioner Curry, Commissioner Stone stated no decision will be made until they see what happens with other Counties.

Ms. Knighting stated the County could argue in the summary that this is not more burdensome, noting talking points would be included. She advised that the Board could also wait to see how other Municipalities are handled.

Commissioner Zalak advised that the LOS impacts Marion County the most. He stated this is about providing a LOS to the community that the community is requesting.

Ms. Knighting stated typically LOS is on the municipality, but a developer could argue that an LOS change could potentially require them to upgrade the road sooner.

General discussion ensued.

Chairman Bryant advised that there are 2 public hearings required prior to transmittal. She recommended the Board move forward with scheduling those hearings.

Mr. Bouyounes recommended making the changes everyone has already agreed on, keeping the LOS in the document and moving forward with the public hearing. He stated they can adjust as needed.

Ms. Straub stated October 6, 2025 is being contemplated as the hearing before the P&Z Commission and the 2nd public hearing is before the BCC, noting it is anticipated to be on October 29, 2025.

Chairman Bryant stated this gives the Board plenty of time to transmit and hear back from the State, noting this will give them time to resubmit if there is an issue. She recommended scheduling additional hearings in January 2026 in case changes are needed.

Commissioner Zalak opined that the hearing should be scheduled during a regular BCC meeting.

General discussion ensued.

Deputy Director Ken Weyrauch, Growth Services, advised that the original date was

chosen based on Commissioner availability.

Chairman Bryant advised of a possible conflict during that time period, but the meeting can move forward in her absence.

It was the general consensus of the Board to hold the 2nd public hearing on Tuesday, November 4, 2025 at 2:00 p.m.

Ms. Knighting advised that the Data Inventory and Analysis (DIA) is a background document and is not adopted with the Comprehensive Plan. She advised that the DIA was updated with the data required by the State.

Ms. Knighting commented on the recreation and open space LOS, noting KHA focused on County population and County owned and managed parks when considering the LOS. She advised that based on the revised LOS measure, Marion County has a surplus of 2,322.48 acres. Ms. Knighting stated discussion took place relating to creating a LOS for amenities, but there was not a lot of consensus on desired amenities. She stated the amenities may be better left to the Parks & Recreation Master Plan.

Ms. Knighting advised that a hamlet could be the avenue for those who wish to have the 5 acre mini farm, noting hamlets are for rural areas outside the Urban Growth Boundary (UGB). A hamlet can be 1 dwelling unit per 5 acres or 1 dwelling unit per 3 acres with 60% open space. She stated if an individual wanted their own 5 acre mini farm it would not be considered a hamlet, but a larger lot broken up into multiple 5 acre mini farms, it would be permitted under the hamlet provision. A PUD would be required for a hamlet.

Chairman Bryant questioned if an individual could request a hamlet when the property is outside the UGB, 40 acres, with a Medium Density Residential land use and agricultural zoning. Mr. Weyrauch advised that if the property is outside the UGB and centralized utilities are not feasible they can go to before the Development Review Committee (DRC) and request a step down in land use, noting there is a policy in the Comprehensive Plan allowing this to happen. He stated once moved down to low density a request can be made to change the zoning to Residential Estate (R-E) or PUD to create these lots.

Chairman Bryant advised that in the past staff has recommended denial of an application that requested a down grade.

Mr. Bouyounes stated recommendations for denial were for properties located in the UGB.

General discussion ensued.

Mr. Bouyounes advised that the current Comprehensive Plan allows hamlets, noting the biggest challenge is clustering.

Commissioner Stone opined that individuals could meet with Commissioners to share their plan and receive feedback prior to making the application.

Mr. Weyrauch stated staff does encourage, in some cases, the individual to schedule a meeting prior to submitting an application.

Commissioner Zalak requested this matter be brought back, noting he would like to be more flexible than what is being presented today.

Ms. Knighting advised that currently rural lands allow 1 dwelling unit per 10 acres.

Commissioner Zalak opined that an individual should be able to break up their property into 3 to 5 acre mini farms, regardless of if they are inside or outside the UGB.

Ms. Knighting advised that an individual could apply for a land use amendment and rezoning.

Mr. Minter clarified that the rural area is defined in the Comprehensive Plan as the land outside of the UGB, but rural area is not a land use designation. He stated rural land is a land use designation and allows for 1 dwelling unit per 10 acres.

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Commissioner Zalak requested staff figure out what needs to be done to allow someone to develop 3 to 5 acre mini farms.

Mr. Knighting advised that the Board would have to increase the density to allow this in rural land use.

General discussion ensued.

Chairman Bryant suggested creating a new land use to accommodate hamlets.

Commissioner McClain commented on the history of mini farms and how they came about. He stated this type of development could be obtained through allowing lot splits.

General discussion resumed.

Commissioner Curry expressed density concerns.

Chairman Bryant directed Commissioner Zalak to get with staff to bring back options to the Board for consideration relating to 3 to 5 acre mini farms.

Commissioner McClain requested more information on how this can be a focus outside the UGB.

Commissioner Stone stated she is reluctant to encourage allowing hamlets in the Farmland Preservation Area (FPA).

Chairman Bryant advised that not everyone who lives in the UGB wants to live in a high-density area. She stated there is a market for 3 to 5 acre lots.

Commissioner Zalak commented on the large lots near County Road 475A and the proximity to services.

Ms. Knighting advised that KHA will meet with Commissioner Zalak and bring back some options.

Commissioner Curry out at 3:34 p.m.

Ms. Knighting stated the online and in person workshops were overall supportive of PSAs. She advised that there were some concerns relating to security, traffic and potential restrictions stemming from the form-based code. Ms. Knighting provided a brief overview of the proposed language changes for Objective 3.2, PSAs.

Chairman Bryant questioned if the language is limiting a PSA to only the sites that the Board has identified. Ms. Knighting advised that the language is vague, but does say that there are County initiated PSAs such as Marion Oaks and Silver Springs Shores (SSS).

Chairman Bryant expressed opposition to limiting the PSAs to those two locations because there could be a better location. She stated the market will determine where these should be located.

In response to Ms. Knighting, Chairman Bryant advised that a potential PSA would have to come before the Board for approval. She expressed concern with listing the PSA as County initiated, noting it gives the public the idea that the County is going to develop the area.

Commissioner Curry returned at 3:37 p.m.

BOARD DISCUSSION AND CLOSING COMMENTS:

Ms. Knighting advised that the transmittal hearing will be held on Tuesday, November 4, 2025, noting KHA will work with Commissioner Zalak prior to that hearing relating to the mini farms.

NEW BUSINESS: Mr. Minter addressed the ongoing opioid settlement, noting an opportunity has presented itself to participate in a new settlement with Purdue Pharma. He stated the outside attorney has recommended the County participate in that case. Mr. Minter advised that if the County does not participate in the group settlement the County

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would have to file an individual lawsuit.

It was the consensus of the Board to join the Purdue Pharma settlement.

There being no further business to come before the Board, the meeting thereupon adjourned at 3:39 p.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk

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