

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

November 7, 2024

CALL TO ORDER:

The Marion County Board of County Commissioners met in a workshop session in Commission Chambers at 3:02 p.m. on Thursday, November 7, 2024 at the Marion County Governmental Complex located in Ocala, Florida.

INTRODUCTION OF WORKSHOP BY CHAIRMAN MICHELLE STONE

Chairman Bryant advised that the workshop was scheduled this afternoon to discuss the Evaluation and Appraisal Report (EAR).

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: Vice-Chairman Kathy Bryant, District 2; Commissioner Carl Zalak, III, District 4; Commissioner Craig Curry, District 1; and Commissioner Matthew McClain, District 3. Chairman Michelle Stone, District 5, arrived shortly after the meeting commenced. 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, Senior Planner Chris Rison, and Planner Kathleen Brugnoli.

The Deputy Clerk was in receipt of a 169 page Agenda packet to follow along with the PowerPoint presentation.

WORKSHOP PRESENTATION

1. Provide an Update and Receive Board Input Regarding the Comprehensive Plan Evaluation and Appraisal Report – November 7, 2024.

Growth Services Director Chuck Varadin presented the following recommendation:

Description/Background: The Board is scheduled for a series of workshops with Growth Services staff and their consultant, Kimley-Horn and Associates, Inc., to review and provide input regarding Marion County's 2025 Evaluation Appraisal Report (EAR). This is the 3rd workshop in a series of workshops discussion the EAR. The objective of this workshop is to finish our discussion of the future land use element.

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 report, the EAR, is due February 2025 with identified changes to the Comprehensive Plan to be completed within one year.

Recommended Action: Staff is seeking Board discussion.

Blair Knighting, Kimley-Horn and Associates, Inc. (KHA), Grand Bay Parkway West, Jacksonville, advised that the Board left off on Goal 4 (Implementation of Comprehensive Plan), which has no recommended modifications. She provided an overview relating to Policies 4.1 through 4.1.3.

Ms. Knighting advised that Policy 4.1.4 (Select Uses or Activities with Special

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Requirements) is not exactly required and can be left in place.

Chairman Bryant questioned if this Policy could apply to the scenario with Sanctuary to the Maxx, Inc. Mr. Minter stated potentially.

Chairman Bryant stated there has been discussion relating to a moratorium on different things within Animal Services because the Board is trying to determine how to navigate future issues that may arise. She questioned whether this Policy would be something that would allow the Board to put guidelines in the Land Development Code (LDC) to prevent the Board from being in those positions again. Mr. Bouyounes stated it could, if the language is added to the LDC to regulate that type of situation.

Chairman Bryant questioned if that would be a better route for the Board to take regarding those situations vs. a Special Use Permit (SUP). Mr. Bouyounes advised that it could be part of the SUP with more defined requirements. He stated if it is left in the Policy, it can be added to the LDC.

Chairman Bryant opined that this Policy can be used with the LDC to help the Board in the future. It was the general consensus of the Board to agree.

Ms. Knighting advised that there are only minor edits to Policy 4.1.5. She stated there are no recommended changes to Policy 4.1.6.

Ms. Knighting addressed Goal 5 (Changing the Development Regulations), which is included in the LDC and does not need to be in the Comprehensive Plan.

In response to Commissioner Zalak, Ms. Knighting stated the elements under Review Criteria (Policy 5.1.2), and all of Goal 5 can all be removed from the Comprehensive Plan as it is in the LDC.

Chairman Bryant advised that if the Board chooses to do so, it needs to be made explicitly clear that it is not intended for the County not to have regulations relating to the same criteria more or less, but that the Comprehensive Plan is not the place for it, and it is more appropriate for it to be within the LDC. She stated the Board should ensure all the criteria have been reviewed to verify it is in the LDC prior to removing the language.

Ms. Knighting advised that all the Policies and Objectives under Goal 5 will be reviewed to ensure they are in the LDC and if it is not, the matter can be discussed at the time the Amendments are made.

Chairman Bryant opined that the Board should review these Policies very quickly to ensure nothing is missed.

Ms. Knighting read Objective 5, noting a period can be added at the end. She stated Objective 5.1 (Comprehensive Plan and Zoning Changes) lists the types of development changes an applicant can request and the tools.

Ms. Knighting referred to Policy 5.1.1 (Application Requirements), which states the County shall require an application with sufficient details of a request for an Amendment to the Comprehensive Plan and the Official Zoning Map, consistent with Chapter 163, F.S., the Comprehensive Plan, Zoning, and LDC. She stated Policy 5.1.2 (Review Criteria – Changes to Comprehensive Plan and Zoning), includes the word “suitable”; however, it is not defined. Ms. Knighting suggested it be changed to “sufficient”, noting once the application is sufficient per the LDC it has everything required in the application. She advised that “compatible” can be substituted if that was the intent of the sentence.

In response to Chairman Bryant, Ms. Knighting stated the Board can leave “suitable” based on the second sentence.

Chairman Bryant opined that “suitable” is the appropriate word.

Commissioner McClain questioned if the Board is still deleting this Goal and Policy. Chairman Bryant advised that if it is deleted from the Comprehensive Plan, it will all be

moved to the LDC, noting she wants to ensure that everything in the Comprehensive Plan is within the LDC. She stated if something is not, the Board is indicating what it wants the consultant to put in the LDC, which will be a mirror image of this Policy.

Commissioner Curry questioned how market demand is determined (Item 1). Chairman Bryant opined that the language is asking if the change is necessary because the market is demanding it or is this just what someone wants.

Ms. Knighting concurred, noting it can come from a professional. She advised that essentially the Board is looking to see if the market is trending towards a different type of product such as, a lower price point, etc.

Commissioner Curry commented on previous applications that have come before the Board. He advised that he has never seen a reference to market demand.

Commissioner Zalak stated there are not enough requirements to make those statements legitimate, noting a market study can be done. He advised that he is unsure that the Board currently requires a market study.

County Attorney Matthew G. Minter stated a legitimate market demand study is expensive. He advised that a market demand study from the applicant, while biased in favor of the applicant still provides some information for the Board. Mr. Minter stated the potential problem on the flip side is if there is a challenge based on the evidence presented, the Board is not going to spend \$50,000.00 to do its own study for each applicant.

Commissioner Curry advised that the Board has already requested market indicators relating to the number of units that are occupied of those built. He stated based on information he received recently; the County is probably at approximately 2 and one-half months of inventory. Commissioner Curry noted citizens see the amount of building going on and question the over-supply. He advised that based on data he reviewed and studied, 6 months is the tipping point to be an even market, which does not favor the buyer or seller.

Ms. Knighting stated KHA can make sure to work with staff to review the application requirements and the LDC to ensure they match.

Commissioner Zalak stated the Board needs to have 2 or 3 guidance points relating to what it is looking for in market demand.

Mr. Minter commented on the East Central Florida Regional Planning Council (ECFRPC) offering the assistance of individuals to perform certain studies for the County. He advised that the County could request and take advantage of this, noting they have offered to do it in the past.

Mr. Bouyounes stated the ECFRPC does not do it for free. Mr. Minter concurred; however, he noted that presumably it would be more objective than what the developer provides.

Commissioner McClain opined that someone that is coming in with a development is not going to build it unless they know it will sell. He advised that a market study from an applicant is going to show the demand.

Mr. Minter stated the market demand studies may not tell the Board too much.

Chairman Bryant opined that in some instances the Board has seen development jump the gun, and some of the Board were involved in real estate during the period from 2003 through 2010 and saw quite a few developers that had projects they thought the market was demanding they build. She advised that they started those developments and some sat vacant with a few sparse houses in them for quite a while, noting there is one in her District that because they did not sell the houses, the developer did not go in and finish the amenities that he was supposed to finish. Chairman Bryant advised that when it comes to changing the land use through a Comprehensive Plan Amendment, there needs

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to be some justification as to why the Board is changing the designation. She opined that market demand and viability is part of that justification, not just because somebody has owned a big field for 30 years and now, they want to sell and develop the land. Chairman Bryant commented on the Board's responsibility to ensure that it will be a viable community and that it is needed and can be supported with infrastructure and more.

Commissioner Zalak stated it is typically 5 years from the time an applicant comes before the Board for land use, zoning, etc., until the lots are ready to be sold, noting the challenge is being 5 years ahead whatever that next 6 month real estate market is going to look like. He advised that another challenge relating to the market study involves the area outside the UGB that doesn't currently have land use. Commissioner Zalak commented on some areas where there is land use next door to a property that someone is trying to get units on, and the first property has not even broken ground yet. He advised that is where he thinks the market study is important.

Chairman Bryant opined that as the availability of property declines in the UGB, the Board will see more pressure to approve development outside of the UGB and this is a valuable tool the Board can use.

Commissioner Curry stated more than half of the projects the Board has approved have not gone through.

Chairman Bryant opined that it was probably not necessary to make those changes at that time.

Commissioner Curry noted an increase in interest rates likely killed a lot of projects.

Commissioner Stone arrived at 3:26 p.m.

Chairman Bryant passed the gavel to Commissioner Stone, who assumed the Chair.

Senior Planner Chris Rison, Growth Services, advised that in relation to these criteria, these are the things that are looked at as a whole by the Board and are weighed based on importance. In regard to requests to make places part of an Urban designation that were not, staff have questioned applicants as to why they are making the request. He advised that when the World Equestrian Center (WEC) came forward with their activities, staff required something that indicates why they think the project will be successful, noting they generated information that became part of the background materials the Board was able to see and weigh as part of the overall consideration. Mr. Rison advised that staff emphasize to applicants that come in and make requests for things that are different, brand new, or that are not initially allowed in that area, that they need to help staff make that leap to say it is time to move this line, set this area, or bring this area forward. He stated if an area already has a Residential Land Use Designation and someone is asking for a zoning to go in on that land use designation, it has not been a major effort because it has already been given that designation. Mr. Rison advised that when someone comes in with a completely different product that Marion County has not seen, staff advise those applicants that they need to be ready to defend that product when questions arise from the public and the Board.

Commissioner Zalak stated it would be helpful to say within 5 miles of a project, how many similar housing projects are available, how many are actually full, and how many have not been developed yet, providing a synopsis of what the market is like in that location. He advised that if an applicant is requesting something another developer has approval for and has not broken ground, maybe they can bring back something a little different than the one that is already approved.

Mr. Rison stated the County can either have the Policy, get the Policy amended and then ensure it is in the LDC, or do it within the LDC.

Commissioner Zalak opined that it should be in the LDC.

In response to Mr. Minter, Mr. Rison advised that any Comprehensive Plan Amendment needs background data and an analysis to support the request. He stated staff have not commissioned a market analysis previously.

Commissioner Zalak opined that a market analysis is already part of the submission, noting the Board is asking for something in the LDC that says here are a couple of elements we like to see.

Mr. Rison stated it would be beneficial to establish minimum standards for what a market analysis needs to contain, in order to provide guidance.

Commissioner Bryant out at 3:30 p.m.

Commissioner Zalak advised that staff could put together some different things the Board would like to see in a market analysis to help make those decisions relating to what truly is unique or varied housing.

Ms. Knighting stated the Board should define what market demand is for Marion County. She noted having that definition in the LDC and the Comprehensive Plan would be helpful. Chairman Stone questioned if Ms. Knighting has seen market demand identified with a definition in other Comprehensive Plans. Ms. Knighting stated she has not seen the actual definition; however, from the private sector when submitting a Comprehensive Plan Amendment for projects must show a need such as housing shortage, shortage of a particular type of use, etc.

In response to Chairman Stone, Ms. Knighting advised that medical services would be considered a need.

Commissioner Curry questioned if there will be an additional list of criteria. Commissioner Zalak stated it is all included in the Comprehensive Plan.

Commissioner Bryant returned at 3:33 p.m.

Ms. Knighting advised that the items listed under Policy 5.1.2 are each covered by one of the 3 criteria (will not adversely affect the public interest, is consistent with the Marion County Comprehensive Plan, and is compatible with the surrounding land uses).

Mr. Minter stated in his view, if an application does not satisfy any one of those criteria it should be denied; however, that is not to say that those are the only criteria the Board can consider. He advised that just because an applicant meets the 3 criteria does not mean they are entitled to their request, noting there could be other relevant factors that come up in the hearing.

In response to Chairman Stone, Commissioner Bryant stated the recommendation is that generally this information is not in the Comprehensive Plan, it is in the LDC. She advised that the Board is reviewing the language to make sure it is included in the LDC so when the information is disseminated to the public, they know these requirements have not been removed. Commissioner Bryant opined that it should be stated the Board is moving this to the appropriate location, which is the LDC.

Commissioner McClain commented on Policy 5.1.2 Item 5 and questioned if agricultural activities have been defined anywhere. Ms. Knighting advised that the definition will be added to the Comprehensive Plan, noting she has not yet provided the definition to the Board.

Mr. Bouyounes stated the Board will see that information when the proposed changes are brought back.

Ms. Knighting addressed Policy 5.1.3 (Planning & Zoning Commission (P&Z)), noting this essentially covers the makeup of the Commission and what they are able to do. She advised that this language is likely in the LDC.

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Chairman Stone stated the explanation for deletion of this Policy will be that it is included in the LDC. Ms. Knighting concurred.

Ms. Knighting commented on Policy 5.1.4 (Notice of Public Hearings), which references Florida State Statutes (FSS) in the LDC.

Ms. Knighting addressed Goal 6 (Public Infrastructure Planning), noting it is necessary to update this based on the new FSS where the County will have a short-term and long-term strategy. She advised that there are only minor edits to Objective 6.1 (Coordination of Public Facilities), as well as Policy 6.1.1 (Public Facilities Guidelines).

Commissioner Zalak questioned if a development trips the need for additional public safety services (i.e., Sheriff or Fire Rescue), would it be incumbent on the developer to participate (land donation, etc.). Ms. Knighting stated her understanding that the County does not have concurrency for Fire, so it is not considered as part of any changes. She advised that some municipalities have a Fire Impact Fee, which is very helpful in distributing those costs through those zones. Ms. Knighting noted the County can have different zones for its impact fees. She clarified that there is concurrency, just not fire concurrency. Ms. Knighting stated the County is mandating school, roads, and traffic relating to Policy 6.1.2 (Concurrency of Services).

Commissioner Bryant opined that Public Safety should be included.

Commissioner Zalak stated this is a good time to discuss concurrency and what the Board wants for the long term.

In response to Mr. Bouyounes, Mr. Rison advised that for Marion County there is officially and formally concurrency for transportation, water, sewer, and stormwater because those things are reflected in the County's Capital Improvements Element, noting they are minimum mandates from the State of Florida. He stated regarding Emergency Services (Fire, Sheriff, Police, etc.) it is the local government/community's choice to make. Mr. Rison advised that the County chose not to in the past. He advised that Public Safety/Fire is a question of how many fire stations do you have, but it also might be more on the policy side relating to the amount of staff and equipment. Mr. Rison noted for a short time, Marion County had a Fire Impact Fee; however, it was discontinued. He stated it can be done, but it is a challenging task to implement concurrency.

Commissioner Bryant opined that at the end of the day the County will be expected to provide the services.

Chairman Stone advised that the Board should probably have Sheriff William "Billy" Woods, Marion County Sheriff's Office (MCSO) present for these discussions and a lot more detail will need to be provided.

Commissioner Zalak commented on development that drives the need for new facilities (fire stations, etc.), noting the way concurrency works is everyone should be chipping in as that happens. He stated the way concurrency is done today has to do with the Parks question relating to mainstream parks and how that works. Commissioner Zalak advised of the need to require developers to create neighborhood parks, but the County still needs regional parks that support baseball, etc. He stated how that all works together is a question the Board runs into on a consistent basis, noting concurrency would streamline that process and provide a guideline.

Commissioner Bryant commented on the rapid growth in the County, noting if the Board does not take this opportunity to look at concurrency it would be missing something. She advised that there are outside developers that will come into Marion County, do their project and leave and the County is left to clean up the mess and add the infrastructure without any contribution.

Mr. Bouyounes clarified that when staff comes back with the changes, the Board wants to see some level of service (LOS) standards for those services, and some options relating to how Impact Fees work in other places.

In response to Commissioner Zalak, Ms. Knighting stated Fire concurrency/Sheriff concurrency is rare, noting it is usually handled through the impact fees.

In response to Commissioner Bryant, Mr. Bouyounes advised that in the next 3 to 4 months the Board will have a lot to look at, including impact fees and assessment rates. He stated the study has been finalized and there were some changes in the last Session, which is why it was decided to wait until the session was completed so staff know how it will impact the Ordinance and the new rules. Mr. Bouyounes advised that the consultant is looking at that and it will be coming back to the Board quickly.

Commissioner Bryant stated the Board needs them back sooner rather than later before the State Legislature does something in the next Session to change what the Board can do again.

Chairman Stone advised that the Board was reviewing Policies 6.1.1 through 6.1.5.

Commissioner Zalak stated he agreed with the KHA comment in Policy 6.1.5 (Individual Water and Wastewater Service) relating to septic tanks.

Ms. Knighting referred to Policy 6.1.3 (Central Water and Wastewater Service), noting the language relating to other development is unclear and requires review and clean up.

Ms. Knighting advised that there were only minor changes to Policies 6.1.6 through 6.1.8.

Commissioner Zalak addressed Policy 6.1.7 (Transportation Network), which includes language relating to an efficient system. He questioned if there is anything stating how it will impact the rest of the road system, noting proportionate share does not typically pay for the actual changes that the development impacts. Ms. Knighting stated there is typically a methodology meeting with Engineering and the developers.

Commissioner Zalak questioned if the County's engineering methodology is wrong. Ms. Knighting advised that it is not what she is saying.

Commissioner Zalak opined that the way proportionate share works results in issues for the County, but it is all done by State Statute.

Chairman Stone questioned how else that could be changed. Commissioner Zalak stated by LOS probably.

In response to Commissioner Zalak, Ms. Knighting stated the Board has to consider if it is feasible, can it be provided, does it make sense in a location, etc.

Mr. Bouyounes advised that the distribution of the traffic is part of the study they do and how traffic will flow in and around a subdivision.

Commissioner Zalak stated the issue relates to what the County's engineering standards are versus (vs.) what people want to see.

Chairman Stone opined that that is where the negotiation comes in.

Mr. Bouyounes advised that the bottom line is what LOS the County is accepting.

General discussion ensued relating to Policy 6.1.7.

Chairman Stone stated when this Policy comes back before the Board there will be a modified statement.

Ms. Knighting noted the only recommended change is a comma and a capital "c".

Commissioner Curry advised that applications are coming before the Board and questioned if the Board is going to mandate multi-modal trails vs. sidewalks.

Commissioner Zalak opined that there is always multi-modal, noting individuals can both walk and drive in an area at the least.

Commissioner Curry questioned if that is consistent with the State, the Florida

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Department of Transportation (FDOT) and any requirements they have or are anticipated to implement regarding safety. He noted there is a Statewide push relating to safety with sidewalks and upgraded intersections.

Ms. Knighting stated the way this Policy reads is that the Board will address the impacts of development including multi-modal transportation. She advised that the Board would determine if a form of multi-modal transportation makes sense in a particular location. Ms. Knighting stated if it is along a major highway where it will connect to another multi-modal path it would make sense. She advised that if it does not make sense from a traffic perspective, the study will prove why it is not needed.

Mr. Bouyounes stated this whole section is related to traffic concurrency, noting how to take cars and other vehicles off the highway is reviewed with every multi-modal that is being considered. He advised there could be situations where a road that is over capacity and a developer may come up with a transit system that they want to put in place to move people around. This has not occurred in Marion County, but it could be an option. Mr. Bouyounes stated if a multi-modal trail can take vehicle traffic off the road, it may be a valid option; however, in Marion County they are mostly used for recreation.

Ms. Knighting addressed Policy 6.1.9 (Public Schools), noting Commissioner Zalak previously mentioned this Policy.

Commissioner Zalak read the first sentence aloud and opined that it is not the job of the Board.

Ms. Knighting advised that it is part of FSS for intergovernmental coordination. She stated the Board will have discussion with the Marion County School Board (MCSB), but ultimately the MCSB designs their sites. Ms. Knighting commented on sections that are going to be reviewed, including site planning, which has been added to the list.

Chairman Stone stated the Technical Working Group (TWG) is meeting based on the Interlocal Agreement (ILA) being updated, and they are getting together much more often. She opined that the Board could help guide the MCSB a little and ensure they understand the Comprehensive Plan as well.

Commissioner Zalak concurred; however, he opined that he would like language more like, "The County and the MCSB will agree on an Interlocal Agreement". He opined that language the Board has no control over should be removed.

Ms. Knighting advised of additional language in the Policy stating, "as further defined in the Interlocal Agreement for Public School Facilities".

Commissioner Zalak stated the language includes, "to ensure adequate school facilities throughout the County". He advised that this is not done by the Board.

In response to Ms. Knighting, Chairman Stone stated the MCSB is required to provide the Board with their work plan and the Board is to look at it but has no say.

Commissioner Zalak commented on misconceptions the public has relating to ensuring there are enough seats in schools when a development is sited; however, the Board is not the responsible party.

Commissioner Bryant stated the language is there if an individual reads the whole sentence.

Chairman Stone directed Ms. Knighting to clean up the sentence that defines the Board's true role, which is to have an ILA.

Commissioner McClain addressed the word "shall" and how it impacts the sentence and its meaning.

Commissioner Bryant advised that she thinks the Board does have a responsibility to collaborate with the MCSB when approving development that adds possible capacity to

schools. She opined that if there is any change to this paragraph, it needs to come after the Board says, "further defined in the ILA for public school facilities". Commissioner Bryant stated at that point the Board defines its role.

Chairman Stone advised that there are currently adjustments to be made to the ILA. She stated staff should review some of the language that needs to be proposed for the next meeting relating to how Marion County sees their role. Chairman Stone advised that Ms. Knighting will be provided with that language to ensure it is added.

Commissioner Zalak stated to him this means that as part of the Comprehensive Plan, when staff performs analysis that shows school overpopulation, the County has an obligation to either see how they can maximize that or maybe an obligation to deny that particular development.

Commissioner Bryant advised that Commissioner Zalak's interpretation of the Policy is that there is school concurrency.

Commissioner Zalak noted the text states, "to ensure adequate school facilities".

Chairman Stone stated staff would clean up the language, noting the Board cannot force the MCSB to redistrict. She advised that she recently learned that the MCSB's own consultant told them the State will not allow them to build a school until they have over 125% of capacity in a school, noting they do not want schools built prior to having the students to fill them.

Commissioner Bryant was excused at 4:03 p.m.

Commissioner McClain questioned if this Policy is based on a Statute required by the State. Ms. Knighting advised that the Board is not required to have this in the Comprehensive Plan and can remove the Policy if it chooses.

Commissioner McClain opined that there should be an ILA with the MCSB, but nothing further should be defined in this Policy outside of the Agreement.

In response to Commissioner Zalak, Ms. Knighting advised that this Policy can be deleted because it is covered in other parts of the Comprehensive Plan.

Commissioner Curry requested language remain relating to cooperation between the County, municipalities, and the MCSB. Ms. Knighting stated the language already exists under the Intergovernmental Element.

Commissioner Curry opined that there should not be anything in the Comprehensive Plan stating the Board is obligated to ensure adequate school facilities.

Ms. Knighting advised that Policy 6.1.10 (Confirmation of Availability of Services) only requires minor language clean up, noting the same is true relating to Policy 6.1.11 (Location of Public Facilities and Services) and 6.1.2 (Coordination with Other Entities), and there are no recommended changes to Policy 6.1.13 (Capital Improvements Program).

Ms. Knighting addressed Goal 7 (Overlay Zones and Special Areas), noting typically overlay zones are not in the Comprehensive Plan. She stated Marion County has always included anything land use based in the Comprehensive Plan.

In response to Ms. Knighting, Commissioner Zalak opined that it should remain in the Comprehensive Plan.

Commissioner McClain questioned why this could not be done solely through the LDC. Commissioner Zalak advised that the Board should reference overlay zones and Special Districts, noting the County has the ability to authorize these zones and the details of it or whatever will be in the LDC. He stated overlay zones can be substantial.

Commissioner Zalak noted this also includes things like Airport Overlay Zones (AIR-O), Environmentally Sensitive Overlay Zones (ESOZ), etc. He advised that sometimes things

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get lost in the LDC.

Ms. Knighting stated she is happy keeping the Policy, noting these things really need to be added to the Geographic Information System (GIS) map, noting individuals looking at the land use and zoning relating to their own properties may be unaware of possible restrictions relating to an impacting overlay zone.

Commissioner Zalak questioned if this relates to possible additions to the AIR-O, which includes private airports. Ms. Knighting advised that it is included in the LDC.

Ms. Straub stated it is her belief that the ESOZ is included in the GIS map. She questioned if there is a different overlay zone she is missing outside of the ESOZ and AIR-O. Ms. Knighting advised that there is a Military Operating Area (MOA) zone, noting there are related height restrictions. She noted there are numerous Flood Plain Overlay Zones (FPOZ).

In response to Ms. Straub, Mr. Rison stated there are different levels of overlay zones, there are some that are within the Comprehensive Plan because staff wanted to elevate their importance. He advised that overlay zones are in the land use element because they affect the use of land. Mr. Rison stated core overlay zones are AIR-O, ESOZ, and MOA, which is required under Statute because of the Pine Impact Range located in the Ocala National Forest. He advised that within the LDC, there are overlays including these and the other overlays the County has chosen to implement (e.g. Silver Springs Community Redevelopment Area (SSCRA)). Mr. Rison stated the overlay zones in the Comprehensive Plan are there because they are highly elevated and, in some cases, need to be in the plan in some way, shape or form.

In response to Chairman Stone, Mr. Rison stated from a staff or planner perspective, it is not confusing to have some and not all overlay zones in both the Comprehensive Plan and the LDC. He advised that the main AIR-O relates to Ocala International Airport and Dunnellon Airport (X35). Mr. Rison clarified that the FPO is the flood zones relating to the Federal Emergency Management Agency (FEMA) program. He stated staff had wondered if the County wants to reference the flood prone system that has been developed into the Comprehensive Plan FPO zone system.

In response to Commissioner Zalak, Mr. Rison advised that the flood prone element is already in the LDC, so additional requirements relating to testing are identified. He clarified that there is a provision within the Code that allows the County to acknowledge the flood prone identified areas and require they be considered in design. Mr. Rison stated the flood prone areas are not included in the ESOZ, noting they can be completely physically separate areas. He advised that the ESOZ focuses largely on the County's water bodies.

Mr. Bouyounes questioned if all the overlay zones can be in the LDC and in the Comprehensive Plan just have a definition and a list. Mr. Rison stated it can be done, noting it can be a Goal (references other overlay zones), Objective (how the County would set them up), and the Policy (identify those staff wants). He advised by doing this, if the County identifies another overlay zone to add, the Comprehensive Plan does not have to be changed first.

In response to Commissioner Zalak, Mr. Rison advised that information relating to the flood prone areas is available online.

Mr. Bouyounes stated the Comprehensive Plan will list all the overlay zones with the definition and how you established the overlay zone, then you go to the LDC for the details and technical information.

Ms. Straub advised that in the LDC, if there is a flood prone area or FPOZ it must be

addressed with the development project, noting on an individual building lot level is where it gets more difficult.

In response to Commissioner Zalak, Ms. Straub stated a compensation rate of 1 to 1 is required for both FPOZ and flood prone areas.

Ms. Knighting advised that KHA would go through the LDC to compare, and make sure everything matches and complies.

Ms. Knighting commented on the remaining Objectives and Policies under Goal 7, noting the data can be condensed rather than removed.

Commissioner Zalak requested Ms. Knighting work with Mr. Rison to determine what should be elevated and remain in the Comprehensive Plan and what can be condensed and added to the LDC. He requested they bring some suggestions back to the Board.

Ms. Knighting commented on Goal 8 (Resource Protection Strategies).

Commissioner Zalak advised that the first thing to define is what resources are being discussed and what are the unique assets, character and quality of life.

Ms. Knighting stated each Objective explains what is to be protected, noting there are 2 Objectives 8.1 (Protect Agriculture, Equestrian, And Rural Character) and 8.2 (Protection of Natural and Historic Resources).

Commissioner Zalak stated there is land near SummerGlen and some of the Marco Polo property that was previously Rural land.

In response to Commissioner Zalak, Mr. Rison advised that the Marco Polo and SummerGlen area would be Rural area because it is outside the UGB and outside of the Urban area. He noted the County has granted Comprehensive Plan Amendments and made some properties Urban, and some are still Rural. Mr. Rison stated they have Rural land use designations. He advised that this is an area that may or may not be protected, noting if there was a unique rural agricultural activity occurring on some of those properties, it may be something the County wants to preserve. Mr. Rison stated this policy was developed in the last few years. He advised that staff was trying to identify what are those unique things that Marion County likes about itself that they want to help maintain and support, noting that with the overall Comprehensive Plan processes things can change. He stated his belief that the project formerly known as (fka) Utopia was done before this Policy came into play. Mr. Rison advised that if there were concerns and issues relating to a change in this area, this would be one of those Policies that would support not granting the request.

Mr. Bouyounes addressed the UGB, noting the Board has faced challenges like the Marion Oaks area, which is an urbanized area that has Rural land in it. He stated the Board has granted requests in this area and also in Summerfield, The Villages and County Road (CR) 42 area where there is infrastructure.

Chairman Stone advised that that this relates to the Planned Service Areas (PSAs) and possibility of multiple UGBs.

General discussion ensued.

It was the general consensus of the Board to leave Policy 8.1 in place.

In response to Chairman Stone, Commissioner Zalak stated the Policy gives the Board the ability to legislatively keep the County's Rural lands that way.

Commissioner Zalak stated the Board can decide it is not the appropriate time for development in some places.

Chairman Stone noted that even applies within the UGB.

Ms. Knighting advised that input from the community in person and via survey indicates that residents want to preserve existing Rural lands, noting it should be made a priority.

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Chairman Stone advised that the Board has made it clear it wants growth in the UGB. Ms. Knighting advised of a proposed change to Policy 8.1.1 (Protection of Existing Residential Development) to include density and intensity relating to impact of new development.

Commissioner Zalak commented on the need for rules in the LDC to protect a piece of property where everything around it has developed, noting other Counties have taken the opportunity to protect these types of properties.

Ms. Knighting stated a review of the buffers for new residential development next to existing residential is one of the intents of the LDC. She clarified that this Policy can be strengthened to reflect the LDC.

Commissioner Zalak advised that strengthening this Policy would assist in implementing the LDC. Ms. Knighting stated she would provide language for the Board to consider.

Ms. Knighting addressed Policy 8.1.2 (Support Economic Viability of Agricultural Lands) and questioned how to implement this Policy, noting it sounds more like an Objective.

Commissioner Zalak questioned how the County is preserving economic viability.

Ms. Knighting advised that agriculture and the equine industry are the main drivers for economy in the County and by preserving those, the County is preserving economic viability.

Commissioner Zalak commented on the application process, noting there should be questions relating to whether the property is a current farmland, is it producing anything, does it have an agricultural exemption, and what is being produced. He stated that way the County will know if it is preserving the economic viability of that farmland.

Ms. Knighting commented on Policy 8.1.3 (Support Agricultural Production), which contains no proposed changes.

Ms. Knighting addressed Policy 8.1.4 (Protection of Scenic Views and Vistas), noting in another municipality they have what is known as scenic edges. She stated if an applicant's property is located along certain roadways, they must provide a large scenic edge along the development.

In response to Chairman Stone, Commissioner Zalak advised that the buffer in place now applies after a property has already been clear cut, but the buffers Ms. Knighting is referring to would keep the existing vegetation in a certain area before it is cut down.

Commissioner McClain questioned the idea of trying to require building around existing vegetation and buffering. He commented on a previous discussion relating to a poorly designed parking lot that was constructed around 2 oak trees. Commissioner McClain opined that it would be better to put vegetative plantings in place so when it does mature it is in the right location.

Commissioner Zalak stated when everything is cut down and reshaped it will take another 100 years to get that oak tree (or other trees) back. He advised that in this area everyone of those 100 year plus oak trees is getting cut down, and when you drive past it is a huge dust bowl. Commissioner Zalak stated some of these codes are designed to ensure communities do not have to wait 20 years for things to grow back. He advised that it is the County's choice to decide what it wants to look like.

Ms. Knighting stated there are ways to keep the trees that make sense, noting there can be parameters set so that the trees along the perimeter that are over a certain size need to be preserved.

Commissioner Zalak advised that he is in favor of keeping as much natural buffering as possible as long as it makes sense, noting it does not only need to apply only to Rural areas.

Commissioner Zalak commented on some communities that require developers to leave 80% opacity. He stated leaving or supplementing the plantings is a better compromise than having to construct a wall.

Ms. Knighting advised that there are no changes to make relating to Policy 8.1.5 (Context Sensitive Transportation Design).

Ms. Knighting commented on Policy 8.1.6 (Central Utilities in Rural Area Outside UGB). In response to Commissioner Zalak, Ms. Knighting stated this Policy relates to how the County runs utilities outside of the UGB.

Commissioner Zalak advised that the Master Plan for utilities and the Land Use Plan do need to have a conversation.

Ms. Knighting concurred, noting the redlines in the Policy ensure that it is regulated in the LDC.

Commissioner Zalak expressed caution relating to central utilities in certain Rural areas, noting wherever infrastructure is placed will develop. He opined that when the County's Utilities Department staff review this and how to implement their strategy, there needs to be a Policy conversation relating to which lands will and will not be impacted.

In response to Commissioner Curry, Ms. Knighting advised that Item 2.a. of this Policy includes the language "serving areas with existing Urban Future Land Use (FLU) designations". She stated Marion Oaks falls under that item.

Commissioner Zalak questioned if there is a way before central utilities are extended into the Rural area that the matter comes back before the Board. He advised that when he is reviewing the Utilities map, he does not look at the land use map and requested a policy to review those maps together be put in place under the LDC. Commissioner Zalak clarified that when Utilities staff bring back maps, that they include land use overlays.

Mr. Bouyounes commented on the water line that is being extended all the way to the Florida State Fire College, noting most of it is in the Rural area. He stated there is a benefit and purpose relating to the extension.

Commissioner Zalak advised that there was no conversation regarding the land use impact and there should have been discussion.

In response to Chairman Stone, Mr. Bouyounes stated part of that land is located in the Farmland Preservation Area (FPA). He clarified that it is only water and there is no sewer.

Ms. Knighting advised that Policy 8.1.7 (Central Utilities in Rural Area within UGB) is handled in the LDC relating to how water and sewer is linked and is highly regulated. She stated this Policy can be deleted unless the Board prefers to leave it in the Comprehensive Plan to back up the LDC.

Commissioner Zalak advised that he is in favor of removing whatever is already included in the LDC. It was the general consensus of the Board to remove Policy 8.1.7.

Ms. Knighting stated there were no recommended changes relating to Policies 8.1.8 (Lighting Standards) and 8.1.9 (Silvicultural and Agricultural Activities BMPs). She advised that no changes are being recommended for Objective 8.2 (Protection of Natural and Historic Resources) and only minor changes to Policy 8.2.1 (Contamination - Standards and Regulations).

Ms. Knighting commented on Policy 8.2.2 (Mining), noting this can be deleted due to the LDC regulating the activity.

Commissioner Zalak addressed the need to strengthen the mining section. He opined that it should generate a Comprehensive Plan Amendment due to the controversial nature of the matter.

Mr. Bouyounes stated it does trigger the need for a Comprehensive Plan Amendment,

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noting that even if it is in the LDC, a SUP is still required. He advised that Mr. Minter is working on language in coordination with staff and it will be brought back as part of the LDC.

Chairman Stone stated the Board will resume with Item 8.2.2 at the next scheduled EAR workshop on December 9, 2024.

There being no further business to come before the Board, the meeting thereupon adjourned at 4:54 p.m.

Michelle Stone, Chairman

Attest:

Gregory C. Harrell, Clerk

DRAFT