

# APPLICABILITY

## 2 Applicability

In regards to the Post-Construction Standards Plan, all projects fall into one of three possible categories: small, regulated, or not applicable. If a project does not qualify under either of the two following sections, the Post Construction Standards Plan does not apply to it.

### 2.1 SMALL PROJECTS 2,500 TO 5,000 FT<sup>2</sup>

Small projects are defined as those that create and/or replace between 2,500 ft<sup>2</sup> and 5,000 ft<sup>2</sup> of impervious surface. This includes projects that have no net increase in the impervious footprint. Single family homes that create and / or replace 2,500 ft<sup>2</sup> or more of impervious surface and are not part of a larger plan of development are considered to be applicable small projects. Small projects would include, but not limited to, the following:

- New construction that creates between 2,500 ft<sup>2</sup> and 5,000 ft<sup>2</sup> of impervious surface;
- A demolition of a small project site and the redevelopment of that site if more than 2,500 ft<sup>2</sup> of impervious surface is replaced or created;
- The replacement of 2,500 ft<sup>2</sup> or more of a parking lot;
- The construction of a new parking lot that is less than 5,000 ft<sup>2</sup>; and
- A roadway or sidewalk project that is creating or replacing between 2,500 ft<sup>2</sup> and 5,000 ft<sup>2</sup> of impervious surface.

Linear utility projects (LUPs) are not subject to the small project Site Design Measure requirements.

### 2.2 REGULATED PROJECTS >5,000 FT<sup>2</sup>

For the purposes of this Post-Construction Standards Plan, a “Regulated Project” is one that will create and / or replace 5,000 ft<sup>2</sup> or more of impervious surface. Regulated Projects include new and redevelopment projects on public or private land that fall under the planning and permitting authority of the municipality. Redevelopment is defined as any land-disturbing activity that results in the creation, addition, or replacement of exterior impervious surface areas on a site



Figure 2 - A single family home that creates and / or replaces 2,500 ft<sup>2</sup> or more is a small project.

**Impervious Surface** - A surface covering or pavement of a developed parcel of land that prevents the land's natural ability to absorb and infiltrate rainfall/storm water. Impervious surfaces include, but are not limited to; roof tops, walkways, patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering. Landscaped soil and pervious pavement, including pavers with pervious openings and seams, underlain with pervious soil or pervious storage material, such as a gravel layer sufficient to hold the specified volume of rainfall runoff are not impervious surfaces.

*Source: Phase II MS4 Permit Glossary*

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on which some past development has occurred. Redevelopment projects do not include pavement grinding and resurfacing of existing roadways; construction of new sidewalks, pedestrian ramps, or bike lanes on existing roadways; or routine replacement of damaged pavement for short, non-contiguous sections of roadway.

Regulated Projects do not include the following:

- Detached single family homes that are not a part of a larger plan of development (they are considered to be a “small project” even if they exceed 5,000 ft<sup>2</sup> of impervious surface);
- Projects that are exclusively interior remodels;
- Routine maintenance or repair such as exterior wall surface replacement, pavement grinding and resurfacing within the existing footprint, and roofing replacement or repair;
- Projects consisting solely of sidewalks or bicycle lanes built as part of new streets or roads and built to direct storm water runoff to adjacent vegetated areas;
- Projects consisting solely of impervious trails built to direct storm water to adjacent non-erodible permeable areas;
- Projects consisting solely of sidewalks, bicycle lanes, or trails constructed with permeable surfaces;
- Replacement of damaged pavement or the replacement of short, non-contiguous sections of roadways; and
- Trenching, excavation, and resurfacing associated with Linear Utility Projects (LUPs) unless it has a discrete location that has 5,000 ft<sup>2</sup> or more of newly constructed contiguous impervious surface such as a pump station or maintenance facility. In such cases, only the discrete location is subject to this Post-Construction Standards Plan.

Please note that some of the above-listed projects may still be considered “small projects” even if they are exempted from being a Regulated Project.

## 2.2.1 The 50% Rule

If a redevelopment project results in an increase of ***more than*** 50 percent of the impervious surface of a previously existing development, runoff from the entire project, consisting of all existing, new, and / or replaced impervious surfaces, must be included in the selection and sizing of site design measures, LID design standards, and hydromodification management measures to the extent feasible. However, if the redevelopment project results in an increase of ***less than*** 50 percent of the impervious surface, only runoff from the new and /or replaced impervious surface must be included in the selection and sizing of site design measures, LID design standards, and hydromodification management measures.



**Figure 3 - Capital improvement projects such as roadways must include post-construction design measures and be appropriately sized.**

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For street and road widening projects that include additional traffic lanes, where the addition of traffic lanes results in an alteration of ***more than*** 50 percent of the impervious surface, runoff from the entire project must be included in the selection and sizing of site design measures, LID design standards, and hydromodification management measures. However, if the addition of traffic lanes results in an alteration of ***less than*** 50 percent of the impervious surface, only the runoff from the new and / or replaced impervious surface is required to be included in the selection and sizing of site design measures, LID design standards, and hydromodification management measures.

## **2.2.2 Effective Date of Applicability**

This Post-Construction Standards Plan becomes effective on July 14, 2015. Until that date, projects are still subject to the 1998 Interim Drainage Design Guidelines. There are no other storm water design requirements because the Town of Paradise was not required by the previous permit to implement such standards. On July 14, 2015, this Post-Construction Standards Plan will apply to all applicable public and private new and redevelopment “Small” and “Regulated Projects”. Any discretionary projects that have been deemed complete prior to July 14, 2015 and have unexpired vesting tentative maps will only need to comply with the municipality’s post-construction requirements that were in effect at the time of the map approval. Capital improvement projects or municipal-owned projects, for which their governing body or designee approved the initiation of the project design prior to July 14, 2015 will need only to comply with the post-construction requirements that were in place at that time.

Approved Tentative Maps and Signed Improvement Plans are completed once a discretionary project has a tentative map application that is deemed complete by the Town of Paradise. Approval of development applications is a discretionary action taken by the Town of Paradise once a discretionary project has a development application deemed complete. If the discretionary project has a tentative map application or development application that was deemed complete prior to July 14, 2015, it is not subject to the Post Construction Standards of the Small MS4 Permit.