



Center for Economic Development, Planning and Governmental Affairs

August 10, 2026

LaPorte County Plan Commission
809 State Street Ste 503 A
LaPorte, IN 46350

For your consideration, attached is an Ordinance Amendment to the LaPorte County Joint Zoning for Kingsbury Industrial Park (to be known as the "**Kingsbury Industrial Park Technology Overlay Subdistrict-KIPTOS**") to amend the LaPorte County Joint Zoning Ordinance (the "JZO"), enacted by LaPorte County.

The goals of this proposed plan amendment are to:

- Direct data, battery and power investment into the M2 Zone Kingsbury Industrial Park NOT "prime farmland",
- Provide options for investment that would not require annexation by Cities and Towns,
- Require specific performance from investors,
- Extract maximum community benefits from this type of investment to offset current funding shortfalls for County, Township and Schools,
- Create a 500 foot buffer from R1B Residential Property,
- Does not create a conflict with any current provisions in the JZO related to power generation, battery storage, solar or digital infrastructure, and
- Does not have a negative impact on existing businesses in KIP.

Direct Community benefits can include:

- Heightened site development requirements that include water, stormwater, noise and visual impact,
- Immediate, flexible (dollars up front) and sustainable tax revenue sources through development agreement,
- Use of local building trades (developers will be required to execute project labor agreement(s), and
- Create additional funding options for the County, for surrounding Townships and for area schools.

If you have any questions or suggestions, please contact us directly.

Regards,

Matt Reardon

Matthew Reardon, Coordination
LaPorte County Office of Economic Development

cc: Steve Holfield, President Commissioners
Adam Koronka, President
LaPorte County Council & Redevelopment Commission
Guy DiMartino, Attorney Commissioners/RDC
Andrew Voltz, Attorney Plan Commission

ORDINANCE NO. 2026-__

**AN ORDINANCE OF LAPORTE COUNTY, INDIANA CONCERNING AMENDMENT TO
THE LAPORTE COUNTY JOINT ZONING ORDINANCE**

This Ordinance serves as an amendment of the text (not zone maps) pursuant to Indiana Code§ 36-7-4- 602(b) of the LaPorte County Joint Zoning Ordinance (effective date of [DATE]) (the "JZO") enacted by LaPorte County pursuant to its authority under the laws of the State of Indiana and Ind. Code§ 36-7-4 *et seq.*, as amended.

WHEREAS, the LaPorte County Plan Commission (the "Commission") and LaPorte County, Indiana (the "County") are subject to the JZO;

WHEREAS, the Commission prepared the text amendment that is the subject of this Ordinance to be consistent with Ind. Code§ 36-7-4-601, and gave notice and conducted a public hearing pursuant to Ind. Code§ 36-7-4-604 of petition (Petition No. 2026- _J), an amendment to the text (not zone maps) of the JZO, which text amendment creates a subdistrict of the Kingsbury Park Overlay District that applies to the real estate more particularly described in Exhibit A attached hereto (the "Real Estate");

WHEREAS, the Real Estate currently constitutes a portion of the Kingsbury Industrial Park Overlay District pursuant to Section 12.07 of the JZO. The District consists solely of those parcels located within the Kingsbury Industrial Park Overlay District. No parcel shall be added to or removed from the District except through an amendment to this Ordinance adopted in accordance with applicable law;

WHEREAS, the underlying zoning district of the Real Estate is M2 General Industrial under the JZO; and

WHEREAS, the County desires to adopt this text amendment and to create a subdistrict of the Kingsbury Industrial Park Overlay District over the Real Estate to promote the development of a high-technology industrial campus with greater flexibility than otherwise provided under the existing M2 zoning classification;

WHEREAS, on [DATE], the Commission certified Petition No. 2026-_____ to the LaPorte County Board of Commissioners (the "Commissioners") with a [] to [] favorable recommendation in accordance with Indiana Code§ 36-7-4-605;

NOW, THEREFORE, BE IT ORDAINED by the LaPorte County Board of Commissioners, LaPorte County, Indiana, meeting in regular session, that the JZO is hereby amended as follows:

Section 1. Introduction and Intent of Kingsbury Industrial Park Technology Overlay District.

1.1 Insertion into JZO. The provisions of this Ordinance and the text amendment shall be inserted into the JZO as a new Section 12.08 to be titled "Kingsbury Industrial Park Technology Overlay Subdistrict". Heading numbers and letters shall be adjusted to conform to the nomenclature of the JZO.

1.2 Intent.

- (a) **Intent.** The intent of the Kingsbury Industrial Park Technology Overlay Subdistrict (the "District") is to allow for the development of a large high-technology industrial campus with a variety of uses, with flexibility to grow as the high-technology market may dictate, and to facilitate the attraction and establishment of certified technology park uses as

defined under Indiana law. The District will allow greater flexibility than otherwise provided in JZO to promote the growth of significant high-technology industrial projects in LaPorte County, in accordance with Indiana Code§ 36-7-32 et seq.

1.3 Jurisdiction.

- (b) **Jurisdiction.** The District will be governed by this Ordinance and supplemented by the JZO.

1.4 Administration.

- (c) The District will be administered by the Administrator, as defined by the JZO.

Section 2. Scope of Application.

2.1 The District shall apply as a mapped overlay subdistrict which includes the Real Estate.

2.2 Development of the Real Estate in the District shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the JZO, as amended and applicable to the Underlying Zoning District or the District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.

2.3 Chapter ("*Chapter*") and Article ("*Article*") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the JZO.

2.4 All provisions and representations of the JZO that conflict with the provisions of this Ordinance are hereby made inapplicable to the District and shall be superseded by the terms of this Ordinance.

Section 3. Definitions.

Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the JZO.

3.1 High Technology Activity shall mean one (1) or more of the following, as defined in Indiana Code§ 36-7-32-7, as amended:

- A. Advanced computing, which is any technology used in the design and development of any of the following:
 - i. Computer hardware and software.
 - ii. Data communications.
 - iii. Information technologies.
- B. Advanced materials, which are materials with engineered properties created through the development of specialized process and synthesis technology.
- C. Biotechnology, which is any technology that uses living organisms, cells, macromolecules, microorganisms, or substances from living organisms to make or modify a product, improve plants or animals, or develop microorganisms for useful purposes. Biotechnology does not include human cloning or stem cell research with embryonic tissue.
- D. Electronic device technology, which is any technology that involves:
 - i. microelectronics, semiconductors, or electronic equipment;
 - ii. instrumentation, radio frequency, microwave, and millimeter electronics;
 - iii. optical and optic electrical devices; or
 - iv. data and digital communications and imaging devices.

- E. Engineering or laboratory testing related to the development of a product.
- F. Technology that assists in the assessment or prevention of threats or damage to human health or the environment, including environmental cleanup technology, pollution prevention technology, or development of alternative energy sources.
- G. Medical device technology, which is any technology that involves medical equipment or products other than a pharmaceutical product that has therapeutic or diagnostic value and is regulated.
- H. Product research and development.
- I. Advanced vehicles technology, which is any technology that involves:
 - i. electric vehicles, hybrid vehicles, or alternative fuel vehicles; or
 - ii. components used in the construction of electric vehicles, hybrid vehicles, or alternative fuel vehicles

3.2 Certified Technology Park shall mean a certified technology park established under Indiana Code § 36-7-32, as amended.

3.3 Data Center shall mean a centralized location for storing and managing large volumes of digital data, which includes, but is not limited to, a physical facility that houses critical computing and networking equipment, including servers, storage systems, and network infrastructure, and ancillary uses such as, but not limited to, office spaces, warehousing for data center accessory equipment and materials, and storage in bulk for data center accessory equipment and materials.

3.4 Administrator shall mean the LaPorte County Plan Director or such other person designated by the LaPorte County Advisory Plan Commission to administer the JZO and this Ordinance.

3.5 MS4 Stormwater Management Director shall mean the Director of LaPorte County Stormwater Management, serving as the administering authority for post-construction stormwater management requirements under NPDES MS4 Permit No. INRO40107 and the LaPorte County Stormwater Management Ordinance (December 2023).

3.6 Formerly Used Defense Site (FUDS) shall mean a site that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the Secretary of Defense, as designated under the U.S. Army Corps of Engineers Formerly Used Defense Sites program pursuant to IO U.S.C. § 2701 et seq. The Real Estate comprises the former Kingsbury Ordnance Plant, a FUDS site subject to ongoing U.S. Army Corps of Engineers program oversight.

3.7 Low Impact Development (LID) shall mean an approach to stormwater management that mimics a site's pre-development hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source, consistent with the Indiana Stormwater Quality Manual (current edition) and the Sustainable Sites Initiative (SSI) Technical Reference.

3.8 Water Usage Effectiveness (WUE) shall mean a metric for measuring the water efficiency of data center cooling systems, expressed as the ratio of annual site water usage to information technology equipment energy consumption, as defined by The Green Grid consortium or equivalent published standard.

3.9 Battery Energy Storage System (BESS) shall mean a system that stores electrical energy in rechargeable batteries for later use, including all associated power conversion, thermal management, and control infrastructure, and typically deployed to support electrical grid services, backup power, or renewable energy integration.

3.10 Construction Site General Permit (CSGP) shall mean the Indiana Construction Site General Permit issued by IDEM governing storm water discharges associated with construction activity, as applicable to land-disturbing activities within the District during the construction phase of development.

3.11 Baseline Study shall mean the Pre-Development Hydrological and Hydrogeological, Baseline Study required under Section 10.2 of this Ordinance prior to approval of any Development Plan for High Technology Activity uses within the District.

3.12 LaPorte County Drainage Board shall mean the LaPorte County Drainage Board established under Indiana Code § 36-9-27 et seq. (the "County Surveyor's Act"), with jurisdiction over county regulated drains and a 75-foot right-of-way corridor measured from the top of bank of any court-ordered regulated drain. The Drainage Board's jurisdiction is limited to:

(i) the regulated drain channel and associated tile infrastructure; (ii) the 75-foot right-of-way corridor from top of bank as established by court order; and (iii) drainage assessment and maintenance of regulated drains as provided by Indiana law. The Drainage Board's jurisdiction does not extend to site drainage, post-construction stormwater management, water quality standards, or performance requirements within the District, which are administered exclusively by the MS4 Stormwater Management Director under Section 10 of this Ordinance and the LaPorte County Stormwater Management Ordinance (December 2023).

Section 4. Concept Plan. The real estate, number of buildings, general shapes/configurations of buildings and other structures, and their respective placement on the Real Estate may be changed, so long as the uses and development standards set forth herein are met.

Section 5. Underlying Zoning District(s).

The Underlying Zoning District is M2 General Industrial zoning district, as it may be amended, from time to time, for parcels within the District pursuant to Ind. Code§ 36-7-4-602(c).

Section 6. Permitted Uses/ Development Standards.

6.1 Permitted Primary Uses.

The following primary uses shall be permitted anywhere within the District:

- A. **High Technology Activity**, as defined in Section 3.1 of this Ordinance, in accordance with Indiana Code§ 36-7-32-7, as amended, including but not limited to:
- i. Data Centers and server farms;
 - ii. Semiconductor and microelectronics fabrication and manufacturing;
 - iii. Biotechnology research, development, and manufacturing;
 - iv. Advanced computing, software development, and information technology facilities;
 - v. Medical device technology research, development, and manufacturing;
 - vi. Product research and development facilities;
 - vii. Advanced vehicles technology research, development, and manufacturing; and
 - viii. Engineering and laboratory testing facilities related to the development of a product.

- B. Research / Development as described in the M2 General Industrial District as set forth in the JZO.
 - C. Manufacturing, Light as described in the M2 General Industrial District as set forth in the JZO.
 - D. The following uses described in the M2 General Industrial District, as set forth in the JZO, shall also be permitted anywhere within the District:
 - E. All other uses permitted by right in the M2 General Industrial District as set forth in the JZO, to the extent not inconsistent with the provisions of this Ordinance.
- Accessory Uses, as defined by the JZO, shall be permitted for primary uses A through D, including without limitation:
- i. Electrical substations and private gas power generation facilities required to support primary uses;
 - ii. Water treatment, cooling, and mechanical systems facilities ancillary to primary uses;
 - iii. Administrative and professional offices related to the management and operation of the District;
 - iv. Warehousing and storage of equipment and materials ancillary to primary uses;
 - v. Security facilities, guard houses, and perimeter fencing; and
 - vi. Employee amenities including cafeterias, fitness facilities, and similar ancillary uses.

6.2 General Regulations.

The general regulations applicable to development of new industrial buildings on the Real Estate shall be as set forth in the JZO as applicable to the M2 General Industrial District, except as modified herein.

6.3 Maximum Number of Industrial Buildings.

There shall be no maximum number of industrial buildings or structures permitted on the Real Estate.

6.4 Development Standards.

The following development standards shall apply to the District.

Standards Matrix

Zoning Standard		Kingsbury Industrial Park Technology Subdistrict
Approximate Acreage		[2,000 acres]
Maximum Number of Units		N.A.
Maximum Height (Primary Building)		75 ft.*
Maximum Height (Accessory Structure)		75 ft.*

Minimum Ground Floor Area (2 story)		N.A.
Minimum Lot Size		N.A.
Minimum Lot Width (at setback line)		150 ft.
Front Setback (along public ROW)		150 ft.
Front Setback (no frontage on public ROW)		50 ft.
Side Setback (min. each side)		50 ft.
Set Back R1B		500 ft.
Rear Setback		50 ft.
Maximum Lot Coverage (All Impervious)		75%

*Shall not restrict the height of industrial appurtenances, including but not limited to cooling towers, exhaust stacks, utility poles, antenna structures, and similar structures, as may be otherwise regulated by the JZO.

Section 7. Site Development Standards.

The District 's Site Development Standards shall comply with the Site Development Standards set forth in the JZO applicable to the M2 General Industrial District, with the following exceptions:

7.1 Trash and Receptacle Screening.

The trash and receptacle screening standards set forth in the JZO shall not apply in the event that a buffer yard is in place and screens the trash dumpster/receptacle from the public right of way.

7.2 Parking and Loading.

The parking and loading standards set forth in the JZO shall not apply. Parking and loading requirements shall be determined based upon the specific operational needs of the High Technology Activity use(s) on the Real Estate, subject to review and approval by the Administrator in connection with the applicable Development Plan.

7.3 Driveway and Access Management.

The driveway and access management standards set forth in the JZO shall apply, so long as temporary construction access points and permanent access from the applicable public road(s) are permitted, as set forth on plans submitted to and approved by the Administrator and the Indiana Department of Transportation (INDOT), as applicable.

7.4 Landscaping.

The landscaping standards shall include b and planting details. Parking lot screening

and landscaping shall not be required.

Section 8. Site Operational Standards.

8.1 Noise.

Noise emitted by the operation of any use on the Real Estate shall not exceed sixty-five (65) decibels (dB) at the property lines of the Real Estate. The operator of any High Technology Activity use that includes mechanical systems with the potential for significant noise generation shall commission a noise study within thirty (30) days after each building comprising such use becomes fully operational (as determined by the operator), and upon completion, shall submit the noise study to the Administrator. If sound levels exceed 65 dB at any property line as a direct result of the operation of such use, then the operator shall coordinate and implement a noise mitigation plan with the Administrator which results in the reduction of noise to the maximum 65 dB level. Operator shall contact the Administrator and confirm testing of generators and dB levels.

8.2 Lighting.

Exterior lighting shall be minimized to comply with FAA and other Federal and State standards for safety. All exterior lighting on the Real Estate shall be designed and installed to minimize light spillage beyond the property lines. All fixtures shall be fully shielded and directed downward. The lighting standards set forth in the JZO shall apply except as otherwise specifically modified herein.

8.3 Utilities and Infrastructure.

All utility infrastructure necessary to support High Technology Activity uses, including without limitation electrical substations, backup gas power generators, telecommunications and fiber optic connections, and water supply and treatment facilities, shall be permitted as accessory uses on the Real Estate and shall not require separate zoning approval beyond the Development Plan approval process described in Section 9 of this Ordinance.

8.4 Berms, Plantings.

All projects will be required to provide a berm and screening around project areas. Height, material and plantings shall be determined by site plan review committee.

8.5 Decommissioning.

A decommission plan shall include, at a minimum, language to:

1. Written assurance guaranteeing that the facilities will be properly decommissioned upon the project life or in the event that the facility is abandoned; detailing how funds will be distributed; ensuring that LaPorte County and/or its contracted agents shall be granted access to the site, pursuant to reasonable notice, to effect or to complete decommissioning; granting the County the right to injunctive relief to effect or to complete decommissioning and the right to seek reimbursement from the applicant or the applicant's successor(s) for decommissioning costs in excess of the amount deposited in the account or to file a lien against any real estate owned by the applicant or applicant's successor(s), or in which they may have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien

2. The applicant shall provide a contractor cost estimate for the demolition and removal. The cost estimates shall be made by a competent party: such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. Financial assurance in an amount at least equal to said demolition and removal contractor cost estimate, through the use of a bond, escrow deposit, insurance, or other security as determined by LaPorte County Plan Commission and LaPorte County Commissioners.

Section 9. Administration.

The District and this Ordinance shall be administered by the Administrator, who shall have the authority to approve all plans required to be filed, as well as changes to such plans as provided in the Ordinance and the JZO.

9.1 Development Plan.

Prior to the commencement of any construction or development activity on the Real Estate (other than continuation of existing uses), an applicant shall submit a Development Plan to the Administrator for review and approval. The Development Plan shall include, at a minimum:

- A. A site plan showing proposed building footprints, access points, parking areas, and utility corridors;
- B. Confirmation via reporting by a third party that utilization of water can be accommodated by either permitting by user and or direct use with public utility;
- C. A landscape and buffer yard plan;
- D. A grading and drainage plan;
- E. Architectural elevations of proposed structures;
- F. All other items required in M2 Zoning District;
- G. Written request for any tax incentives, reduction or consideration of relief from local fees;
- H. The applicant will enter into a development agreement with the County indicating at a minimum total anticipated investment, timeline for investment and construction, confirmation of road use, anticipated new jobs and wages, and any proposed community investment program and/or payment in lieu of real and personal tax; and
- I. Failure to enter into a development agreement with the County will preclude any permits being used for a project.

9.2 Administrative Review.

The Administrator is hereby authorized to perform Administrative Review and grant final approval for any Development Plan that complies with the standards of this Ordinance.

9.3 Appeals.

Any appeal of the Administrator's decision regarding a Development Plan shall be made to the LaPorte County Advisory Plan Commission, and shall be limited to a

review of whether the proposed development meets the technical standards of this Ordinance.

9.4 Recording.

This Ordinance shall be recorded with the Office of the LaPorte County Recorder and shall further be identified on any applicable Plat or Survey for the Real Estate by the Ordinance Number and the LaPorte County Recording Number.

Section 10. Water Resource Stewardship and Performance Standards for High Technology Activity Uses.

10.0 Jurisdictional Basis and Separation of Authority

10.0.1 Exclusive Post-Construction Scope. The standards of this Section 10 apply exclusively to the permanent, post-construction operational condition of real estate in the District. They govern the long-term hydrological, water quality, drainage, and performance of completed High Technology Activity uses and associated infrastructure as ongoing operations. They do not apply to, supplement, modify, or supersede any requirement governing land disturbance, grading, erosion control, or sediment control during the construction phase of any project within the District.

10.0.2 Separation from CSGP Requirements. Construction-phase stormwater management for all land-disturbing activities within the District shall be governed exclusively by the Indiana Construction Site General Permit (CSGP) as administered by IDEM, and by the LaPorte County Stormwater Management Ordinance (December 2023) provisions applicable to construction-phase activities, consistent with Indiana law. Nothing in this Section 10 shall be construed to impose local requirements upon construction-phase stormwater management that exceed, supplement, or conflict with CSGP standards. This Section operates in an entirely separate regulatory domain.

10.0.3 Drainage Authority - Independent Jurisdictional Basis. The stormwater quantity and discharge standards set forth in Sections 10.3 and 10.4 of this Ordinance are drainage standards, adopted and administered under the county's independent drainage and land use authority, and are not NPDES construction permit requirements. They are conditions of land use approval under Indiana Code § 36-7-4-1400 et seq., and constitute a partial implementation of the county's authority to control drainage under Article 20 of the LaPorte County Joint Zoning Ordinance. The CSGP preemption framework has no application to post-construction drainage conditions imposed through required approvals and land use authority.

10.0.4 Independent and Non-Preempted Sources of Authority. The standards of this Section 10 are grounded in three independent and legally distinct sources of authority:

- **Land Use Authority:** Indiana Code§ 36-7-4 expressly authorizing the County to impose development standards.
- **Post-Construction Stormwater Management Authority:** The LaPorte County Stormwater Management Ordinance (December 2023) and Technical Standards Manual, establishing NPDES MS4 Permit post-construction requirements applicable to all regulated development within the MS4 service area, supplemented by Article 20 of the LaPorte County Joint Zoning Ordinance as the JZO-based drainage control authority.
- **Home Rule Drainage Authority:** The county's home rule authority to regulate drainage as a condition of land use approval, exercised independently of any NPDES framework, carrying no CSGP preemption concern.

10.0.5 Soil Cation Exchange Capacity as a Mechanism of Groundwater - Surface Water Connectivity. The shallow glacial outwash sand and gravel soils of the Valparaiso Outwash Apron system underlying Washington Township have characteristically low cation exchange capacity (CEC) - typically 0.7 to 5 meq/100g -providing minimal natural attenuation of contaminants moving through the vadose zone to the shallow water table. Published soil science literature confirms that sandy glacial outwash soils carry among the lowest CEC values of any soil type (Cornell University Agronomy Fact Sheet No. 22; EPA/540/S-92/018). The ITRC PFAS Technical and Regulatory Guidance Document (2023) identifies vadose zone CEC as a key parameter governing contaminant retention and requires site-specific CEC assessment. In the upper Kankakee Basin, where USGS and IDNR documents direct bidirectional hydraulic connection between the shallow unconfined aquifer and Kankakee tributary surface water, low soil CEC means that contaminants introduced at the surface reach the aquifer rapidly and with minimal chemical transformation, and from there reach Kankakee surface water through gaining-stream baseflow. This mechanism is the physical basis for treating groundwater and surface water as functionally equivalent systems for purposes of this Section 10.

10.0.6 Construction-Phase Coordination. Each Development Plan submitted under Section 9.1 shall include a written delineation identifying: (i) construction-phase stormwater management measures governed by the applicable CSGP Notice of Intent and SWPPP; and (ii) permanent post-construction stormwater management infrastructure governed by this Section 10. The MS4 Stormwater Management Director (Director) shall review post-construction elements.

10.0.7 Cooperation with the LaPorte County Drainage Board Jurisdiction. The LaPorte County Drainage Board, established under Indiana Code § 36-9-27 et seq., exercises jurisdiction over county regulated drains and a 75-foot right-of-way corridor measured from the top of bank of court-ordered regulated drains within the District. That jurisdiction is confined to the regulated drain channel, associated tile infrastructure, and drainage assessments and maintenance obligations as provided by Indiana law. Nothing in this Ordinance shall be construed to expand, modify, or conflict with the Drainage Board's statutory authority over regulated drains.

The standards of this Section 10 apply to all High Technology Activity uses within the District, including, without limitation, Data Centers, Battery Energy Storage Systems (BESS), and all associated infrastructure. These standards constitute an extension and explicit application of the LaPorte County Stormwater Management Ordinance (December 2023) and its companion Technical Standards Manual to the novel conditions presented in this District. Where this Section conflicts with JZO Article 20, this Section controls. The MS4 Stormwater Management shall provide oversight on these matters working in cooperation with the Drainage Board.

10.1 Purpose, Scope, and Administering Authority

All post-construction stormwater management standards, water quality requirements, BMP performance obligations, performance monitoring, and site drainage authority set forth in this Section 10 are administered exclusively by the MS4 Stormwater Management Director under the LaPorte County Stormwater Management Ordinance (December 2023), NPDES MS4 General Permit No. INRO40107, and the land use authority of this Ordinance. The MS4 Stormwater Management Director's authority under Section 10 is independent of and does not supersede the Drainage Board's jurisdiction over regulated drains; the two authorities operate in separate and non-conflicting domains. Where any proposed stormwater management Infrastructure under Section 10 involves a regulated drain right-of-way or requires a drain outlet permit, the applicant shall obtain all required Drainage Board approvals in addition to complying with the standards of this Section 10. Compliance with Drainage Board requirements does not substitute for or satisfy any requirement of this Section 10, and compliance with this Section 10 does not substitute for or

satisfy any Drainage Board requirement.

10.2 Pre-Development Baseline Study Required Prior to Any Development Plan Approval

Each operator of a High Technology Activity use within the District shall independently obtain all applicable IDEM permits governing operational stormwater discharges, including coverage under the Indiana Industrial Stormwater General Permit (327 IAC 15-6, as amended or superseded by the Indiana Industrial Stormwater General Permit effective December 30, 2025, or any successor permit) or any applicable individual NPDES permit, as required by IDEM. Compliance with IDEM industrial stormwater permitting requirements does not substitute for or satisfy any requirement of this Section 10, and the standards of this Section 10 do not substitute for or satisfy any IDEM permitting requirement. Additionally, any unpermitted discharge from a High Technology Activity use within the District to the MS4 system, any regulated drain, or any surface water feature during facility operations - including but not limited to cooling system bypasses, fire suppression activations, transformer releases, and BESS thermal events - shall constitute an illicit discharge subject to enforcement under the LaPorte County Stormwater Management Ordinance (December 2023) and NPDES MS4 General Permit No. INRO40107, independent of any IDEM industrial stormwater permit coverage.

No Development Plan shall be approved under Section 9.1 of this Ordinance until a Pre-Development Hydrological, Hydrogeological, and Baseline Study (Baseline Study) has been submitted to and accepted in writing by the MS4 Stormwater Management Director. The Baseline Study shall be prepared by a licensed professional engineer and licensed professional geologist, independently peer-reviewed by a third-party reviewer retained by and reporting to the MS4 Stormwater Management Director (costs borne by the applicant), and shall include at minimum:

- **Existing Surface Hydrology:** Pre-development peak discharge rates at the 2-, 10-, 25-, and 100-year, 24-hour storm events using NOAA Atlas 14 IDF data (Atlas 15 where published prior to submission), TR-55, HEC-HMS, or equivalent. Use of pre-Atlas 14 rainfall frequency data is not permitted. Drainage area delineation and downstream analysis to regulated drain and Kankakee tributary entry points.
- **Groundwater Characterization:** Depth to seasonal high groundwater, hydraulic gradient, aquifer recharge rate, and characterization of hydraulic connectivity between the shallow unconfined aquifer and adjacent surface water features, incorporating all available USGS and IDNR groundwater data for the upper Kankakee basin.
- **Vadose Zone Cation Exchange Capacity (CEC) Characterization:** Laboratory analysis of soil samples by horizon reporting measured CEC values in meq/100g, organic matter content, and soil pH. Used to characterize the natural attenuation capacity of the vadose zone for stormwater infiltration design purposes and to inform BMP design and infiltration feasibility, consistent with the groundwater-surface water functional equivalency established in Section 10.0.5.
- **CoC Baseline Characterization:** Sampling and analysis of soil, shallow groundwater, and surface water features for the contaminant categories identified in Section 10.1, establishing pre-development CoC baseline concentrations for future monitoring comparison under Section 10.7.
- **Ecological Baseline:** Characterization of existing vegetative cover, wetland features, soil biological function, and habitat condition on the subject parcel(s), to establish the baseline against which wetland impact mitigation requirements under Section 10.6 shall be measured, including identification of any jurisdictional and non-jurisdictional wetlands present on the subject parcel(s). The verified Baseline Study shall be recorded with the Development Plan and shall constitute the binding pre-development condition for all

calculations under this Section. Baseline conditions shall be established and independently verified before any site grading, clearing, or ground disturbance occurs.

10.3 Stormwater Quantity Standards - Net Positive Hydrology

Development within the District shall achieve peak discharge reductions from verified pre-development conditions at all storm frequencies. Hydrological neutrality is not sufficient. The following minimum reductions from the verified pre-development baseline shall be achieved at all points of discharge:

Storm Event	<u>Baseline Condition</u>	Required Post-Dev. Peak	Minimum Reduction
2-Year / 24-Hour 10-Year / 24-Hour	Verified pre-development baseline	$\leq 50\%$ of pre-dev. peak	$\geq 50\%$
	Verified pre-development baseline	$\leq 60\%$ of pre-dev. peak	$\geq 40\%$
25-Year/ 24-Hour 100-Year / 24-Hour	Verified pre-development baseline	$\leq 70\%$ of pre-dev. peak	$\geq 30\%$
	Verified pre-development baseline	$\leq 75\%$ of pre-dev. peak	$\geq 25\%$

These standards apply cumulatively to the full drainage area of each Development Plan submission and may not be circumvented through phasing. Compliance shall be demonstrated through both design storm analysis and continuous simulation modeling. Downstream analysis confirming required reductions at regulated drain and tributary entry points is required.

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10.4 Stormwater Quality Standards -Full LID Performance Required

Stormwater management systems within the District shall achieve water quality treatment performance consistent with Low Impact Development (LID) best management practice standards at the highest level currently achievable, as established in the Indiana Stormwater Quality Manual (current edition), supplemented by the Sustainable Sites Initiative (SSI) Technical Reference and the EPA National Stormwater Best Management Practices Database. These standards apply in full as primary design requirements.

- **Water Quality Volume:** The 90th percentile rainfall event water quality volume shall be captured and treated on-site prior to any discharge, achieving a minimum 80% reduction in Total Suspended Solids from untreated concentrations.
- **Runoff Volume Reduction:** Post-development runoff volume shall not exceed pre-development runoff volume for the 1-year, 24-hour storm event.
- **Required LID BMP Categories:** The following BMP categories are required as primary treatment infrastructure:
 - Bioretention systems (rain gardens, bioretention cells) serving all major impervious drainage areas
 - Vegetated conveyances (bioswales, filter strips) along all internal roadways and paved areas
 - Constructed wetlands where site conditions and groundwater depth allow, designed for dual treatment and habitat function
 - Permeable pavement in all parking, staging, and low-traffic internal roadway areas where geotechnical conditions permit
 - Green roofs or vegetated roof systems where structural design permits
 - Stormwater harvesting and reuse cisterns sized to contribute to cooling water supply per Section I 0.5
- **LID as the Design Standard:** Dry detention basins providing peak rate attenuation only do not meet the water quality or volume reduction standards of this Section. Wet extended detention basins and constructed wetland systems meeting LID water quality performance standards may satisfy both detention and quality requirements.
- **CoC Treatment Consideration:** For uses involving PFAS-containing fire suppression systems or PFAS-based cooling fluids, BMP design shall incorporate available EPA and ITRC guidance on PFAS fate and transport in stormwater infrastructure, demonstrating that BMP materials and practices do not concentrate or release PFAS to the receiving water system.

10.5 Water Self-Sufficiency, Cooling Water Reuse, and CoC Management

High Technology Activity uses within the District shall be designed to maximize on-site stormwater capture and reuse for operational cooling water demand. The following standards apply:

- **Water Use Disclosure:** Each Development Plan shall include a Water Use Disclosure documenting annual and peak daily cooling water demand; Water Usage Effectiveness (WUE) metric; percentage of cooling water demand to be met through on-site stormwater

capture; and identification of all PFAS-containing or CoC-generating systems on-site, including fire suppression agent type, cooling fluid composition, and BESS chemistry.

- **Data Centers:** Data Centers may only operate a closed loop cooling system.
- **Stormwater Reuse Sizing:** On-site stormwater capture and storage infrastructure shall be sized to supply a documented and material percentage of cooling water demand during the growing season (May through September). Minimum reuse percentages by use type shall be established by the MS4 Stormwater Management Director through administrative guidelines published prior to the first Development Plan submission under this Ordinance.
- **Dual-Function Flood Control Requirement:** Stormwater capture infrastructure designated for cooling water reuse shall receive credit toward Section 10.3 flood control performance only where continuous simulation modeling demonstrates the system provides equivalent or greater flood attenuation during all design storm events, including during periods of operational drawdown. Operational storage and flood control storage volumes shall be explicitly differentiated in all hydrological calculations.
- **CoC Containment for Fire Suppression Systems:** All clean-agent fire suppression systems utilizing PFAS-classified compounds (including FM-200/HFC-227ea and Novec 1230/FK-5-1-12) shall be equipped with secondary containment designed to prevent discharge to floor drains, stormwater infrastructure, or any surface or subsurface pathway connected to the drainage system. Any fire suppression activation event shall be reported to the MS4 Stormwater Management Director within 24 hours.
- **BESS Thermal Event Stormwater Plan:** Each Development Plan proposing Battery Energy Storage Systems shall include a BESS Stormwater Emergency Response Plan documenting containment measures for thermal runaway events, stormwater pathway isolation protocols, and notification procedures for the MS4 Stormwater Management Director and applicable emergency response agencies.
- **Water Supply Permitting:** All water supply shall be documented in the Development Plan, including applicable IDEM water withdrawal registration, IDNR permits, and public utility service agreements. Groundwater withdrawal proposed for cooling or operational use shall be documented in the Development Plan with applicable IDEM water withdrawal registration and IDNR permits confirming the suitability of the proposed source.

10.5a Water Consumption Disclosure, Budget, and Annual Reconciliation

The water consumption standards of this Section are disclosure and accountability requirements, not consumption limits. No operator can be held to a standard that has not first been established through a documented baseline.

- **Pre-Development Water Budget Disclosure:** Each Development Plan submission shall include a comprehensive Water Budget Disclosure documenting projected annual total water demand in gallons by source; projected peak daily and monthly demand; projected seasonal variation in cooling water demand; percentage of total projected demand proposed to be met through on-site stormwater capture and reuse; and all applicable IDEM, IDNR, and public utility permits governing proposed water supply prepared by a licensed professional engineer and incorporated into the Development Plan record as a binding disclosure document.
- **Cooling Technology Disclosure and WUE Benchmarking:** The Water Budget Disclosure shall identify the cooling technology or combination of technologies proposed and shall document the design WUE metric for each system, benchmarked against current published industry best practice for the proposed cooling technology type. No minimum WUE is mandated at this stage; the requirement is full and accurate disclosure against a recognized

benchmark, which shall serve as the baseline for annual reconciliation.

- **Annual Water Consumption Reconciliation:** Each operator shall include in the Annual Performance Report required under Section 10.7 a Water Consumption Reconciliation comparing actual annual water consumption by source against the Water Budget Disclosure, reporting actual WUE by cooling system type compared to the disclosed design benchmark, actual stormwater reuse volume compared to projected percentage, and explanation of any material variance.
- **Water Budget Amendment:** Any proposed change to facility operations, cooling technology, or water supply sources that would result in a material increase in total water consumption above the Water Budget Disclosure shall require submission of an amended Water Budget Disclosure to the MS4 Stormwater Management Director prior to implementation.
- **Baseline Development and Future Benchmarking:** Water Budget Disclosures and Annual Water Consumption Reconciliations shall be maintained by the MS4 Stormwater Management Director as a cumulative dataset informing any future water consumption performance benchmarking, watershed-level water budget analysis, or coordination with IDEM, IDNR, or other agencies. Nothing in this Section shall be construed to establish a present water consumption limit or cap.

10.5b Cooling Tower Blowdown Management

Evaporative cooling towers concentrate dissolved minerals, biocides, corrosion inhibitors, and any contaminants present in makeup water through repeated evaporative cycling. The concentrated discharge - blowdown - represents a chemically distinct and potentially high-strength wastewater stream. In this setting, where low-CEC soils provide minimal vadose zone attenuation and the shallow unconfined aquifer is in direct hydraulic connection with surface water, blowdown discharge to any surface or subsurface pathway is a direct groundwater and surface water quality concern.

- **Blowdown Characterization:** Each Development Plan submission proposing an evaporative cooling tower systems shall include a Cooling Tower Blowdown Management Plan documenting projected blowdown volume; blowdown water chemistry, including cycles of concentration, conductivity targets, pH range, and all chemical additives; proposed discharge pathway and receiving system; and any applicable IDEM NPDES permit or pretreatment authorization.
- **Discharge Pathway Protection:** Blowdown discharge shall not be directed to any stormwater conveyance, regulated drain, surface water feature, or subsurface infiltration system without explicit authorization under a separate IDEM NPDES permit. The Blowdown Management Plan shall demonstrate that blowdown discharge pathways are physically separated from the post-construction stormwater management infrastructure required under Sections 10.3 and 10.4.
- **Chemical Additive Disclosure:** All biocidal, scale control, and corrosion inhibitor compounds used in cooling tower water treatment shall be disclosed in the Annual Performance Report, including chemical identity, application rates, and any changes from the prior year's Blowdown Management Plan. Where cooling tower treatment chemistry includes CoC under current EPA or IDEM guidance, the operator shall document the basis for selection and evaluate lower-toxicity alternatives.

10.5c Thermal Loading of Stormwater Runoff

Large-scale High Technology Activity uses generate substantial waste heat through cooling

systems, exhaust infrastructure, and the thermal mass of extensive impervious surfaces operating continuously. Thermal loading of stormwater runoff is a documented water quality impairment with direct effects on dissolved oxygen, aquatic macroinvertebrate communities, and fish habitat. Indiana water quality standards establish temperature criteria for cool and cold water aquatic communities in Kankakee tributary reaches.

- **Thermal Impact Assessment:** Each Development Plan shall include a Thermal Impact Assessment documenting projected surface temperatures of proposed impervious areas; estimated stormwater runoff temperatures at points of discharge under the 2-year and 10-year design storm events; comparison to applicable Indiana water quality temperature criteria; and identification of thermal mitigation measures.
- **Required Thermal Mitigation Measures:** Site design shall incorporate: (i) shade tree canopy over a minimum of 30% of parking and paved surface areas using native species of regional provenance; (ii) vegetated roofs or high-albedo roofing materials on all buildings where structurally feasible; (iii) routing of stormwater through vegetated bioretention and constructed wetland systems prior to discharge; and (iv) avoidance of direct discharge of cooling tower drift or exhaust to stormwater conveyance systems.
- **Annual Thermal Monitoring:** Operators of cooling tower systems shall include in the Annual Performance Report temperature monitoring data from at least one stormwater discharge point during the summer operating season (June through August), compared to the Thermal Impact Assessment baseline and applicable Indiana water quality criteria.

10.5d Hazardous Material Storage - Stormwater Pathway Protection

High Technology Activity uses within the District involve storage of hazardous materials - including diesel fuel for backup power generation, dielectric oil for high-voltage transformers, and battery electrolytes for energy storage systems - in volumes that present acute stormwater and groundwater contamination risk in the event of release. The following documentation requirements apply as conditions of Development Plan approval:

- **SPCC Plan Coordination:** Any facility proposing aboveground oil storage subject to EPA Spill Prevention, Control, and Countermeasure (SPCC) regulations (40 CFR Part 112) shall submit documentation confirming that a facility SPCC Plan has been or will be prepared and implemented prior to operations. A copy of the executed SPCC Plan shall be provided to the MS4 Stormwater Management Director prior to Certificate of Occupancy issuance.
- **Transformer and Electrical Infrastructure Containment:** Secondary containment for transformer yards, switchgear areas, and other electrical infrastructure containing dielectric fluids shall prevent any release from reaching stormwater conveyances, regulated drains, or subsurface infiltration systems. The Development Plan shall identify all such areas and confirm compliance with applicable NFPA, IEEE, and EPA guidance.
- **Unified Stormwater Pathway Protection Framework:** BESS containment requirements under Section 10.5, SPCC requirements, and transformer containment requirements of this Section shall be coordinated within a unified stormwater pathway protection framework submitted with the Development Plan.

10.5e Pre-Occupancy Stormwater Infrastructure Performance Certification

Prior to issuance of a Certificate of Occupancy for any building within the District, the applicant shall submit to the MS4 Stormwater Management Director a Pre-Occupancy Stormwater Infrastructure Performance Certification prepared by a licensed professional engineer confirming that: (i) all post-construction LID BMPs have been constructed in substantial conformance with the approved Development Plan; (ii) infiltration rates, hydraulic conductivity,

and storage volumes have been field-verified and meet design specifications; (iii) stormwater harvesting and reuse infrastructure is operational and tested; and (iv) no construction-phase sedimentation, compaction, or other impairment has compromised BMP performance below design specifications. Where impairment is identified, corrective action shall be completed and re-certified prior to Certificate of Occupancy issuance. The Certification shall serve as the as-built baseline against which all subsequent Annual Performance Reports shall be compared. Concurrent with submission of the Pre-Occupancy Performance Certification, the applicant shall submit to the MS4 Stormwater Management Director a Pre-Operational Stormwater Pollution Prevention Plan (SWP3) governing stormwater management during facility commissioning and startup - the period following CSGP termination and prior to full operational coverage under the Indiana Industrial Stormwater General Permit (327 IAC 15-6, as amended or superseded).

The Pre-Operational SWP3 shall identify all active stormwater discharge points, confirm BMP operational status, and remain in effect until IDEM Industrial Stormwater General Permit coverage is confirmed.

10.5f Construction Dewatering Discharge - Groundwater Protection and IDDE Authority

Construction dewatering activities are governed by the applicable CSGP consistent with Section 10.0.2 of this Ordinance. However, the prohibition on illicit discharges to the MS4 system-including discharges of contaminated groundwater - is an independent and concurrent authority of the MS4 Stormwater Management Director that operates regardless of CSGP coverage and is not subject to CSGP preemption. Pumped construction groundwater may carry sediment and, where High Technology Activity operations are present, Contaminants of Concern (CoC) such as PFAS, which can constitute an illicit discharge to the MS4 system or regulated drains. The following requirements apply to all construction dewatering activities within the District:

- **Dewatering Disclosure:** Each Development Plan proposing construction dewatering shall include a Dewatering Management Plan estimating total and peak dewatering volumes, identifying the proposed discharge pathway and receiving system, and describing the dewatering method and duration by construction phase.
- **Pre-Dewatering Groundwater Characterization:** Prior to the initiation of any dewatering activity, the applicant shall collect and submit to the MS4 Stormwater Management Director groundwater samples analyzed for pH, conductivity, turbidity, total suspended solids, and per- and polyfluoroalkyl substances (PFAS). Sample results shall be reviewed by the MS4 Stormwater Management Director prior to authorization of any dewatering discharge to the MS4 system or regulated drain.
- **Discharge Pathway Authorization:** No dewatering discharge shall enter the MS4 system, any regulated drain, any surface water feature, or any subsurface infiltration system without prior written authorization from the MS4 Storm water Management Director. Where characterization results indicate contamination above applicable standards, dewatering discharge shall be directed to on-site treatment or licensed off-site disposal, and the MS4 Stormwater Management Director shall be notified within 24 hours.
- **Monitoring During Dewatering:** During active dewatering, the applicant shall monitor discharge monthly for turbidity and pH, and for per- and polyfluoroalkyl substances (PFAS) on any dewatering operation continuing beyond sixty (60) days. Results shall be submitted to the MS4 Stormwater Management Director within ten (10) business days of sampling, and any exceedance of authorized discharge parameters reported within five (5) business days.
- **CSGP Separation Confirmation:** The requirements of this Section 10.5f are not

construction-phase stormwater requirements and are not subject to CSGP preemption. They are an exercise of the MS4 program's Illicit Discharge Detection and Elimination (IDDE) authority under NPDES MS4 Permit No. INRO40107.

10.5 Wetland Impact Mitigation

Where development within the District results in the permanent impact to, filling of, or functional loss of wetlands, the applicant shall provide wetland mitigation in accordance with the standards of this Section. Mitigation requirements are tiered based on regulatory jurisdiction as set forth below. The in-county mitigation location requirement of this Section applies to all wetland impacts within the District regardless of regulatory tier.

(a) Tier 1-Non-Regulated Wetlands. For wetland impacts that are not subject to federal Section 404 jurisdiction or Indiana state wetland permit requirements, the applicant shall provide wetland mitigation at a minimum ratio of 1.5:1 - 1.5 acres of wetland creation, restoration, or enhancement for every 1 acre of wetland permanently impacted. Tier 1 mitigation is administered by the MS4 Stormwater Management Director as a condition of Development Plan approval.

(b) Tier 2-Regulated Wetlands (Waters of the U.S. and Waters of the State). For wetland impacts subject to an applicable federal Section 404 permit, Indiana Department of Environmental Management (IDEM) Section 401 water quality certification, or Indiana state wetland permit requirements, the applicant shall meet the mitigation ratio and standards required by the applicable regulatory agency under the full regulatory stack governing the permitted wetland impact. The applicable regulatory ratio governs; this Ordinance does not impose a separate ratio for Tier 2 impacts.

(c) In-County Mitigation Location -Required for All Tiers. Regardless of regulatory tier, all wetland mitigation required under this Section shall be located within LaPorte County. Mitigation is not required to be located on the development site; the in-county location requirement is satisfied by mitigation performed anywhere within LaPorte County. Where mitigation bank credits are used, the credits shall be purchased from a mitigation bank whose service area includes the impact site and that is located within LaPorte County; purchase of credits from banks located outside LaPorte County does not satisfy this requirement. Where in-county bank credits are not available, the applicant may satisfy this requirement through a permittee-responsible mitigation site located within LaPorte County, subject to a recorded conservation easement or deed restriction ensuring permanent protection and an establishment monitoring period consistent with applicable regulatory standards. The in-county location requirement is a condition of Development Plan approval, independent of and in addition to any mitigation location requirements imposed by an applicable regulatory agency.

10.6 CoC Baseline Monitoring and Annual Performance Reporting

Each operator of a High Technology Activity use within the District shall implement an ongoing monitoring program and shall submit an Annual Performance Report to the MS4 Stormwater Management Director no later than March 1 of each year for the preceding calendar year. Prior to the first Annual Performance Report, each operator shall identify whether any stormwater discharge point from the facility enters a water body segment listed on Indiana's 303(d) list of impaired waters under the Clean Water Act, and shall notify the MS4 Stormwater Management Director of any such impairment designation. Where discharges reach a 303(d)-listed water body, the operator shall conduct monitoring for the pollutants for which the water body is listed and that are associated with facility activities, consistent with applicable IDEM Industrial Stormwater General Permit requirements, and shall include results in each Annual Performance Report. The

Report shall include:

- **Vadose Zone and Contaminant Transport Monitoring:** Annual review of vadose zone and groundwater monitoring data against the vadose zone characterization established in the Baseline Study, confirming that stormwater infiltration performance and groundwater connectivity remain consistent with modeled conditions.
- **Contaminant of Concern Monitoring Results:** Results of semi-annual sampling of stormwater discharge points, shallow groundwater monitoring wells (minimum two locations established at Development Plan approval), and any surface water features adjacent to the site, analyzed for the contaminant categories identified in Section 10.1, compared to pre-development baseline concentrations and applicable EPA, IDEM, and Indiana drinking water standards.
- **Water Consumption Reconciliation:** Full reconciliation as required under Section 10.5a, including actual consumption by source, WUE performance against disclosed design benchmark, stormwater reuse volume against projected percentage, and explanation of any material variance.
- **BMP Performance and Maintenance:** Inspection records and maintenance logs for all LID BMPs. Bioretention systems and permeable pavement shall maintain a minimum infiltration rate of 50% of the rate certified at pre-occupancy baseline. Constructed wetland systems shall maintain minimum design water surface elevations and vegetative cover of 70% of design species composition. Performance below these thresholds shall constitute a maintenance deficiency requiring corrective action submission within 60 days and implementation within 180 days.
- **Cooling Tower Blowdown and Chemical Additive Disclosure:** Annual blowdown volume, discharge pathway confirmation, and chemical additives used with any changes from the prior year's Blowdown Management Plan.
- **Thermal Monitoring Results:** Summer season stormwater discharge temperature data per Section 10.5c, compared to Thermal Impact Assessment baseline and applicable Indiana water quality temperature criteria.
- **Wetland Mitigation Status:** Current condition and management activities for all required wetland mitigation sites, with photo documentation and vegetation monitoring data, for any mitigation administered under Section 10.6.
- **Fire Suppression Event Reporting:** Documentation of any fire suppression system activation, volume discharged, containment performance, and any detected discharge to stormwater infrastructure.

The MS4 Stormwater Management Director is authorized to require additional monitoring, conduct site inspections, and impose corrective action requirements upon any finding of noncompliance. Corrective action plans shall be submitted within 60 days of a noncompliance finding and implemented within 180 days.

10.7 Long-Term Obligations-O&M Agreement, Ownership Transfer, and Inspection Access

The hydrological performance standards of this Section 10 are permanent obligations that attach to the Real Estate and to each operator of a High Technology Activity use within the District. They survive changes in ownership, operational control, facility expansion, and financing events.

- **Long-Term Operation and Maintenance Agreement:** Prior to issuance of a Certificate of Occupancy, the applicant shall execute a Long-Term Stormwater Infrastructure Operation and Maintenance Agreement with LaPorte County, in a form approved by the County Attorney and

the MS4 Stormwater Management Director. The Agreement shall identify all post-construction stormwater management infrastructure; establish maintenance standards and inspection frequencies; bind the property owner and all successors in interest in perpetuity; authorize the MS4 Stormwater Management Director to conduct inspections and require corrective action; establish that the Agreement's obligations run with the land as covenants binding the property owner and all successors in interest; and provide that, upon owner default, the county may enter and perform required maintenance and recover its costs as a lien against the subject real property, enforceable in the manner of a mechanic's lien and collectible as provided by law. The executed Agreement shall be recorded with the LaPorte County Recorder prior to Certificate of Occupancy issuance.

- **Ownership and Operational Control Transfer Notification:** Any transfer of ownership of real property within the District, or any change in the entity holding operational control of a High Technology Activity use, shall be reported in writing to the MS4 Stormwater Management Director within thirty (30) days of the transfer or change, identifying the transferring and receiving parties, the effective date, and confirming that the receiving party has reviewed all Section 10 obligations applicable to the subject property.
- **Stormwater Infrastructure Inspection Access Easement:** As a condition of Development Plan approval, the applicant shall grant to LaPorte County a recorded easement providing reasonable access to all post-construction stormwater management infrastructure for inspection, monitoring, sampling, and, in the event of owner default, maintenance and corrective action. The easement shall be recorded with the LaPorte County Recorder concurrent with Development Plan approval and shall run with the land in perpetuity.
- **Maintenance Security in Lieu of Financial Assurance:** Long-term maintenance of all post-construction stormwater management infrastructure is secured through the recorded Long-Term Stormwater Infrastructure Operation and Maintenance Agreement required under this Section - the covenants of which run with the land and bind all successors in interest - together with the county's right to perform required maintenance upon owner default and to recover its costs as a lien against the subject real property. Consistent with the recorded operation and maintenance agreements perfected on comparable LaPorte County stormwater projects, no performance bond, letter of credit, maintenance escrow, or other financial assurance mechanism shall be required in connection with post-construction BMP operation and maintenance.

SIGNATURE PAGE TO FOLLOW

ALL OF WHICH IS RECOMMENDED THIS 25th DAY OF 2026

LAPORTE COUNTY PLAN COMMISSION

President, Rita Beaty

Vice President, Jimmy Pressell III

Member, Steve Holifield

Member, Anthony Oss

Member, John Carr

Member, Anthony Chulpacek

Member, Joe Tuholsky

Member, John Matwyshyn

Member, Eric Pointon Attest:

Attest _____

ALL OF WHICH IS APPROVED AND ORDANIED THIS DAY OF SEPTEMBER 2026.

Steve Holifield, President

Connie Gramarossa, Vice-President

Joe Haney, Member

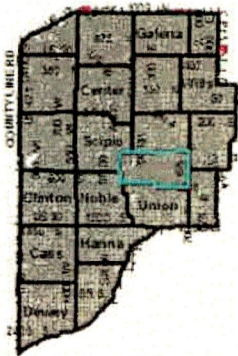
SCHEDULE OF EXHIBITS

Exhibit A Property Boundary

MAP #20 Washington Township Zoning Map



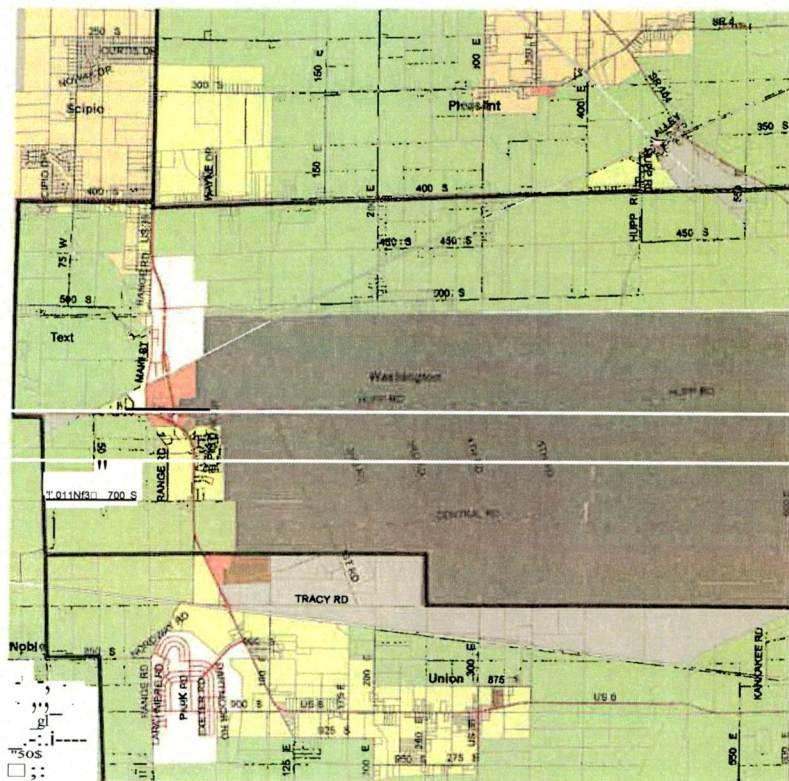
W+E
S



Land area: 26.6 sq. mi.
Water area: 0.0 sq. mi.
Population: 1,103
Males: 553
Females: 550

Occupied houses/apartments: 1,103
(967 owner occupied, 136 renter occupied)
% of renters here: 12%
State: 29%

0 1,600 3,200 6,400 Feet



Legend

C:::JLP Townships
Zoning Districts
c::: Incorporated Towns/ROW/Water Features
NEW_ZONE

- A-Agriculture
- AP-Airport
- B1-Neighborhood Commercial
- B2-General Commercial
- B3-Highway Commercial
- CBD1-Downtown Core
- CBD2-Transition/Hamlet Area
- M1-Light Industrial
- M2-Heavy Industrial
- MD-Marina District
- OS-Office Service
- R1A-Single Family
- R1B-Single Family
- R1C-Single Family
- R1D-Single Family
- R1E-Waterfront Residential
- R2A-Townhouse
- R2B-Townhouse
- R3A-Low-Rise Multiple Family
- R3B-Mid-Rise Multiple Family
- R4-Manufactured Home Park

Created By: Mitchell Bishop
La Porte County Planning Director
4/1/2014