

**ORDINANCE NO. 2015-11**  
**COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA**

**A RESOLUTION OF THE LEBANON STORM WATER MANAGEMENT BOARD**  
**ESTABLISHING THE SANITARY DITCH DESIGNATED DRAINAGE AREA**  
**(AS ESTABLISHED BY CITY COUNCIL ORDINANCE NO. 2014-05)**

WHEREAS, The City of Lebanon, Boone County, Indiana ("City"), may, pursuant to Indiana law [I.C. 36-1-3 (Home Rule)], enact ordinances for effective governance; and

WHEREAS, the City of Lebanon Stormwater Code ("Code") as established by Ordinance No. 2006-15, and as amended by Ordinances No. 2014-05 and 2015-01, requires the storage and controlled release of excess stormwater runoff for all new business, commercial and industrial developments, residential subdivisions, planned developments, rural estate subdivisions, redevelopments, or other new construction located within the City of Lebanon; and

WHEREAS, Section Three of the Code (codified as Lebanon City Code Section 56.041 (A) et seq.) authorizes the Lebanon Stormwater Management Board to classify certain geographical areas as "Designated Drainage Areas" and may establish an Infrastructure Development Fee Rate for a Designated Drainage Area; and

WHEREAS, the Lebanon Stormwater Management Board has found that Sanitary Ditch, Sanitary Ditch Designated Drainage Area, is a natural stream which receives runoff from a large watershed area; that the existing drainage ways are inadequate to accommodate increased runoff rates expected with further development in the watershed; that portions of the existing drainage system are undersized and/or have inappropriate invert elevations which has resulted in documented flooding along the Sanitary Ditch channel and that such flooding has caused or threatens damage to property, endangerment of life, hinders emergency vehicle access, and renders the property unacceptable for land use practices other than agricultural uses; and

WHEREAS, the Lebanon Stormwater Management Board has found and determined that the protection of the public health and general welfare requires the imposition of special requirements for development within the Sanitary Ditch Designated Drainage Area.

NOW, THEREFORE, BE IT RESOLVED that the geographical area more fully described on Exhibit A attached hereto and by reference made a part hereof be and it is hereby designated as a Designated Drainage Area pursuant to Section 56.041 (A) of the Lebanon Stormwater Code and shall be known as the Sanitary Ditch Designated Drainage Area. The Sanitary Ditch Designated Drainage Area shall be more generally described to include any developed or redeveloped parcels where stormwater runoff is ultimately conveyed to Sanitary Ditch in the current or future state.

BE IT FURTHER RESOLVED, that in addition to complying with all other requirements of the Lebanon Stormwater Code, any subdivider, property owner, developer, or contractor, as a condition of approval of any new business, commercial and industrial development, residential subdivision, planned unit development, and any redevelopment or other new construction located within the Sanitary Ditch Designated Drainage Area shall comply with such further and more restrictive stormwater quantity and quality measures than those set forth in the Lebanon Stormwater Code or in the Indiana Stormwater Quality Manual as the Lebanon Stormwater Management Board may from time to time determine to be required to meet the purposes of the Lebanon Stormwater Code, which may include, without limitation thereby, the following:

A. All future developments within the Sanitary Ditch Designated Drainage Area must utilize the following post-development allowable release rates:

| <b>Rainfall Event</b> | <b>Allowable Runoff Release<br/>(cfs/ac)</b> |
|-----------------------|--|
| 10-year               | 0.12   |
| 100-year              | 0.17 - 0.20 (See Exhibit A)                  |

B. All future developments within the Sanitary Ditch Designated Drainage Area must provide payment of an Infrastructure Development Fee of \$30,000<sup>1</sup> per acre-foot of required storage volume, as calculated by the methodology provided in the Lebanon Stormwater Technical Standards, Chapter 3, Paragraph C. Following the determination of the Infrastructure Development Fee, the Lebanon Stormwater Management Board may waive or amend the established Infrastructure Development Fee for consideration of equitable land rights, construction costs, or other agreeable interests. The fee shall be made payable within ninety (90) days of the date of stormwater permit approval.


BE IT FURTHER RESOLVED, that any development site within the Sanitary Ditch Designated Drainage Area that has a drainage plan approved by the Stormwater Management Board prior to the date of adoption of this ordinance may elect to utilize the previously developed plan and in lieu of relying on the regional detention facilities for storage of stormwater runoff from the development site. Construction and utilization of adequate on-site detention facilities shall nullify the requirement to provide payment of the aforementioned Infrastructure Development Fee.

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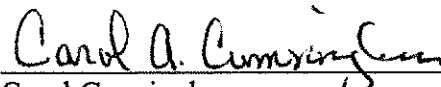
<sup>1</sup> The cost per acre-foot of storage shall be adjusted to reflect the observed inflation between the adoption of this resolution and the date of the stormwater permit application.

PASSED AND ADOPTED THIS 24<sup>th</sup> day of August 2015.

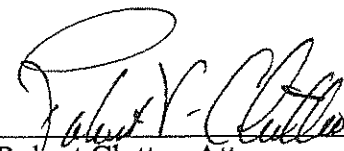
LEBANON STORMWATER MANAGEMENT BOARD

  
\_\_\_\_\_  
Richard Robertson

  
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Tom Temple

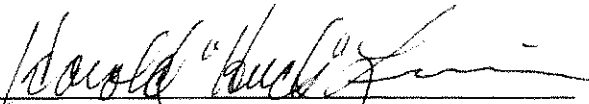
  
\_\_\_\_\_  
Carol Cunningham

ATTEST:

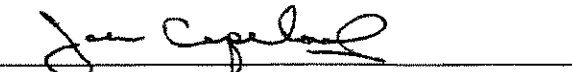
  
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Robert Clutter, Attorney

PASSED AND ADOPTED THIS 14<sup>th</sup> day of SEPTEMBER 2015.

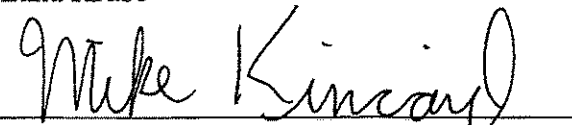
LEBANON COMMON COUNCIL

  
Harold "Huck" Lewis, Mayor

  
Keith Campbell

  
John Copeland

ABSENT  
Lana Kruse


  
Mike Kincaid

  
Jeremy Lamar

  
Steve Large

ABSENT  
Preston Myers

ATTEST:

  
Tonya Thayer, Clerk-Treasurer