

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

762



FROM: TLMA/Building and Safety

SUBMITTAL DATE:
October 21, 2009

SUBJECT: Ordinance 457.102 amending Ordinance 457.101 deleting provisions duplicated in Ordinance 875, for the collection of the Coachella Valley Fringe-Toed Lizard Mitigation Fee,

RECOMMENDED MOTION: That the Board of Supervisors introduce and adopt Ordinance 457.102 on successive weeks

BACKGROUND: On January 29, 2008 (Agenda Item No. 3.48) the Board of Supervisors adopted Ordinance 875, the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and Natural Community Conservation Plan Mitigation Fee. This ordinance establishes a local development mitigation fee for the funding of the preservation of natural ecosystems in accordance with the CVMSHCP. Ordinance 875 took effect on October 1, 2008, upon the issuance of the appropriate permits authorizing take in connection with the CVMSHCP by the U.S. Fish and Wildlife Service and California Department of Fish and Game.

With the adoption and subsequent effective date of Ordinance 875, the Coachella Valley Fringe-Toed Lizard Mitigation Fee has become redundant and should no longer be collected. To avoid duplication of fee collections, the deletion of the Coachella Valley Fringe-Toed Lizard Mitigation Fee requirement in Ordinance 457 is necessary.

Mike Lara
Director of Building and Safety

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	NO
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

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

C.E.O. RECOMMENDATION: APPROVE
BY: Alex Gann
Alex Gann

County Executive Office Signature

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Prev. Agn. Ref.: 01/29/08 No.3.48 | District: 4.5 | Agenda Number:

3.41

David Huff, County Counsel 1/12/10
 Departmental Concurrence

Dep't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

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ORDINANCE 457.102

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 457.101 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 1.D. is repealed in its entirety.

Section 2. Existing Sections 1.E., 1.F. and 1.G. are relettered as Sections 1.D., 1.E. and 1.F. respectively.

Section 3. Section 1.H. is repealed in its entirety.

Section 4. Section 4.J.2.14. is amended to read as follows:

“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.

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

- 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

1 c. The agricultural grading or clearing described above is conducted by an operating farm for
2 the purpose of farming, the land graded or cleared is used exclusively to raise crops or
3 animals within one (1) year of the grading or clearing, the land graded or cleared is not the
4 subject of a development application that is being processed or has been approved for
5 residential, commercial or industrial development, and the land graded or cleared is
6 contiguous to the operating farm.

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

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

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

If the Agricultural Commissioner recommends that the proposed farming plan does not
qualify as commercial farming; if the Department of Building and Safety determines that
the proposed activities do not qualify for an exception under Section 4.J.2.1 through 14 of
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

1 grading permit shall be required. Any person or entity aggrieved by the decision of the
2 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.

3 Any agricultural grading or clearing exception obtained in accordance with Subsection (1)
4 through (5) above shall cease to be valid if the farming plan which served as the basis for
the exception has not shown substantial progress towards implementation within (two) 2
5 years of the date the exception was determined to be applicable by the Department of
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
reasonable cause why the farming plan could not be implemented within the first two (2)
8 years. A grading permit shall be required for farming plans not implemented within the
time allowed unless an extension is approved pursuant to a revised farming plan. "

9 **Section 5.** This ordinance shall be effective thirty (30) days after the date of adoption.

10 BOARD OF SUPERVISORS OF THE COUNTY
11 OF RIVERSIDE, STATE OF CALIFORNIA

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13 By: _____
14 Chairman, Board of Supervisors

15 ATTESTED:

16 KECIA HARPER-IHEM
17 Clerk to the Board

18 By: _____
19 Deputy

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23 FORM APPROVED COUNTY COUNSEL
24 BY David H.K. Huff DATE 1/12/10
25 DAVID H.K. HUFF DATE