

**MINUTES**  
**WHITLEY COUNTY PLAN COMMISSION**  
**REGULAR MEETING**

**October 19, 2022**

**7:00 p. m.**

**Whitley County Government Center**  
**Lower Level, Meeting Room A/B**

<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>STAFF</b>
Dane Drew	X		Nathan Bilger
Brent Emerick	X		Brent Bockelman
Jack Green	X		
Thor Hodges	X		<b>LEGAL COUNSEL</b>
Mark Johnson	X		Elizabeth Deckard
Kim Kurtz-Seslar	X		
George Schrupf		X	<b>NONVOTING ADVISOR</b>
Joe Wolf		X	John Woodmansee
Doug Wright	X		

**AUDIENCE MEMBERS**

The audience list of in-person and electronic guests is attached below.

**CALL TO ORDER/ROLL CALL**

Mr. Hodges called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Mr. Bockelman read the roll call with members present and absent listed above.

**CONSIDERATION OF PREVIOUS MEETING MINUTES**

The minutes for the September 21, 2022, regular meeting were presented for consideration. Mr. Hodges called for any comments or a motion. Mr. Wright made a motion to approve the minutes as presented; seconded by Ms. Kurtz-Seslar. Motion passed, 7-0 by roll call vote.

**ADMINISTRATION OF OATH**

Ms. Deckard administered the oath to audience members wishing to speak.

**NEW BUSINESS**

**22-W-SUBD-12, GG's Place**

Devin & Alicia Arick requested primary plat approval for a 2-lot subdivision to be named "GG's Place." The property was located on the east side of Dela Balme Road, at the intersection with Old Trail Road, more commonly known as 6852 E. Dela Balme Road, in Section 11 of Union Township.

Mr. Bilger presented the staff report. He described the proposed lot split and displayed aerial photos for reference. He noted that the proposed southern lot included existing buildings and a

pond, which would make location of the two required septic system sites more difficult than typically. He concluded with the following suggested conditions:

1. Health Department requirements must be met prior to recordation of the plat.
2. Secondary plat approval delegated to the Plan Commission Staff.

Kevin Michel, Walker and Associates, addressed the Commission as the representative for the petitioner. He distributed larger copies of the proposed plat for reference and asked for any questions. There were no questions for Mr. Michel.

Mr. Hodges asked for public comment. Hearing no comments, Mr. Hodges closed the public hearing.

Mr. Woodmansee asked about the septic system sites on Lot 2. Mr. Bilger explained that it was expected that two sites could be determined, but the location of the sites would be more limited than usually.

Mr. Wright made a motion to approve 22-W-SUBD-12 with the staff's recommended conditions. The motion was seconded by Mr. Emerick. Motion passed, 7-0 by roll call vote.

### **22-W-SUBD-13, Ruth Hartman Addition**

Jason Hartman & Kathy Sopher requested primary plat approval for a 2-lot subdivision to be named "Ruth Hartman Addition." The proposed plat was located on the west side of 950 West, .3 miles south of 150 South, more commonly known as 1816 S. 950 West, in section 18 of Richland Township.

Mr. Bilger presented the staff report. He described the proposed lot split and displayed aerial photos for reference. He noted that covenants had not been submitted and suggested that the petitioner might consider recording covenants since the intention would be to sell the new lot. He concluded with the following suggested conditions:

1. Health Department requirements must be met prior to recordation of the plat.
2. Secondary plat approval delegated to the Plan Commission Staff.

Kevin Michel, Walker and Associates, addressed the Commission as the representative for the petitioner. He distributed larger copies of the proposed plat for reference and asked for any questions. There were no questions for Mr. Michel.

Mr. Hodges asked for public comment. Hearing no comments, Mr. Hodges closed the public hearing.

Mr. Drew made a motion to approve 22-W-SUBD-13 with the staff's recommended conditions. The motion was seconded by Mr. Johnson. Ms. Kurtz-Seslar asked if that included recording covenants. Mr. Bilger clarified that he had suggested the covenants to the petitioner for their benefit, but he did not intend that it be a condition of approval unless the Commission desired to do so. Mr. Drew affirmed that the motion would only include the conditions listed in the staff report. Motion passed, 7-0 by roll call vote.

### **22-W-ZOA-1**

Mr. Hodges stated that the Solar Code was sent back to the Commission from the Commissioners, and asked Mr. Bilger for further explanation. Mr. Bilger explained the state

statute process for handling changes to a proposed zoning text made by the legislative body. He stated that the Commission would have 45 days to act on the changes, so the deadline would be November 17. This meant the Commission could take two meetings to act if necessary.

Mr. Bilger continued and described the changes made to Section 7 of the proposed Solar Energy Code. He stated that the decommissioning section was modified to remove the requirement that the County would hold a decommissioning surety and replaced with a requirement that the surety would be provided to the property owner. Requirements related to the County as a surety holder were also removed, but the standards for decommissioning were kept.

Mr. Johnson asked if the surety was required to be in place by the landowner. Mr. Bilger stated that the developer is required to provide a performance surety to the landowner.

Ms. Kurtz-Seslar clarified that the responsibility of decommissioning standards falls on the developer. Mr. Bilger stated that the developer would be responsible. If that would happen to fail, the landowner could then pull the surety and finish the decommissioning plan. If that would also fail, then the County would step in and act upon as a zoning enforcement action. Discussion was made comparing to the wind ordinance.

Mr. Johnson made a motion to approve the Commissioners' changes to 22-W-ZOA-1. The motion was seconded by Mr. Green. Motion passed, 7-0 by roll call vote.

## **OTHER BUSINESS**

### **2023 meeting dates**

Mr. Bilger presented the meeting dates for 2023. He stated that the regular meeting dates would fall on the standard third Wednesday each month. He also explained that he had scheduled "Fifth Monday" training sessions on the months that had five Mondays, except for May. The intention was to have various topics for all jurisdictions, and meetings would be kept to about an hour. He asked for any feedback on the idea and requested any topic suggestions.

Ms. Kurtz-Seslar asked if training was a requirement of the state code. Mr. Bilger stated that it was not mandatory for members, but it was encouraged. She stated that she felt training was a good thing.

Ms. Kurtz-Seslar made a motion to approve the 2023 meeting dates, including the training dates. The motion was seconded by Mr. Wright. Motion passed, 7-0 by roll call vote.

### **New County Engineer**

Mr. Bilger introduced Brad Allen as the new County Engineer, having started at the beginning of the month. The Commission welcomed Mr. Allen.

## **ADJOURNMENT**

Having no further business, Mr. Hodges adjourned the meeting at 7:29 P. M.

## **GUEST LIST**

1. Jarryd Myers .....4640 S. 275 West
2. Desiree Arick .....6852 E. Dela Balme Road

3. Kelly Inns.....Chicago, IL
4. Kevin Michel .....4242 S. 700 East
5. Pam Waller.....7316 W. State Road 114

**GUEST LIST-ELECTRONIC**

6. Sonya Emerick .....5865 E. State Road 14

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