

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

754



**FROM:** TLMA/Building and Safety

**SUBMITTAL DATE:**  
July 3, 2006

**SUBJECT:** Ordinance No. 457.98 amending Ordinance No. 457.97 to require grading permits for exploratory excavations consisting of 1,000 cubic yards or greater in any one location of one acre or more.

**RECOMMENDED MOTION:** Set Ordinance No. 457.98 for public hearing pursuant to California Government Code § 66016 and adopt the ordinance thereafter.

**BACKGROUND:** The Uniform Building code as adopted by Ordinance 457 exempts exploratory excavations from obtaining grading permits. Exploratory excavations are typically done to locate fault lines and bore for soil samples. Due to the rapid growth in Riverside County these exactions are now being done in areas that are potentially identified as critical habitat. In some instances the amount of material moved can be significant specifically with seismic trenching which can run several hundred yards and disturb several acres of land. The proposed amendment would require all exploratory grading consisting of 1,000 cubic yards or greater in any one location of one acre or more to obtain a grading permit. The requirement for a grading permit would allow for an environmental analysis to be done to critical habitat areas to determine the impacts of the exploratory grading. The 1,000 cubic yard limit is based on the threshold in the Surface Mining and Reclamation Act (California Public Resources Code §§ 2710 et.seq.) and RCO No. 555 for requiring a surface mine permit, and the one acre of disturbed area is the Regional Water Quality Control Boards' threshold for requiring a storm water pollution prevention plan. Grading permit fees for exploratory excavations would be deposit based.

*[Signature]*  
James J. Miller, Director of Building and Safety

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	

<b>SOURCE OF FUNDS:</b>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** **APPROVE**

**County Executive Office Signature**

*[Signature]*

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as recommended, setting the matter for public hearing on Tuesday, August 29, 2006 at 1:30 a.m.

Ayes: Buster, Stone, Wilson and Ashley  
 Nays: None  
 Absent: Tavaglione  
 Date: July 25, 2006  
 xc: Bldg. & Safety, COB(2) *WR*

Nancy Romero  
 Clerk of the Board  
 By: *[Signature]*  
 Deputy

**Prev. Agn. Ref.:** | **District:** All | **Agenda Number:**

**16.3**

FURNISHED BY COUNTY COUNSEL  
 JUL 18 2006  
 BY *[Signature]*  
 Departmental Concurrence  
 Dep't Recomm.:  Consent  Policy  
 Per Exec. Ofc.:  Consent  Policy

ORDINANCE 457.98

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 457.97 RELATING TO THE BUILDING REQUIREMENTS AND ADOPTING THE 1997 EDITION OF THE UNIFORM ADMINISTRATIVE CODE ADOPTED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS; THE 2001 CALIFORNIA BUILDING CODE INCLUDING THE APPENDIX AND STANDARDS ADOPTED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION; THE 1997 EDITION OF THE UNIFORM HOUSING CODE ADOPTED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS; THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS ADOPTED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS; THE 2001 CALIFORNIA PLUMBING CODE, INCLUDING THE APPENDIX AND STANDARDS ADOPTED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION; THE 2001 CALIFORNIA MECHANICAL CODE, INCLUDING THE APPENDIX AND STANDARDS ADOPTED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION; THE 2000 EDITION OF THE UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE ADOPTED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS; THE 2001 CALIFORNIA ELECTRICAL CODE ADOPTED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION; THE 1997 EDITION OF THE UNIFORM SIGN CODE ADOPTED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS; AND THE 1997 EDITION OF THE CODE FOR BUILDING CONSERVATION ADOPTED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS AS THE STANDARDS OF SAID ORDINANCE.

The Board of Supervisors of the County of Riverside Ordains As Follows:

**Section 1.** Section 4 is amended to read as follows:

SECTION 4  
UNIFORM BUILDING CODE

SECTION 4.

The 2001 California Building Code, including the Appendix and Standards, adopted by the California Building Standards Commission into the California Code of Regulations as Title 24, Part 2, based upon the 1997 Edition of the Uniform Building Code adopted by the International Conference of Building Officials, is adopted and made a part of this Title by reference (three copies of which are on file for use and examination by the public in the office of the Clerk of the Board of Supervisors) with the following modifications:

A. Chapter 1, Sections 102 through 109 are deleted.

B. The first paragraph of Section 1611.6 is amended to read:

1611.6 RETAINING WALL DESIGN. Retaining walls shall be designed to resist the lateral pressure of the retained material determined in accordance with accepted engineering principles.

1. The soil characteristics and design criteria necessary for such a determination shall be obtained from a geotechnical investigation by a soils engineer, subject to approval by the building official. Exceptions: Freestanding walls not over 15' in height or basement walls with spans of 15' or less between supports, are exempt from this criteria. They may be designed in accordance with Subsection 2 of this section

TABLE NO. 16-D

SURFACE SLOPE OF RETAINED MATERIAL* HORIZ. TO VERT.	EQUIVALENT FLUID WEIGHT (LB/FT <sup>3</sup> )
LEVEL	30
5 to 1	32
4 to 1	35
3 to 1	38
2 to 1	43
1½ to 1	55
1 to 1	80

\*Where the surface slope of the retained earth varies, the design slope shall be obtained by connecting a line from the top of the wall to the highest point on the slope, which limits are within the horizontal distance from the stem equal to the stem height of the wall.

2. ARBITRARY DESIGN METHOD. Walls which retain drained earth and come within the limits of the exception to Subsection 1 of this section, may be designed for an assumed earth pressure equivalent to that exerted by a fluid weighing not less than that shown in Table No. 16-D. A vertical compound equal to one-third of the Horizontal Force so obtained may be assumed at the plane of application of the Force. The depth of retained earth shall be the vertical distance below the ground surface measured at the wall face for stem design or measured at the heel of the footing for overturning and sliding.
3. SURCHARGE. Any superimposed loading, except retained earth, shall be considered as surcharge and provided for in the design. Uniformly distributed loads may be considered as equivalent added depth of retained earth. Surcharge loading due to continuous or isolated footings shall be determined by the following formulas or by an equivalent method approved by the building official.

Resultant Lateral Force:

$$R=0.3ph^2/(x^2 + h^2)$$

Location of Lateral Resultant:

$$d = x \left[ \left( \frac{x}{h^2} + 1 \right) \left( \tan^{-1} \frac{x}{h} \right) - \left( \frac{x}{h} \right) \right]$$

Where:

- R= Resultant Lateral Force measured in pounds per foot of wall width.
- P= Resultant Surcharge Load of continuous or isolated footings measured in pounds per foot of length parallel to the wall.
- x= Distance of resultant load from the back face of wall measured in feet.
- h= Depth below point of application of surcharge loading to top of footing measured in feet.
- d= Depth of Lateral resultant below point of application of surcharge loading measured in feet.
- Arc Tan (h/x) = The angle in Radians whose tangent is equal to (h/x).

Load applied within a Horizontal distance equal to the wall stem height, measured from the back face of the wall, shall be considered as surcharge. For isolated footings having a width parallel to the wall of less than three feet, "R" may be reduced to 1/6 the calculated value. The resultant

1 lateral force "R" shall be assumed to be uniform for the length of the footing parallel to the wall,  
2 and to diminish uniformly to zero at the distance "x" beyond the ends of the footing. Vertical  
3 pressure due to surcharge applied to the top of the wall footing may be considered to spread  
4 uniformly within the limits of the stem and planes, making an angle of 45 degrees with the  
5 vertical.

6 4. BEARING PRESSURE AND OVERTURNING. The maximum vertical bearing pressure  
7 under any retaining wall shall not exceed that allowed in Table 18-I-A. Uniform Building  
8 Code, except as provided for by a special geotechnical investigation.

9 5. FRICTION AND LATERAL SOIL PRESSURE. The retaining wall shall be restrained  
10 against sliding by the lateral sliding resistance of the base against the earth, by lateral bearing  
11 of the soil, or by a combination of the two. Allowable lateral bearing and lateral sliding  
12 resistance values shall not exceed those values allowed in Table 18-I- A, except as provided  
13 for in a special geotechnical investigation. When used, Keys shall be assumed to lower the  
14 plane of lateral sliding resistance and the depth of lateral bearing to the level of the bottom of  
15 the key. Lateral bearing pressure shall be assumed to act as a vertical plane located at the toe  
16 of the footing.

17 6. CONSTRUCTION. No retaining walls shall be construed of wood unless specifically  
18 approved by the building official pursuant to Section 105 of the Uniform Administrative  
19 Code.

20 C. Section 2311.6 of the Uniform Building Code is amended by adding the following sentence:

21 All trusses will be stamped by the manufacturer's name and approval number of the quality control  
22 agency doing the implant inspections.

23 D. Chapter 19 (Volume 2) of the Uniform Building Code is amended by adding the following  
24 section:

25 1928. Ready-Mix Concrete.

26 (a) No concrete batch plant shall supply ready-mixed concrete to any person for use in a  
27 construction project in the unincorporated area of the County of Riverside which requires the  
28 issuance of a permit pursuant to this ordinance without a permit-to-supply issued by the building  
official. A concrete batch plant shall be defined for purposes of this ordinance as the business of  
manufacturing ready-mix concrete for sale to the public. The permit-to-supply shall consist of  
(1) a batch plant certification, and (2) a valid concrete mix design registration for the concrete mix  
being supplied to such construction projects. A Batch Plant certification shall be performed by the  
Transportation Department Materials Laboratory, and shall be valid for a period of four years. A  
Batch Plant certification fee shall be paid to the Transportation Department in accordance with the  
provisions of Riverside County Ordinance No. 671. A concrete mix design certified by a  
qualified, registered civil engineer as complying with the provisions set forth in Chapter 19 of the  
Uniform Building Code, shall be submitted to the Transportation Department for registration. A  
concrete mix design registration fee shall be paid to the Transportation Department in accordance  
with the provisions of Riverside County Ordinance No. 671. The following provisions apply to  
each concrete mix design requiring this registration:

- 1 1. A concrete mix designs used at more than one batch plant must be individually registered for  
2 each plant supplying the concrete mix design.
- 3 2. A concrete mix design registration shall be valid for the duration of the current concrete batch  
4 plant certification period, unless the source of raw materials or the concrete mix design is  
5 changed.
- 6 3. All registered concrete mix designs must be re-registered with each renewal of concrete plant  
7 certification. However, mixes no longer in use need not be re-registered and shall be removed  
8 from the registration list upon expiration of the concrete batch plant certification.
- 9 (b) Each concrete mix design submitted for registration must include an information packet  
10 containing the following information:
  - 11 1. The trade or firm name of the concrete batch plant.
  - 12 2. The address or location of the concrete batch plant.
  - 13 3. The identification number of the concrete batch plant.
  - 14 4. A complete description of the composition of each concrete mix design being submitted for  
15 registration.
  - 16 5. The sources of all of the raw materials used in the concrete mix design.
  - 17 6. Copies of any test results which show that the concrete mix design product complies with the  
18 provisions of Chapter 19 of the Uniform Building Code.
  - 19 7. A letter signed by a qualified, registered civil engineer specifically identifying each mix  
20 design submitted and stating that the concrete batch plant raw materials and design  
21 specifications comply with the provisions of Chapter 19 of the Uniform Building Code. If  
22 concrete proportions are based on water-cement ratio limits, in accordance with Chapter 19  
23 and Table 19-A-7 of the Uniform Building Code, a letter signed by the concrete batch plant  
24 manager may be acceptable.
  - 25 8. A sample delivery ticket showing how and where each item listed under Subsection (f) below  
26 will be recorded on the delivery ticket.
- 27 (c) The applicant shall keep current all information required to be supplied to the Transportation  
28 Department and shall make no change in source of material or concrete mix designs without  
re-registering pursuant to the provisions of this section.
- (d) A permit to supply ready-mixed concrete may be revoked by the Board of Supervisors upon  
recommendation and determination of the building official, that a permittee has supplied  
ready-mixed concrete that does not meet the standards set forth in this ordinance, to any  
person in the unincorporated area of the County of Riverside, unless such concrete was  
specifically requested by the person to whom the concrete was furnished.
- (e) Type V cement shall be used in any concrete in contact with the soil in the Coachella Valley  
area of the County of Riverside. The Coachella Valley area shall be defined as all that area  
west of the Coachella branch of the All American Canal, south of Avenue 40 and east of  
Washington Street.
- (f) A delivery ticket issued by a licensed weighmaster, certifying the quantities of all materials  
used in each batch of ready-mixed concrete at the concrete batch plant, shall be provided for  
the purchaser by the concrete batch plant supplier. This delivery ticket shall include the  
following items of information:
  1. The trade of firm name of the concrete batch plant.
  2. The address or location of the concrete batch plant.
  3. The identification number of the concrete mix design.

- 1 4. The cement content of the ready-mix concrete in sacks/cubic yard and the compressive  
2 strength of the concrete product.
- 3 5. Total water content of ready-mix concrete at the concrete batch plant, in gallons.
- 4 6. Additional water that can be added to the ready-mix concrete at the delivery site in gallons.
- 5 7. Actual gallons of water added to the ready-mix concrete at the delivery site.
- 6 8. Ready-mix concrete placement location (i.e.: tract, lot number, address or some other specific  
7 placement location identification).
- 8 9. Name and address of the purchaser receiving the concrete.

9 (g) All concrete batch plant suppliers of the ready-mixed concrete subject to the provisions of this  
10 ordinance shall furnish to the building official, laboratory test reports on all materials used for  
11 concrete, upon notice that performance of finished concrete is below that for which it was  
12 designed.

13 E. Section 1805 of the Uniform Building Code is amended by adding the following sentence:

14 Design criteria for Class 4 materials, as described in Table 18-I-A, shall be used for structures  
15 (residential/commercial) and retaining walls where no preliminary soils report has been submitted.

16 F. Section 1806.1 of the Uniform Building Code is amended by adding to the end thereof a new  
17 paragraph to read:

18 Finish grade shall be sloped to provide proper drainage away from all exterior foundation walls.  
19 The slope shall be not less than one-half inch per foot for a distance of not less than three feet from  
20 any point of exterior foundation. Drainage swales shall not be less than 1 ½ inches deeper than the  
21 adjacent finished grade at the foundation.

22 G. Section 1806.4.6 of the Uniform Building Code is amended by adding the following paragraphs:

23 1. Setbacks between graded slopes (cut or fill) and structures or masonry walls shall be in  
24 accordance with Figure 18- I-1: except that slopes steeper than two horizontal to one vertical or  
25 greater than 30 feet in vertical height shall be setback a distance determined by a slope stability  
26 analysis prepared by a Registered Civil Engineer, which shall provide adequate protection for the  
27 structure in case of slope failure. Natural slopes steeper than four horizontal to one vertical shall  
28 observe the same setbacks as graded slopes: unless an alternate method is approved by the  
Grading Engineer.

2. Figure #18-I-1 is amended to read as follows:

a. Wherever "H/2 but need not exceed 15' max." appears, is amended to read "H/2 but 5' min.  
and 15' max. except as amended by Section 1806.4.6".

b. Wherever "H/3 but need not exceed 40' max." appears, is amended to read "H/3 but 5' min.  
and 40' max. except as amended by Section 1806.4.6".

H. Fire-Extinguishing equipment of the following types shall be provided in all restaurant cooking  
appliance ventilation systems:

1. An approved fixed pipe inert gas system operated by manual and automatic controls, or

1           2.    An approved fixed pipe dry chemical system operated by manual and automatic control.

2 I. Special Construction Provisions for Hazardous Fire Areas. The hazardous fire areas of the  
3 unincorporated areas of the County of Riverside are those portions so designed on the maps  
4 entitled, "Hazardous Fire Areas of Riverside County", on file in the office of the Clerk of the Board  
5 of Supervisors and in the office of the County Fire Warden of Riverside County. All buildings or  
6 structures that are constructed or moved into hazardous fire areas, shall comply with the following  
7 construction requirements:

- 8
- 9       1.    Roof Coverings. Roof covering shall be fire retardant roofing as specified in Section 1504.1,  
10           .2, and .3 of the Uniform Building Code or other fire retardant roofing that has been tested by  
11           the Underwriters Laboratory or other recognized testing agency and accepted by the  
12           International Conference of Building Officials.
  - 13       2.    Protection of Openings. Openings into attics, floors or other enclosed areas shall be covered  
14           with corrosion-resistant wire mesh not greater than ¼-inch in any dimension unless such  
15           openings are equipped with sash or doors.
  - 16       3.    Alterations. Existing buildings and structures in high fire hazard areas to which additions,  
17           alterations or repairs are made, shall comply with these special provisions in accordance with  
18           the provisions of Section 102 of the Uniform Administrative Code.

19 J. Appendix. Chapter 33 of the Uniform Building Code Appendix is amended as follows:

20       1. Section 3304 of the Uniform Building Code is amended to read:

21           Section 3304. The purpose of this chapter is to safeguard life, limb, property and the public  
22           welfare by regulating grading on private property. Road work that is being regulated by the  
23           Director of Transportation by County contract or through Ordinance Nos. 460, 461 and 499 shall  
24           not be required to obtain a grading permit pursuant to this chapter.

25       2. Section 3306 of the Uniform Building Code is amended as follows:

26           Section 3306.1. Permits Required. No person shall conduct any grading or clearing of any kind  
27           without first obtaining a grading permit from the building official except when the grading or  
28           clearing results in, is performed in connection with, or is for the following **exempt work**  
categories:

1. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not except any fill made with the material from such excavating nor except any excavation having an unsupported height greater than 5 feet after the completion of such structure.
2. Cemetery graves.
3. Refuse disposal sites controlled by other regulations.
4. Excavations for wells or tunnels or utilities.
5. Mining quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

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6. Exploratory excavations under the direction of soil engineers or engineering geologists. This exemption shall be restricted to those circumstances involving exploratory excavations of less than one thousand (1,000) cubic yards in any one location of less than one acre.
  7. An excavation which does not exceed 50 cubic yards on any one lot and which, (a) is less than 2 feet in depth, or (b) which does not create a cut slope greater than 5 feet in height and steeper than 1½ horizontal to 1 vertical. This exemption shall not apply when finish grading is proposed, subsequent to a permit authorizing rough grading in accordance with Section 4.J.4(a)
  8. A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical, or less than 3 feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course. This exemption shall not apply when finish grading is proposed, subsequent to a permit authorizing grading in accordance with Section 4.J.4(a).
  9. The construction or maintenance of roads or facilities for the generation, storage or transmission of water including floodwaters or electrical energy by public agencies or their agents.
  10. The maintenance of existing private roads by private individuals or their agents, including private roads used exclusively in connection with an agricultural use, but not the construction or widening of such roads.
  11. Fire protection within that area specified in any annual weed abatement notice or hazard reduction notice or such additional area as may be authorized or required, in writing, by the appropriate fire protection agency or as provided in Section 405 of Ordinance No. 787.
  12. Uses incidental to an existing residence such as fencing, gardening, or landscaping, including but not limited to, the mowing, cutting and/or removal of dead underbrush, dead weeds, or dead grasses.
  13. Agricultural discing on an operating farm.
  14. The raising of crops or animals exclusively for commercial agricultural purposes where all excavated material remains on-site, but not including agricultural grading or clearing within the sand source areas identified in Exhibits B and C of the Third Amendment to the Coachella Valley Fringe-toed Lizard Habitat Conservation Plan and Implementing Agreement. This section does not apply to clearing or grading for buildings, structures or uses that require a building permit or other land use approval..

23 This section automatically applies in any of the following three (3) cases:

- 24  
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- a. The agricultural grading or clearing described above occurs on land in the Coachella or Palo Verde Valleys located within Riverside County Census Tracts 452.01, 452.02, 453, 454, 455, 456.01, 456.02, 457.02, 458, 459, 460, 461 and 462; or
  - b. The agricultural grading or clearing described above occurs on land that has been farmed within the preceding five (5) years and is leased or owned by an operating farm; or
  - c. The agricultural grading or clearing described above is conducted by an operating farm for the purpose of farming, the land graded or cleared is used exclusively to raise crops or

1 animals within one (1) year of the grading or clearing, the land graded or cleared is not the  
2 subject of a development application that is being processed or has been approved for  
3 residential, commercial or industrial development, and the land graded or cleared is  
contiguous to the operating farm.

4 In all other cases, this exception applies only to property zoned A-1, A-2, A-P, A-D, C-V, R-R and  
5 R-A pursuant to Ordinance No. 348 and if each of the following is done in the order indicated  
prior to the commencement of grading activities:

- 6 (1) The person or entity seeking to grade or clear first obtains an approved erosion control  
7 plan from the United States Department of Agriculture Natural Resources Conservation  
Service or licensed soil engineer.
- 8 (2) The person or entity seeking to grade or clear obtains an "Agricultural Grading and  
9 Clearing Registration Form" from the Office of the Agricultural Commissioner or the  
Department of Building and Safety.
- 10 (3) The person or entity seeking to grade or clear files with the Agricultural Commissioner  
11 the approved erosion control plan and completed "Agricultural Grading and Clearing  
Registration Form.
- 12 (4) The Agricultural Commissioner reviews the approved erosion control plan and  
13 "Agricultural Grading and Clearing Registration Form" and based on the information  
14 contained therein and submitted therewith makes a recommendation, that in the opinion  
15 of the Agricultural Commissioner, the proposed farming plan can feasibly be  
16 implemented for the raising of crops or animal exclusively for commercial farming  
17 purposes within two years . The Agricultural Commissioner shall within fifteen (15)  
working days forward this recommendation to the Department of Building and Safety  
for a determination as to whether the activities proposed qualify for an exception from  
the requirement to obtain a grading permit as set forth in  
Section 4.J.2.1. through 14 of this Ordinance.
- 18 (5) Within thirty (30) working days of the receipt of the recommendation from the  
19 Agricultural Commissioner described in Subsection (4) above, the Department of Building  
20 and Safety shall review the "Agricultural Grading and Clearing Registration Form" and  
21 any other available information; shall make a determination as to whether the activities  
proposed qualify for an exception from the requirement to obtain a grading permit as set  
forth in Section 4.J.2.1 through 14 of this Ordinance; and shall notify the applicant by  
certified mail of the process for filing an appeal.

22 If the farming to be performed is not consistent with the farming plan described in the  
23 "Agricultural Grading and Clearing Registration Form", a revised farming plan shall be  
24 processed in accordance with Subsections (1) through (5) above or a grading permit shall  
be required.

25 If the Agricultural Commissioner recommends that the proposed farming plan does not  
26 qualify as commercial farming; if the Department of Building and Safety determines that  
27 the proposed activities do not qualify for an exception under Section 4.J.2.1 through 14 of  
28 this Ordinance; or if it is subsequently determined during the life of any exception actually  
obtained that the planned or actual grading or clearing is not for agricultural purposes, a  
grading permit shall be required. Any person or entity aggrieved by the decision of the  
Building Official to require a grading permit may file a written appeal of the decision with  
the Agricultural Appeals Board as set forth in Section 2.A. of this Ordinance.

1 Any agricultural grading or clearing exception obtained in accordance with Subsection (1)  
2 through (5) above shall cease to be valid if the farming plan which served as the basis for  
3 the exception has not shown substantial progress towards implementation within (two) 2  
4 years of the date the exception was determined to be applicable by the Department of  
5 Building and Safety and/or if at anytime during the excepted agricultural grading, the  
6 approved erosion control plan is not being implemented. A one (1) time one (1) year  
7 extension may be granted by the Building Official if the applicant can provide  
8 reasonable cause why the farming plan could not be implemented within the first two (2)  
9 years. A grading permit shall be required for farming plans not implemented within the  
10 time allowed unless an extension is approved pursuant to a revised farming plan.

11 3. Section 3306.03. In addition to any other remedy provided by law, any grading or clearing  
12 done in violation of this Ordinance shall be grounds for denying for five years all  
13 applications for building permits, use permits, subdivisions, changes of zones, specific  
14 plans, specific plan amendments, general plan amendments, and any other land  
15 development application proposed for the property in which the violation occurred.  
16 Grading permits shall not be subject to the penalty established by this section. The five (5)  
17 year period shall commence from the date the violation is documented by the Department  
18 of Building and Safety through a notice of violation or any other means. The Board of  
19 Supervisors may waive this penalty for good cause as may be demonstrated by the property  
20 owner. The procedures, remedies and penalties for violations of Section 4.J.2 of this  
21 Ordinance and for recovery of costs related to enforcement are provided for in Ordinance  
22 No. 725, which is incorporated herein by this reference.

23 4. Section 3308 of the Uniform Building Code is amended by changing the definition of the  
24 word "Compaction" and by adding the following definitions, all to read:

25	COMMERCIAL:	Occupied with or engaged in commerce or work intended for
26		commerce.
27	COMPACTION:	The densification of a fill
28	LANDSCAPE	An individual registered in the State to practice in the field of
	ARCHITECT:	landscape architecture.
	SLOPE CONTROL	A professional landscape architect or other professional person
	SPECIALIST:	experienced in erosion control work, retained by the developer in
		a professional consultive capacity and responsible for analysis,
		plans, specifications, supervision and certifications regarding
		slope control planting and related slope control work other than
		grading, for a specific project.
	SLOPING LOT:	A lot having a fall from front to rear, rear to front, side to side or
		diagonally across the lot of five percent or more over a substantial
		portion of such lot.
	TERRACED LOT:	A lot having been graded so as to create a relatively flat usable
		area for a building site and associated use. Such usable area shall
		be defined as that portion of a lot having a slope of less than five
		percent over a major portion of the lot, when the remainder of
		such a lot is in a natural slope.
	CLEARING:	The removal of natural vegetation by any means, including but
		not limited to, brushing, grubbing and/or discing.
	FARMED:	Has been subject to practices associated with the raising of crops
		or animals including but not limited to discing, plowing, seeding,
		cultivating, harvesting, pasturing and fallowing for the purpose of
		crop rotation.
	FARMING:	The performance of practices associated with the raising of crops

1		or animals including but not limited to discing, plowing, seeding, cultivating, harvesting, pasturing and fallowing for the purpose of crop rotation.
2		
3	OPERATING FARM:	An agricultural operation that has for a least 3 consecutive years done each of the following:
4		a) Owned implements used to produce crops or animals or executed agreements with contractors who have the necessary implements; produced crops or animals for sale on any owned or leased land within Riverside County whether contiguous or non-contiguous;
5		b) Derived reportable sales of the crops or animals produced; and
6		c) Generally conformed to the Agricultural Commissioner's model farming plan in the production process.
7		
8	RESIDENTIAL DRIVEWAY:	An improvement providing vehicular access to no more than 2 single family homes and any number of accessory buildings located on no more than 2 parcels.
9		
10	DISCHARGER:	The owner of a site where construction activity occurs.

5. Section 3309.1 of the Uniform Building Code is amended to read:

(a) Permits Required. Except as exempted in Sections 3304 and 3306 of this code, no person shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be obtained for each site and may cover both excavations and fills. After issuance of a permit authorizing rough grading work, a permit authorizing finish grading work shall be obtained regardless of finish grading quantities of excavation or fill.

(1) Unless exempted by the California Environmental Quality Act of 1970, no application for a permit for grading shall be accepted unless accompanied by a completed Environmental Assessment Form, and no grading permit shall be issued thereon until all procedures under those rules including the preparation of a final Environmental Impact Report, if required, have been completed.

(2) No hearing shall be required for the issuance of a grading permit unless an Environmental Impact Report is required to be prepared. If a hearing is required, notice of the time, place and date of the hearing shall be given in accordance with the requirements of Section 609 of the Riverside County Rules to Implement CEQA, at which hearing both the proposed permit and the Environmental Impact Report will be considered by the building official or his authorized representative. Notice of the decision shall be mailed by the building official to the applicant and to any other person that requests notice within 15 days after closing the hearing.

(3) The decision of the building official to approve, deny or impose special conditions upon a grading permit for which an Environmental Impact Report was prepared and a hearing was held, may be appealed by the applicant or any interested party, to the Board of Supervisors. An appeal to the Board must be filed with the Clerk of the Board of Supervisors in writing, on the form provided by the Department of Building and Safety accompanied by a filing fee of \$145 within 15 calendar days after the date of the mailing of the decision by the building official.

The Board of Supervisors shall render its decision affirming, reversing or modifying the decision of the building official within 30 days following the close of the hearing on the appeal.

1  
2 6. Section 3309.3 of the Uniform Building Code is amended to read:

3 Grading Designation.

4 3309.3.1. Grading in excess of 200 cubic yards, except as provided in Section 3309.3.2, shall be  
5 performed in accordance with the approved grading plan prepared by a civil engineer and shall be  
6 designated as "engineered grading". Grading involving less than 200 cubic yards shall be  
7 designated "regular grading" unless the permittee chooses to have the grading performed as  
engineered grading, or the building official determines that special conditions or unusual hazards  
exist, in which case grading shall conform to the requirements for engineered grading.

8 3309.3.2. Grading in excess of 200 cubic yards but less than 5000 cubic yards which is associated  
9 with the construction of a single family home on one lot shall be performed in accordance with the  
approved grading plan prepared by a civil engineer and shall at a minimum comply with the  
10 following provisions:

- 11 1. Section 3309.4;
- 12 2. Section 3317.2;
- 13 3. Section 3317.3, if the grading includes filling; and
- 14 4. Section 3318.1, upon completion of the rough grading work.

15 However, if the permittee chooses to have the grading performed as engineered grading, or the  
16 building official determines that special conditions or unusual hazards exist, the grading shall  
conform to all the requirements for engineered grading.

17 7. Section 3309 of the Uniform Building Code is amended by adding thereto the following subsection  
to read:

18 3309.10. Grading Plan That Includes Road Work.

- 19 1. Whenever an application for a grading permit includes grading for private roads not offered for  
20 public dedication and such private roads are not part of a planned residential development, the  
application for a grading permit shall include plans and information related to the proposed  
road work, in addition to the information required for grading not within the roadway.
- 21 2. The application for such road grading shall include plans prepared by a registered civil  
22 engineer. The Transportation Department shall review the plans and upon completion of the  
review, the Transportation Director shall make recommendations regarding the road  
requirements to the building official.
- 23 3. Fees. The plan review, permit and inspection fees for that part of a grading application relating  
24 to road grading shall be as follows:
  - 25 (a) Plan review fees shall be paid to the Transportation Department in accordance with the  
26 provisions of Riverside County Ordinance No. 671.
  - 27 (b) Permit and inspection fees shall be paid to the Department of Building and Safety in  
28 accordance with Section 4.J.7 of this ordinance.
4. Bonding may be required pursuant to Section 3311 of the Uniform Building Code.

1 5. Grading inspection and completion of work shall be required and conducted pursuant to  
2 Sections 3317 and 3318 of the Uniform Building Code.

3 3309.11. Grading Plan that Includes a Residential Driveway

4 Whenever an application for a grading permit includes grading for a residential driveway,  
5 clearance from the Fire Department prior to permit issuance may be required if:

- 6 1. Any portion of an exterior wall of the first story of a building is located more than 150 feet  
7 from fire apparatus access as measured by an approved route around the exterior of the  
8 building or facility;
- 9 2. The driveway access exceeds 150 feet in length, or has an up or down grade of more than  
10 15 percent; or
- 11 3. The driveway access is less than 16 feet wide, or has a vertical clearance of less than 15  
12 feet.

13 8. Appendix Chapter 33 of the Uniform Building Code is amended to read as follows:

14 3310.1. General. Fees shall be assessed in accordance with the provisions of this section.

15 3310.2. Plan Review Fees. When a plan or other data are required to be submitted, a plan review  
16 fee deposit shall be paid at the time of submitting plans and specifications for review. Said plan  
17 review fee deposit shall be based on the estimated hours to perform the plan review. The  
18 procedures for the deposit-based grading plan review fees are set forth in Section 2.F of this  
19 Ordinance. Separate plan review fees shall apply to retaining walls or major drainage structures as  
20 required elsewhere in this code.

21 3310.3. Grading Permit Fees. A fee deposit for each grading permit, based on the estimated hours  
22 necessary to perform the required inspections, reviews and evaluations, shall be paid to the  
23 building official. Separate permits and fees shall apply to retaining walls or major drainage  
24 structures as required elsewhere in this code. There shall be no separate charge for standard  
25 terrace drains and similar facilities. The procedures for the deposit-based grading permit fees are  
26 set forth in Section 2.F of this Ordinance.

27 9. Section 3312 of the Uniform Building code is amended by adding the following new paragraph to  
28 add:

3312.3. Height of Slopes. Cut slopes shall not be constructed over 30 feet in height unless the  
building official is furnished evidence by a written report from a soil engineer that such slope will  
be stable with a Factor of at least one and one-half (1.5).

10. Section 3313 of the Uniform Building Code is amended by adding the following new paragraph  
to read:

3313.6. Height of Slopes. Fill slopes shall not be constructed over 30 feet in height unless the  
building official is furnished evidence by a written report from a soil engineer that such slope will  
be stable with a Factor of at least one and one-half (1.5).

3313.7. Stockpiling. A stockpile is a supply of earth material placed on a site, for a temporary  
period of time not to exceed 12 months. It shall be authorized in conjunction with an approved  
construction project and shall not obstruct or divert natural drainage or water courses. It shall be

1 carefully maintained and under no circumstances cause an adverse effect to adjacent properties.  
2 Erosion and dust control measures shall be implemented pursuant to Section 4.J.13 of this  
3 ordinance, and fencing may be required as determined by the building official. The borrow site  
4 shall be permitted pursuant to the provisions of this ordinance and the quantity of excavated earth  
5 material may not exceed the authorized quantity for either site. A stockpile shall not be authorized  
6 until such time as a stockpiling registration is submitted to and approved by the building official.  
7 A stockpiling registration shall expire 12 months from the date of issuance. Upon expiration, the  
8 stockpile shall be removed pursuant to a grading permit authorizing such removal unless a new  
9 stockpiling registration is submitted to and approved by the building official. A stockpiling  
10 registration may be approved by the building official up to an additional 3 times for the same site.  
11 The registration fee for stockpiles will be computed pursuant to the Grading deposit-based fee  
12 system set forth in Section 2.F of this Ordinance. The initial deposit charged will be 10 hours  
13 (total for plan review and inspections) at the Fully Burdened Hourly Rate.

- 14 11. Section 3314 of the Uniform Building Code is amended by adding the following new paragraph to  
15 read:

16 3314.5. Structure Setback from Slope. Setbacks between graded slopes (cut or fill) and  
17 structures or masonry walls shall be in accordance with Figure No. 18-I-1; except that slopes  
18 steeper than two horizontal: one vertical height shall be set back a distance, based upon the slope  
19 failure circle, determined by a slope stability analysis prepared by a registered civil engineer,  
20 which shall provide adequate protection for the structure in case of slope failure. Natural slopes  
21 steeper than four horizontal to one vertical shall observe the same setbacks as graded slopes.

- 22 12. Section 3315 of the Uniform Building Code is amended by adding thereto a new subsection to  
23 read:

24 3315.6 Parking Lots.

- 25 (1) Minimum parking lot grade for asphalt concrete shall be 1%.
- 26 (2) Minimum grade for concrete ribbon drains shall be 0.35%.
- 27 (3) An approved soil sterilizer shall be used on all subgrade surfaces prior to placement of  
28 paving.
- (4) Two special inspections are required by the Department of Building and Safety; one  
inspection at the time the base is placed, and the second when the asphalt concrete or concrete has  
been placed, unless an engineer's report verifies compliance with design.
- (5) The contractor shall be responsible for the clearing of the proposed work area, and relocation  
and costs of all existing utilities. The County shall be informed 48 hours prior to beginning of  
construction.
- (6) A compaction report by a Soils Engineer shall certify 95% compaction of base for asphalt  
concrete and 90% compaction of base for concrete prior to calling for second inspection and  
placement of asphalt concrete and concrete paving.
- (7) If no preliminary soils report is provided specifying the paving section, the structural section  
shall be three inches asphalt concrete and four inches Class II aggregate bases.

1  
2 13. Section 3316.1 of the Uniform Building Code is amended to read:

3 **PERMANENT EROSION CONTROL - LANDSCAPING**

4 3316.1. Slopes. The faces of cut and fill slopes shall be prepared and maintained to control  
5 erosion and to provide stability. Where cut slopes are not subject to erosion due to erosion-resistant  
6 character of materials, such protection may be omitted. Unless otherwise recommended in the approved  
7 soil engineering or engineering geology report, cut and fill slopes shall be planted in accordance with this  
8 section. This protection for the slopes shall be installed as soon as practicable and prior to calling for final  
9 permit approval.

- 10 1. General Requirements - All slopes equal to or greater than 3' in vertical height shall be  
11 planted with drought-tolerant grass or ground cover in order to protect the slope from erosion  
12 and instability. Other slopes as deemed necessary by the building official shall also be  
13 planted.

14 Slopes exceeding 15 feet in vertical height shall be planted with drought-tolerant shrubs,  
15 spaced at no more than 10 feet on center; or trees, spaced not to exceed 20 feet on center, or a  
16 combination of such shrubs and trees at equivalent spacings, in addition to a drought-tolerant  
17 grass or ground cover. Fifty percent of the total number of trees provided shall be of a  
18 drought-tolerant nature and a minimum of 5-gallon size. The plants selected and planting  
19 methods used shall be suitable for the soil and climatic conditions found on the site. The  
20 landscape design shall consider and locate plants in zones, according to their water needs.  
21 Plant materials and planting patterns may be varied upon the recommendations of a landscape  
22 architect or a slope control specialist with approval of the building official.

23 If a species other than those from the recommended plants indicated on Riverside County  
24 Building and Safety Form 284-41 is selected, a written statement shall be submitted by a  
25 landscape architect or slope control specialist certifying that the plant is drought-tolerant and  
26 suitable for erosion control and slope stabilization purposes. This statement must accompany  
27 the grading plan at the time of submittal. Plant material shall be allowed that is specifically  
28 identified as being drought-tolerant and suitable for erosion control and slope stabilization on  
an erosion control landscape plan signed by a registered landscape architect.

- 29 2. Erosion-Control Landscape and Irrigation Plan Requirements.

30 (a) Erosion-Control Landscape Plan Requirements. Landscape plans shall be submitted for all  
31 slopes required to be planted. The landscape plan may be incorporated as part of the  
32 grading plan unless, in the opinion of the building official, the plan becomes too obscured  
33 to be effective. A landscape plan shall include:

34 (1) A slope planting schedule that provides common and scientific names and  
35 specifications of all plants, including the names of all species, number and size of  
36 each tree and shrub and the spacing of plants.

37 (2) The location of the planting.

38 (3) Erosion-Control landscape plans involving more than four structures shall be  
prepared and signed by a registered landscape architect. This plan shall include the  
details necessary to complete the project including scope of work, materials to be  
used (seed mixtures, plant species listed by size, quantity, fertilizer used and rate of

1 application), construction methods, maintenance, and timetable for project  
2 completion.

- 3 (b) Irrigation Plan Requirements. Except where approved by the building official,  
4 slopes required to be planted shall be provided with an approved system of  
5 irrigation designed to cover all portions of the slope and shall be of sufficient  
6 clarity to indicate the extent of work proposed. The irrigation system shall have  
7 zones which take into account the water requirements of the different types of  
8 plant species located in the zone and shall be adjusted to vary the water within the  
9 zone in accordance with the needs of the plant material. Care shall be taken to  
10 minimize runoff. Turf areas shall be irrigated separately from slope areas. The  
11 irrigation system provided shall make use of automatic timers, moisture sensors  
12 and low precipitation heads or emitters. The use of a drip type irrigation system is  
13 highly recommended wherever possible. Seasonal irrigation requirements of  
14 the plant species proposed shall be determined and recommendations provided as to  
15 the duration and frequency of irrigation. Specifications for proposed devices, size  
16 and type of pipe, flow and precipitation rates are to be included on the erosion-  
17 control landscape plan.

12 An approved backflow prevention device shall be installed in each irrigation  
13 system which conforms to Chapter 6 of the Uniform Plumbing Code. Projects with  
14 access to or of sufficient size to economically justify the use of reclaimed water  
15 through use of a dual distribution system are encouraged to do so. Prior to building  
16 official approval, reclaimed water irrigation systems are subject to the approval of  
17 the State Water Quality Control Board.

15 If the planting requirements specified in Section 4 are waived by the building  
16 official, the requirements specified in this subsection may be waived.

- 17 3. Planting Method. Planting shall commence as soon as slopes are completed on any portion  
18 of the site and shall provide for rapid short term coverage of the slope as well as long term  
19 permanent coverage. Minimum requirements shall include:
- 20 (a) Planting Holes. Planting holes shall be excavated twice as wide as the diameter and 2  
21 inches less than the depth of the root ball of the plant. The planting holes shall be  
22 backfilled with a mixture of native soil, slowly decomposing organic matter and an  
23 appropriate fertilizer. The construction of a watering basin at the base of all trees and  
24 shrubs at a distance encompassing the drip line is recommended in order to encourage  
25 deep percolation of irrigation. The application of mulch to the surface area of the  
26 watering basin will help minimize the amount of irrigation lost to evaporation. A  
27 commercially prepared mulch, wood chips, grass clippings or a combination of vegetal  
28 matter may be used in this regard.
- (b) Staking. Each tree shall be staked in order to anchor the root system and to support the  
trunk in an upright position. Stake material shall be of adequate dimension and length to  
support the tree. Ties used for tying the tree to the stake shall have a broad surface to  
minimize rubbing or girdling and have some elasticity. In lieu of stakes, a three-wire tie-  
down system may be used.
- (c) Ground Cover Spacing. Ground covers are to be spaced in such a manner that 100%  
coverage of the planted slope will be achieved in as short a time as possible.

1 (d) The finish grading and drainage provided on the adjacent all planted slopes, shall promote  
2 health plant growth and minimize erosion and runoff.

3 4. Waiver of Planting Requirements. Waiver of planting and irrigation requirements may be  
4 approved by the building official if found to be unreasonable or unnecessary for one of the  
5 following reasons:

6 (a) The erosion resistant character of material composing the slopes makes planting  
7 unnecessary.

8 (b) The unavailability of water making irrigation either impossible or impractical.

9 (c) Slope heights are less than those requiring planting by Section 4.J.12(a)1.

10 Compliance with Section 4.J.13 is required regardless of any waiver of planting requirements.

11 5. Planting Maintenance. All vegetation planted for erosion control shall be maintained in a  
12 healthy, vigorous condition. Maintenance of slopes shall include watering, weeding and  
13 restoration of any plant material that may die. Slopes that are affected by the future  
14 installation of walls, fences, swimming pools or any other building must be properly re-  
15 planted upon the completion of subsequent projects.

16 6. Bonding. A performance bond for all projects involving more than four structures and such  
17 other projects, as may be determined by the building official, shall be required for erosion  
18 control remedies, at the time the landscaping plan is approved. The bond shall be released  
19 upon approval of the final planting inspection but may be earlier released in the discretion of  
20 the building official. Compliance with Section 4.J.13. is required regardless of any bond  
21 release.

22 7. Final Planting Inspection. A final planting inspection shall be required for all building sites  
23 requiring planting. For building sites not requiring a performance bond, the final planting  
24 inspection shall be approved prior to the building permit final inspection. Any required  
25 irrigation system and all planting shall be installed at the time of the final planting inspection.  
26 A functional test of the irrigation system may be required. For building sites requiring a  
27 performance bond, slope certification required by the next subsection shall be approved prior  
28 to the building permit final inspection. The final planting inspection shall be performed at the  
end of the one-year bond period.

8. Slope Verification. A site inspection shall be performed by the responsible landscape  
architect to assure compliance with the approved plans and to perform a functional test of the  
sprinkler system. Said landscape architect shall verify in writing to the building official that  
the soils additives, amendments, weed control, planting of the slopes and the installation of  
the irrigation system comply to the approved plans and to all the provisions of this section.  
Verification to contain a statement as to grow stock vitality.

9. Landscape and Irrigation Plan/Plan-Checking and Bond Processing Fee. Before accepting a  
set of plans and specifications for checking, the Department of Building and Safety shall  
collect a plan checking fee deposit. The amount of the fee deposit for plan checking and any  
required permit for landscaping and irrigation shall be: based on the number of hours required  
to review plans, process required bonds, and perform inspections. The initial deposit, in  
addition to the corresponding project fees as set forth in Table 3-G of this Ordinance, shall be  
as follows:

Initial Fee Deposit

1-4 lots.....	0.75 hours per lot
5 or more lots.....	3 hours plus 0.2 hours per lot

14. Section 3316 of the Uniform Building Code is amended by adding a new subsection to read:

3316.3 All construction sites subject to regulations under this ordinance shall comply with the requirements of this section. During site construction, construction activities shall be designed and conducted to minimize runoff of sediment and all other pollutants onto public properties, other private properties and into waters of the United States as required by this Section and Riverside County Ordinance No. 754. If practicable, phased grading shall be conducted. Erosion and sediment control measures utilized by the permittee shall not conflict with the requirements of Riverside County Ordinance Nos. 695 and 787. All dischargers who are required to file a Notice of Intent (NOI), under the provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, State Water Resources Control Board Order Number 92-08-DWQ, shall develop and implement a Storm Water Pollutant Prevention Plan (SWPPP), a monitoring program, and a reporting plan as required by the Federal Water Pollution Control Act (Clean Water Act) and implementing regulations promulgated by the U.S. Environmental Protection Agency.

A. Construction Activities Involving Disturbances of Less Than 1 Acre.

Construction activities including clearing, grading or excavation of land which disturbs less than 1 acre and requires a grading permit shall provide for effective control of erosion, sediment and all other pollutants year-round. The permittee shall be responsible for the installation and monitoring of effective erosion and sediment controls. Such controls may be evaluated by the Department of Building and Safety as described in Subsection B.4.

B. Construction Activities Involving Disturbances of 1 Acre or More.

Construction activities including but not limited to clearing, grading or excavation of land, which disturbs 1 acre or more or on-sites which are part of a larger common plan of development which disturbs 5 acres or more, require compliance with the following provisions:

1. Notice of Intent. Dischargers must file a Notice of Intent (NOI) along with the current filing fee established by the State Water Resources Control Board (SWRCB), for the development of each construction site, to the SWRCB. A copy of the NOI and the discharger's identification number, which is issued by SWRCB, shall be submitted to the Department of Building and Safety prior to the issuance of a grading permit.
2. Storm Water Pollution Prevention Plan. A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for each construction site.
  - a. The name, address and phone number (including a 24-hour emergency phone number) of the person responsible for implementing, inspecting and reporting of the site SWPPP, shall be provided in writing to the Department of Building and Safety Grading Division, prior to the issuance of a grading permit. The person responsible for the SWPPP shall continue to be available until completion of the project. Any change of such person responsible for the SWPPP shall be filed with the Department of Building and Safety within 24 hours, by the discharger filing the NOI.

- 1
- 2 b. Upon commencement of and during construction activities, a current copy of the
- 3 SWPPP shall be kept on the construction site and made available to the Department
- 4 of Building and Safety upon request.
- 5
- 6 c. Year-round, Best Management Practices (BMPs) shall be maintained and be in place
- 7 for all areas that have been graded or disturbed and for all material, equipment and/or
- 8 operations that need protection. Removal BMPs (those BMPs which must be
- 9 temporarily removed during construction activities) shall be in place at the end of
- 10 each working day when there is a forecast of rain within the next five days, by the
- 11 National Weather Service or whenever rain is imminent.
- 12
- 13 d. Ownership Notification. If ownership of the construction site changes at any time
- 14 prior to completion of construction, the new owner of the site shall provide the
- 15 information required in Subsection 3316.3.B.1 and 2.a. above. The party transferring
- 16 ownership of the construction site shall inform the new owner of this requirement.
- 17 Notification pursuant to this subsection by the new owner shall not be required if
- 18 permanent erosion and sediment control protection measures have been implemented
- 19 on the construction site pursuant to Subsection 3316.3.B.i.II below.
- 20
- 21 a. Construction Process. During the construction process the person identified as
- 22 responsible for the SWPPP pursuant to Subsection 3316.3.B.2.a shall be
- 23 required to:
- 24
- 25 i. Be present on site to ensure BMPs are functioning properly.
- 26
- 27 ii. Conduct regular inspections to ascertain if BMPs should be modified to
- 28 adjust to current site conditions.
- iii. Update the site copy of the SWPPP which identifies BMP changes required for current site conditions. Revisions may be highlighted on the site copy of the SWPPP. All changes shall be noted at the latest, on the first working day subsequent to any actual field changes being made. For record purposes, the SWPPP title block shall reflect the date of any change.
- iv. Conduct inspections of the construction site prior to an anticipated storm event to ensure that BMPs are adequate.
- v. Conduct inspections subsequent to storm events to ensure that BMPs are performed adequately. During multiple days of rain or rain of high intensity, conduct additional inspections as necessary to establish that all BMPs are performing adequately.
- vi. Ensure that equipment, material and workers are available for rapid response to emergencies.
- vii. Perform necessary maintenance to BMPs within 48 hours of the conclusion of each storm.
- viii. Keep a record of all inspections performed on the site. This record shall be made available to the Department of Building and Safety upon request.

1 ix. If a construction site becomes idle (a site which is inactive for a period of  
2 more than 30 days), compliance with the following shall be required:

3 I. All BMPs identified in the SWPPP shall continue to be maintained, and  
4 the person responsible for the SWPPP shall remain in charge of the site,  
or

5 II. The SWPPP shall be revised to provide for permanent erosion protection.  
6 If a non-irrigated vegetation by seeding is proposed as primary erosion  
7 protection for the site, such seeding will not be considered acceptable  
until each germination and adequate growth has taken place on all  
critical areas.

8 III. The Department of Building and Safety shall be notified in writing by  
9 the discharger who filed the NOI that the construction site is or will  
10 become idle. The person responsible for the SWPPP shall inspect the  
11 construction site to verify that the site is adequately protected. An  
12 inspection by the Department of Building and Safety shall also be  
13 requested. Additional protection measures may be required by the  
building official. Any construction site found idle for more than 30  
days without the installation of appropriate protection measures and  
notification that the construction project is idle, shall be considered in  
violation of this section.

14 b. Monitoring Criteria. Monitoring for erosion and sediment control is required as  
15 detailed in this section. Site monitoring shall be performed by the person responsible  
16 for the SWPPP. The Department of Building and Safety may also monitor the site  
17 compliance at any time and require access to the updated site SWPPP and records of  
18 all inspections made. The site monitoring will be conducted as determined by the  
19 building official. Fees will be paid pursuant to Table No. 3-H of this ordinance. The  
20 construction site may be considered in compliance with this section if the BMPs are  
21 deemed effective. The BMPs shall be deemed effective if:

22 i. Construction site sediment is not present outside the permit site or is not  
23 present on the site in an area which requires protection.

24 ii. Structural controls are not breached or have not failed under storm events of  
25 minor intensity defined as precipitation of two-year frequency and 24-hour  
26 duration.

27 iii. Evidence of erosion is not present on manufactured and/or denuded natural  
28 slopes.

iv. No evidence of construction site sediment buildup in downstream storm drains  
and/or drainage ways is apparent.

v. Controls are maintained in accordance with design guidelines.

vi. The SWPPP is updated in accordance with the actual construction sequence,  
and the BMPs are installed according to actual construction progress.

