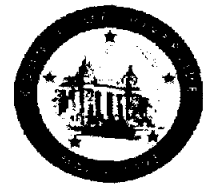


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

105



**FROM:** TLMA/Building and Safety

**SUBMITTAL DATE:**  
August 17, 2010

**SUBJECT:** Ordinance No. 457.103 amending Ordinance 457.102, removing discretionary language in connection with agricultural grading exemption determinations and provides for some clarifying changes to the agricultural grading exemption set forth in RCO No. 457, Section 4.J.2.14.

**RECOMMENDED MOTION:** That the Board of Supervisors introduce and adopt Ordinance No. 457.103 on successive weeks.

**BACKGROUND:** On August 10, 2010, (Agenda Item No. 3.84) the Board of Supervisors approved an order initiating an amendment to Ordinance No. 457.102, revising the existing agricultural grading exemption that would: remove discretionary language in connection with agricultural grading exemption determinations; provide for two (2) ministerial categories which allow a person to claim the benefits of the agricultural grading exemption; establish an "Agricultural Grading/Clearing Certificate" to be submitted by each person claiming the benefit of the agricultural grading exemption prior to commencing the agricultural grading or clearing; establish an "Agricultural Grading/Clearing Verification" to be submitted by each person claiming the benefit of the agricultural grading exemption within one (1) year of filing a Certificate of Agricultural Grading or Clearing; and provide for some clarifying changes to the agricultural grading exemption, including, but not limited to, definitional terms contained in the ordinance. This matter is considered exempt from the provisions of the California Environmental Quality Act (CEQA) as provided in Title 14 Cal. Code of Regs. §§ 15061(b)(3), 15268, 15300.1 and 15304.

*[Signature]*  
Mike Lara, Director of Building and Safety

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

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

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

APPROVE

BY: *[Signature]*  
Tina Grande

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY: DAVID H.K. HUFF DATE: 8/24/10 Departmental Concurrence

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

ORDINANCE 457.103

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 457.102 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.J.2.14. of Ordinance No. 457 is amended to read as follows:

“14. The raising of crops or animals by an operating farm exclusively for commercial agricultural purposes (hereinafter referred to as “agricultural grading or clearing”) when all excavated material remains on-site and the agricultural grading or clearing occurs on either of the following:

- a. Land that has been farmed within the preceding five (5) years; or
- b. Land that is used exclusively to raise crops or animals within one (1) year of the grading or clearing.

Any person claiming the benefit of this exemption under subdivision b) above shall file, under penalty of perjury, a completed ‘Agricultural Grading/Clearing Certificate’ (“Certificate”) with the building official prior to commencing the agricultural grading or clearing. The Certificate shall be accompanied by the appropriate processing fee as well as an approved erosion control plan from the United States Department of Agriculture Natural Resources Conservation Service or licensed soil engineer where any grading or clearing performed under this exemption involves a slope angle of ten percent (10%) or greater. The filing of a Certificate shall not be construed to authorize the commencement or continuance of any activity prohibited by this ordinance, any other County ordinance, or any state or federal law or regulation. Any person who files a Certificate shall file, under penalty of perjury, a completed ‘Agricultural Grading/Clearing Verification’ (“Verification”) within one (1) year of filing of said Certificate. Said Verification shall be accompanied, where an approved erosion control plan has been previously required to be submitted, by a written confirmation from the United States Department of Agriculture Natural Resources Conservation Service or licensed soil engineer that all work required in the approved erosion control plan has been performed. Site restoration pursuant to Section 4.J.2.15 of this Ordinance and Board of Supervisor’s Policy F-6 shall, in all instances, be required if a person fails

1 to file a Certificate prior to grading, subsequently fails to file a verification or fails to comply with  
2 erosion control plan requirements as stated herein.

3 This exemption shall be restricted to only those areas disturbed by actual farming and shall not  
4 apply to the grading or clearing associated with the construction of any building or structure itself  
5 and shall not apply to grading or clearing for any activity that requires a land use permit.  
6 Furthermore, any grading or clearing performed under this exemption shall not be construed to  
7 have been evaluated for compliance with the grading or building requirements of this ordinance or  
8 any of the applicable technical codes.

9 Any 'Agricultural Grading and Clearing Registration' approved before October 14, 2010 in  
10 accordance with the former provisions of this section shall be governed by the following  
11 provisions: The 'Agricultural Grading and Clearing Registration' shall remain valid unless the  
12 farming plan which served as the basis for the exception has not shown substantial progress  
13 towards implementation within two (2) years of the date the exception was approved or, if at  
14 anytime during the agricultural grading or clearing, the approved erosion control plan is not being  
15 implemented. A one (1) time one (1) year extension may be granted by the Building Official if the  
16 registrant can provide reasonable cause why the farming plan could not be implemented within the  
17 first two (2) years. A grading permit shall be required for farming plans not implemented within  
18 the time allowed. If, at any time the Building Official determines that the planned or actual  
19 grading or clearing is not for agricultural purposes, a grading permit shall be required. Any person  
20 or entity aggrieved by the decision of the Building Official to require a grading permit may file a  
21 written appeal of the decision with the Agricultural Appeals Board as set forth in Section 2.A. of  
22 this Ordinance.

23 **Section 2.** Section 4.J.4. of Ordinance No. 457 is amended to read as follows:

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

26	COMMERCIAL:	Occupied with or engaged in commerce or work intended for 27 commerce.
28	COMPACTION:	The densification of a fill
	LANDSCAPE ARCHITECT:	An individual registered in the State to practice in the field of landscape architecture.
	SLOPE CONTROL SPECIALIST:	A professional landscape architect or other professional person 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.

1	FARMED:	Has been subject to practices associated with the raising of crops or animals including but not limited to discing, plowing, seeding, laser-leveling, cultivating, harvesting, pasturing, fallowing or water conservation.
2		
3	FARMING:	The performance of practices associated with the raising of crops or animals including but not limited to discing, plowing, seeding, laser-leveling, cultivating, harvesting, pasturing, fallowing or water conservation.
4		
5	OPERATING FARM:	An agricultural operation that has for a least 2 consecutive years done each of the following:
6		a) Owned or leased implements used to produce crops or animals and produced crops or animals for sale on any owned, managed or leased land whether the land is contiguous or non-contiguous; and
7		b) Derived reportable sales of the crops or animals produced.
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.

11

12 **Section 3.** This ordinance shall be effective thirty (30) days after the date of adoption.

13 BOARD OF SUPERVISORS OF THE COUNTY  
14 OF RIVERSIDE, STATE OF CALIFORNIA

15

16 By: \_\_\_\_\_  
17 Chairman, Board of Supervisors

18 ATTESTED:  
19 KECIA HARPER-IHEM  
20 Clerk to the Board

21 By: \_\_\_\_\_  
22 Deputy

23

24

25 FORM APPROVED COUNTY COUNSEL  
26 BY: David H.K. Huff 8/24/10  
DAVID H.K. HUFF DATE

ORDINANCE 457.103

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 457.102 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.J.2.14. of Ordinance No. 457 is amended to read as follows:

“14. The raising of crops or animals ~~in an operating farm~~ exclusively for commercial agricultural purposes ~~is limited to the agricultural grading or clearing of land where all excavated material remains on-site and the agricultural grading or clearing occurs on the same parcel of land.~~ where all excavated material remains on-site ~~and the agricultural grading or clearing occurs on the same parcel of land.~~ ~~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 only 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~~
- ~~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 animals within one (1) year of the grading or clearing, the land graded or cleared is not the subject of a development application that is being processed or has been approved for residential, commercial or industrial development, and the land graded or cleared is contiguous to the operating farm.~~

1 any person, shall, in the event of this exception, or a liability on (b) days, shall not apply  
2 merely of whether a conditional Agricultural Grading and Clearing Certificate (CGC) shall be  
3 building of a building or to continuing the agricultural grading of a building. The Certificate shall be  
4 accompanied by the mandatory information, fee as well as an approved erosion control plan from  
5 the United States Department of Agriculture, Natural Resources Conservation Service or licensed  
6 soil engineer, which any grading or clearing performed under this exception, involving a slope greater  
7 than percent (10%) or greater. The term of a Certificate shall not be extended to approve the  
8 commencement of grading or clearing activity prohibited by the existing municipal Code  
9 promulgated of any state or Federal law, or regulation. Any person who files a CGC shall file  
10 under penalty of perjury, a completed Agricultural Grading and Clearing Verification  
11 ("Verification") within one (1) year of filing said Certificate. Said Verification shall be  
12 accompanied, where an approved erosion control plan has been previously approved and  
13 submitted, by a written confirmation from the United States Department of Agriculture, Natural  
14 Resources Conservation Service or licensed soil engineer that all work required in the approved  
15 erosion control plan has been performed. The registration period for a term of 2 (2) years of this  
16 Ordinance and Board of Health Policy Review shall, in all instances, be applied if a person fails  
17 to file a Certificate prior to grading, subsequently fails to file a Verification or fails to comply with  
18 erosion control plan requirements as stated herein.

11 This exception shall be confined to only those areas identified by permit planning and shall not  
12 apply to the grading or clearing activities which are prohibited in a zoning ordinance or which are  
13 not shall not apply to grading or clearing for any activity that requires a building permit  
14 in the future, any grading or clearing performed under this exception shall not be extended to  
15 have been evaluated for compliance with the grading or building requirements of this ordinance or  
16 any of the applicable technical codes.

15 Any Agricultural Grading and Clearing Registration approved before October 1st, 2011, is  
16 of compliance with the terms of this section shall be governed by the following  
17 provisions: The Agricultural Grading and Clearing Registration shall remain valid unless the  
18 permit plan which is covered by the term of the exception has not allowed standard practices  
19 to be implemented within two (2) years of the date the exception was approved, or if at  
20 any time during the agricultural grading or clearing, the approved erosion control plan is not  
21 implemented. A grace period of one (1) year extension may be granted by the Building Official if the  
22 applicant can provide reasonable proof why the technical plan required to be implemented within the  
23 180-day period. A pending permit shall be required for grading plans not implemented within  
24 the time allowed. If at any time the Building Official determines that the planned or actual  
25 grading or clearing under the Agricultural Grading and Clearing Registration shall be required. Any person  
26 or entity approved by the decision of the Building Official to require a permit shall file a  
27 written appeal of the decision with the Agricultural Appeal Board as set forth in section 2.5 of  
28 this Ordinance.

**In all other cases, this exception applies only to property zoned A-1, A-2, A-P, A-D, C-V,  
R-R and 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:**

- 15 (1) ~~The person or entity seeking to grade or clear first obtains an approved erosion control~~  
16 ~~plan from the United States Department of Agriculture Natural Resources Conservation~~  
17 ~~Service or licensed soil engineer.~~
- 18 (2) ~~The person or entity seeking to grade or clear obtains an "Agricultural Grading and~~  
19 ~~Clearing Registration Form" from the Office of the Agricultural Commissioner or the~~  
20 ~~Department of Building and Safety.~~

1  
2 ~~(3) The person or entity seeking to grade or clear files with the Agricultural Commissioner the approved erosion control plan and completed "Agricultural Grading and Clearing Registration Form.~~

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4 ~~(4) The Agricultural Commissioner reviews the approved erosion control plan and "Agricultural Grading and Clearing Registration Form" and based on the information contained therein and submitted therewith makes a recommendation, that in the opinion of the Agricultural Commissioner, the proposed farming plan can feasibly be implemented for the raising of crops or animal exclusively for commercial farming 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.~~

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10 ~~(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 filing an appeal.~~

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14 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.

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17 ~~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 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.~~

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21 ~~Any agricultural grading or clearing exception obtained in accordance with Subsection (1) 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 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 approved erosion control plan is not being implemented. A one (1) time one (1) year 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) 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. "~~

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26 **Section 2.** Section 4.J.4. of Ordinance No. 457 is amended to read as follows:

27  
28 4. "Section 3308 of the Uniform Building Code is amended by changing the definition of the word "Compaction" and by adding the following definitions, all to read:

1	COMMERCIAL:	Occupied with or engaged in commerce or work intended for commerce.
2	COMPACTION:	The densification of a fill
3	LANDSCAPE ARCHITECT:	An individual registered in the State to practice in the field of landscape architecture.
4	SLOPE CONTROL SPECIALIST:	A professional landscape architect or other professional person 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.
5		
6	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.
7		
8	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.
9		
10	CLEARING:	The removal of natural vegetation by any means, including but not limited to, brushing, grubbing and/or discing.
11	FARMED:	Has been subject to practices associated with the raising of crops or animals including but not limited to discing, plowing, seeding, <del>and</del> cultivating, harvesting, pasturing and fallowing for the purpose of crop rotation <del>and crop conservation.</del>
12		
13	FARMING:	The performance of practices associated with the raising of crops or animals including but not limited to discing, plowing, seeding, <del>and</del> cultivating, harvesting, pasturing and fallowing for the purpose of crop rotation <del>and crop conservation.</del>
14		
15	OPERATING FARM:	An agricultural operation that has for a least <del>3</del> consecutive years done each of the following:
16		a) Owned <del>the necessary</del> implements used to produce crops or animals or executed agreements with contractors who have the necessary implements; <del>and</del>
17		produced crops or animals for sale on any owned <del>land</del> or leased land within Riverside County whether <del>the land is</del> contiguous or non-contiguous; <del>and</del>
18		b) Derived reportable sales of the crops or animals produced; and
19		e) Generally conformed to the Agricultural Commissioner's model farming plan in the production process.
20		
21	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.
22		
23	DISCHARGER:	The owner of a site where construction activity occurs.
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1 **Section 3.** This ordinance shall be effective thirty (30) days after the date of adoption.

2 BOARD OF SUPERVISORS OF THE COUNTY  
3 OF RIVERSIDE, STATE OF CALIFORNIA

4  
5 By: \_\_\_\_\_  
6 Chairman, Board of Supervisors

7 ATTESTED:  
8 KECIA HARPER-IHEM  
9 Clerk to the Board

10 By: \_\_\_\_\_  
11 Deputy

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13  
14 FORM APPROVED COUNTY COUNSEL  
15 BY: David H.K. Huff / 8/24/10  
16 DAVID H.K. HUFF DATE

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