

(1) [New impervious surfaces] LOT COVERAGE ASSOCIATED WITH NEW DEVELOPMENT ACTIVITIES on the property [have] HAS been minimized;

(2) For a lot or parcel one-half acre or less in size, total [impervious surfaces do] LOT COVERAGE DOES not exceed [impervious surface] LOT COVERAGE limits in subsection (d)(2) of this section by more than 25% or 500 square feet, whichever is greater;

(3) For a lot or parcel greater than one-half acre and less than one acre in size, total [impervious surfaces do] LOT COVERAGE DOES not exceed [impervious surface] LOT COVERAGE limits in subsection (d)(3) of this section or 5,445 square feet, whichever is greater;

(4) Water quality impacts associated with runoff from [the] new [impervious surfaces] DEVELOPMENT ACTIVITIES, ~~INCLUDING CLEARING AND GRADING ACTIVITIES,~~ THAT CONTRIBUTE TO LOT COVERAGE can be and have been minimized through site design considerations or use of best management practices approved by the local jurisdiction to improve water quality; and

(5) The property owner performs on-site mitigation as required by the local jurisdiction to offset potential adverse water quality impacts from the new [impervious surfaces] DEVELOPMENT ACTIVITIES THAT CONTRIBUTE TO LOT COVERAGE, or the property owner pays a fee to the local jurisdiction in lieu of performing the on-site mitigation.

(g) All fees collected by a local jurisdiction under subsection (f)(5) of this section must be used to fund projects that improve water quality within the critical area consistent with the jurisdiction's local critical area protection program.

(h) (1) IN THIS SUBSECTION, "LEGALLY DEVELOPED" MEANS THAT ALL PHYSICAL IMPROVEMENTS TO A PROPERTY:

(I) EXISTED BEFORE COMMISSION APPROVAL OF A LOCAL PROGRAM; OR

(II) WERE PROPERLY PERMITTED IN ACCORDANCE WITH THE LOCAL PROGRAM AND IMPERVIOUS SURFACE POLICIES IN EFFECT AT THE TIME OF CONSTRUCTION.

(2) (I) A LOT OR PARCEL LEGALLY DEVELOPED ~~IN ACCORDANCE WITH A LOCAL PROGRAM'S APPLICABLE IMPERVIOUS SURFACE LIMITATIONS AS OF ~~JUNE 30~~ JULY 1, 2008~~ MAY BE CONSIDERED LEGALLY NONCONFORMING FOR PURPOSES OF LOT COVERAGE REQUIREMENTS.