



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 28, 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".

19 If, at any time the Building Official determines that the planned or actual grading or clearing is not  
20 for agricultural purposes, a grading permit shall be required. Any person or entity aggrieved by  
21 the decision of the Building Official to require a grading permit may file a written appeal of the  
22 decision with the Agricultural Appeals Board as set forth in Section 2.A. of 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  
27 DAVID H.K. HUFF DATE  
28

**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**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of reading.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
 Nays: None  
 Absent: None  
 Date: September 14, 2010  
 xc: Building and Safety, COB

Kecia Harper-Ihem  
 Clerk of the Board  
 By: *[Signature]*  
 Deputy

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

Policy  Policy   
 Consent  Consent   
 Dept. Recomm.:  
 Per Exec. Ofc.:











