

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

April 21, 2025

CALL TO ORDER:

The Marion County Board of County Commissioners (BCC) met in a workshop session in Commission Chambers at 2:31 p.m. on Monday, April 21, 2025 at the Marion County Governmental Complex located in Ocala, Florida.

INTRODUCTION OF WORKSHOP BY CHAIRMAN KATHY BRYANT

Chairman Zalak advised that the workshop was scheduled this afternoon to discuss the Comprehensive Plan.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

The Deputy Clerk was in receipt of a 29 page Agenda packet to follow along with the PowerPoint presentation.

WORKSHOP PRESENTATION

1. Workshop to Discuss Updates to the Comprehensive Plan and Transfer of Development Rights (TDRs).

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 sixth of ten workshops scheduled over a five (5) month period. During this series of workshops, the Board will focus on gaining consensus for proposed changes to the Comprehensive Plan and discuss broader topics that will help set the vision for guiding future growth and development in Marion County. At today's workshop, the Board will discuss bring-back items related to Solid Waste, the Economic Element, and Sanitary Sewer Level of Service (LOS). The Board will also review redline changes for the Solid Waste and Economic Elements and discuss Transfer of Development Rights (TDRs).

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

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Blair Knighting, Kimley-Horn and Associates, Inc. (KHA), advised that today's focus will be on bring back items (Solid Waste, Economic, and Sanitary Sewer LOS) and the TDR program. She stated at the last workshop there was a very long discussion about whether or not the Board wanted to have Class III landfills added to the policy addressing landfills in the Future Land Use Element (FLUE). Based on the direction from that workshop KHA added the language for Board consideration.

Solid Waste Director Mark Johnson opined that new Class III landfills should be considered based on geography rather than being a global policy because there is not necessarily a need for more facilities east of the freeway, but the County is lacking disposal capacity west of the freeway.

Chairman Zalak advised that all 4 disposal sites that he is aware of are all east of Interstate 75 (I-75). He opined that if a private sector partner is going to create a facility it would need to be on the west side of town.

Commissioner McClain questioned if the Comprehensive Plan is the best place for this language. Chairman Zalak stated all new landfills require a Comprehensive Plan Amendment and Special Use Permit (SUP) to be in compliance; therefore, the language would have to be in the Comprehensive Plan.

Ms. Knighting advised that landfills are not a conditional use in the Land Development Code (LDC); therefore, if the Board wants to be able to regulate it then it has to be in the Comprehensive Plan.

In response to Commissioner McClain, Ms. Knighting addressed the language changes in Policy 1.2.5 of the Solid Waste Element, noting the previous language was not clear on where future Solid Waste Management facilities could be located. She stated the proposed language requires new facilities to demonstrate the following:

- a. The effect on the public's health, safety, or welfare;
- b. The impact on the financial viability of the County's solid waste management system (unless considered de minimis by the County); and
- c. The new or ~~expansion~~ request shall provide past performance of other waste handling facilities owned or operated by the applicant to demonstrate compliance with Federal State, and local regulations.

In response to Commissioner Curry, Chairman Zalak advised that a facility collecting debris such as trees and shrubs is not a landfill, noting landfills start at Construction & Demolition (C&D), then Class III and Class I garbage.

Ms. Knighting stated tree debris is addressed in the LDC.

Chairman Zalak opined that there needs to be a height requirement/limit on the tree debris yards.

Ms. Knighting stated KHA will review the tree debris heights.

Chairman Zalak stated new Class III and C&D landfills should only be allowed on the west side of I-75. He stated the only Class I landfill will be the County's facility.

Ms. Straub advised that during the creation of the Empowering Marion Strategic Plan it was identified that resources were lacking on the west side of the County.

General discussion ensued.

Ms. Knighting advised that any new facility would have to come before the Board for a Comprehensive Plan Amendment and SUP, noting just because someone requests a facility on the west side of I-75 does not mean it will be approved.

Commissioner McClain commented on the possibility of specifying the distance between facilities instead of limiting them to a geographical area.

Ms. Straub opined that west of I-75 is actually a pretty good boundary marker.

Chairman Zalak questioned if there would still be an application process available for someone who wanted to create a facility on the east side of I-75. Ms. Knighting advised that the Board would have to state the Comprehensive Plan Amendment is being approved, even though it does not meet the one policy in the Comprehensive Plan.

Chairman Zalak advised that language could be added to require new facilities on the West side of I-75, but allow for application for the east side under Extraordinary Circumstances.

Commissioner Stone opined that there has to be Extraordinary Circumstances to put the facility on the west side, noting she is reluctant to set the limitation.

General discussion ensued.

Mr. Minter opined that the Board has discretion on where they feel it is most suitable for siting a landfill.

Commissioner Stone questioned if there will be any legal ramifications if an application for a facility comes forward on the west side and the Board denies them. Mr. Minter advised that the Comprehensive Plan is the County's fundamental policy document. He stated if the Board does not want the facilities on the west side then they should not include that language.

General discussion resumed.

Chairman Zalak advised that it was the general consensus of the Board to leave Policy 2.1.9 as is.

Ms. Knighting commented on the change to Policy 1.2.7, which removes "or expansion of" because it is just site criteria for new private solid waste.

Ms. Knighting advised that the intent of the Economic Element of the Comprehensive Plan is for economic growth in the County and jobs for the residents. She provided a brief overview of the proposed changes, noting the redlines are there to clean up the language in order to make better sense.

Ms. Knighting stated Policies 1.2.2, 1.2.3 and 1.2.4 under Objective 1.2 were removed because they are addressed in the Future Land Use Element. She advised that Policy 1.3.2 under Objective 1.3 was also removed.

Ms. Knighting advised that Objective 1.4 along with Policy 1.4.1 and Policy 1.4.2 are recommended to be removed because the Ocala/Marion County Chamber and Economic Partnership (CEP) already tracks land use and sends reports to the County. She advised the language in Policy 1.5.2 is specific to qualified developments, which is not a program the County is doing right now; therefore, it has been recommended for removal. If the Board develops some type of program, it can be added into the Comprehensive Plan where applicable.

In response to Commissioner McClain, Ms. Knighting advised that the new Policy 1.4 still allows the County to establish economic development incentives, but does not require them to be within the Comprehensive Plan.

Commissioner Curry questioned if this would limit the County's ability to create an area similar to the industrial park or the McGinley property. Chairman Zalak advised that the industrial park was done prior to this provision in the Comprehensive plan and the McGinley property was after this was implemented.

Ms. Knighting addressed the proposed new 1.4.3 (old 1.5.5), which was shortened to remove the limitations on what kind of programs that can be utilized. She stated the Policy 1.5.6 was removed because it became Objective 1.6.

Ms. Knighting advised that the new proposed Policy 1.5.2 states "The County may also partner with and/or designate one or more entities to facilitate achieving priority industries,

such as, but not limited to, the CEP. She stated the County can still work with the CEP. Ms. Knighting advised that Objective 1.8 relates to infrastructure and is not necessary in the Economic Element; therefore, it was removed. She stated Objective 1.9 was also removed because it was relating to the County providing timely government regulations, which is already being done.

Ms. Knighting advised a new Objective 1.9 was added relating to agritourism

In response to Chairman Zalak, Ms. Knighting advised that Policy 1.9.2 would require the Board to update the LDC to allow certain special uses, noting certain regulations are already permissible by Florida State Statutes (FS). She stated if a farm wanted to build a chapel for a wedding venue it would not be allowed because it was built for the accessory use. The Board can, in the LDC, allow a special use that is outside of what is permissible by FS.

Mr. Weyrauch commented on other uses that are not allowed, but would support the permitted uses.

Ms. Knighting advised that Objective 1.11 is related to infill development, which is address in the Future Land Use Element; therefore, it has been removed from this section. She stated Objective 1.12 was also removed, noting the County does not currently prioritize an Economic Development Plan and the CEP already provides a 5-year plan. Should the Board decide to create a plan it can be added back to the Comprehensive Plan.

Ms. Straub advised that the economic development is being done by an outside agency, noting the County does provide economic incentives based on the delivery of job performance.

Chairman Zalak advised that Objective 1.12 was written because the County, for a short period of time, took over economic development.

Commissioner McClain opined that the language requiring the County to review the effectiveness of the partnership and initiatives should remain in the Comprehensive Plan. Chairman Zalak advised that reports are provided from the partner agencies either annually, quarterly or monthly. He stated these reports can be reviews during he annual strategic planning workshop. It was the general consensus for the Board to agree to add language requiring annual review of the partnerships and the economic health of the community.

Ms. Knighting advised that there are no redlines for the sanitary sewer element. She stated during previous conversations questions arose relating to the LOS and the Utility Director has confirmed that he is happy with the current LOS.

Ms. Knighting provided a brief overview of how the TDR program works.

In response to Chairman Zalak, Ms. Knighting clarified that 1 credit equals 1 unit and the trade is 1 credit per acre.

Mr. Rison advised that the original TDR program was 1 credit for 10 acres of land, but the program was modified to do a ratio of 1 credit per acre, with a minimum of 30 acres.

Chairman Zalak questioned when the ratio was changed. Mr. Rison opined that it was approximately 3 years after the program started.

General discussion ensued.

In response to Commissioner McClain, Mr. Rison advised that there is not a bank system in place, noting staff does keep track of who has credits available.

Chairman Zalak questioned how many credits are currently available. Mr. Rison stated there are approximately 1,200 to 1,500.

Commissioner Stone advised that when the program was established 5,000 credits was the goal.

Mr. Rison stated people were getting the credits, but there were challenges when it came to using them. He advised that the market rate of a credit was roughly \$2,500.00, which would make 10 credits \$25,000.00. At that point the entity could come before the Board to request a plan amendment for only \$5,000.00.

In response to Commissioner Curry, Mr. Rison advised that the reason the ratio was changed was to provide a better pool of credits available, noting it came down to a supply and demand issue. He stated this creates an incentive for a property to participate in the program and put the property under conservation easement so it cannot be developed. The credits are then shifted to a more desirable location.

Ms. Knighting provided an overview of what qualifies a property within the Farmland Preservation Area (FPA) and outside the FPA to be a TDR sending area, as well as what qualifies to be a receiving area.

In response to Commissioner Stone, Ms. Knighting advised that the receiving party would still be required to follow buffer standards per the LDC. She stated the point of the TDR program is to preserve the rural lands outside of the urban growth boundary (UGB) and direct the growth inside the UGB.

Ms. Knighting stated the Board could remove the locally significant natural resource requirements for rural land outside of the UGB to make this a more efficient/predictable process, noting the requirement of the transfer to go to the BCC could also be removed. She commented on ways to make the credits more appealing to buyers.

In response to Commissioner Curry, Ms. Knighting opined that the TDR process could be modified to make it less risky for Developers and easier for them to purchase the credits.

Ms. Straub advised that as of 2023 there were just under 2,100 credits.

Commissioner Stone questioned if the cost of the most recent credit transfer was available. Mr. Weyrauch stated staff does not know what the going rate of a credit.

Ms. Knighting advised that the cost is market based.

Chairman Zalak commented on the need for a more efficient/effective process, noting currently it is a long arduous negotiation process.

General discussion ensued.

Ms. Knighting opined that TDR process is similar to mobility credits for building a road, noting the TDR process just needs to be a little more predictable. She stated if a developer has medium density and only needs a couple extra units the Board could remove the planned unit development (PUD) requirement and allow the use of the TDR credits.

Commissioner McClain expressed support for creating an incentive to encourage the use of TDRs.

General discussion resumed.

Mr. Rison advised that the biggest difficulty with the TDR program is the redemption process, noting developers have backed out of the process because they did not want to have to come before the Board for the PUD public hearing and the potential crowd.

Commissioner Stone stated the Board could implement an administrative approval process for developers to utilize the TDR program without the public outcry.

General discussion resumed.

Chairman Zalak directed KHA/staff to bring back some options for Board discussion and review.

Commissioner Curry questioned if there are communities where this type of program has worked. Ms. Knighting advised she didn't have a list, but it tends to be in locations where they are running out of land. She stated this is a 2050 plan, noting this process should be put into place now, especially with the expected population growth.

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Chairman Zalak requested staff bring back a history of the TDR program for example, how many have been sold each year from inception and KHA to bring back information on other communities who have similar programs.

Commissioner McClain stated the examples from other communities should be without a bank.

Commissioner Stone advised that Horse Farms Forever (HFF) did some research, which could be of assistance.

Chairman Zalak stated the Florida Commissioner of Agriculture speaks a lot about the farming process and state programs and questioned if any of those process could be incorporated. Ms. Knighting advised that she would look into it and bring back information. Ms. Knighting advised that the next workshop will be on Thursday, May 1, 2025 at 2:30 p.m. at that time the Board will be discussing Parks and Recreation LOS; open space/active recreation; the Recreation and Open Space Element; and the Conservation Element.

There being no further business to come before the Board, the meeting thereupon adjourned at 3:54 p.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk