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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

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

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

Any 'Agricultural Grading and Clearing Registration' approved before October 28, 2010 in accordance with the former provisions of this section shall be governed by the following provisions: "The 'Agricultural Grading and Clearing Registration' shall remain valid unless 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 approved or, if at anytime during the agricultural grading or clearing, 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 registrant 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".

If, at any time the Building Official determines 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.

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

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:

COMMERCIAL:	Occupied with or engaged in commerce or work intended for commerce.
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,					
2		laser-leveling, cultivating, harvesting, pasturing, fallowing or water conservation.					
3 4	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					
5	OPERATING FARM:	water conservation. An agricultural operation that has for a least 2 consecutive years					
6		done each of the following: a) Owned or leased implements used to produce crops or animals					
7		and produced crops or animals for sale on any owned, managed or					
8		leased land whether the land is contiguous or non-contiguous; and b) Derived reportable sales of the crops or animals produced.					
9	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.					
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	Dvv						
17	By: Chairman, Board of Supervisors						
18	ATTESTED:						
19	KECIA HARPER-IHEM Clerk to the Board						
20							
21	By:						
22	Deputy						
23							
24							
25	EOOM APPROVATION						
26	FORM APPROVED COUNTY COUNSEL BY 8 124/10						
27	DAVID H.K. HUFF DATE						
28							

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



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

		ot from the provisions of the C e of Regs. §§ 15061(b)(3), 152			ct (CEQA") as provid	led in
			Mile Lara, Dir	ector of Building and	l Safety	
	FINANCIAL DATA	Current F.Y. Total Cost: Current F.Y. Net County Cost:	9 N/A \$ N/A	Budget Adjustm		
	SOURCE OF FUNDS: SOURCE OF FUNDS: SOURCE OF FUNDS: SOURCE OF FUNDS:			For Fiscal Year:	N/A Positions To Be	
		JABO.			Deleted Per A-30	
1					Requires 4/5 Vote	
	C.E.O. RECOM	MENDATION:	APP ROVE			
_			By Sina Gran	Juande		
,	County Executi	ve Office Signature	Tilla Stat	<u>'45</u>		
		MINUTES O	F THE BOARI	D OF SUPERVIS	ORS	

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:

Per Exec. Ofc.:

Buster, Tavaglione, Stone, Benoit and Ashley

Nays:

None

Absent:

None

Date: XC:

September 14, 2010

Building and Safety, CØB

Clerk of the Board

Kecia Harper-Ihem

Agenda Number: Prev. Agn. Ref.: 8-10-30 3.84 District: All

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