



COUNTY OF RIVERSIDE TRANSPORTATION AND LAND MANAGEMENT AGENCY



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Illegal Grading Notification Rev 12/04/07

On September 13, 2005 the Board of Supervisors adopted an amendment to Ordinance 457, which allows the Department of Building and Safety to place a five year hold on the issuance of building permits and land use approvals if that property is graded without permits. Any property owner aggrieved by this decision has the right to appeal to the Board of Supervisors.

You have been cited for grading without a permit, you are required to complete an "application to construct" and file for an hourly restoration assessment number. This can be done in any one of the three permit assistance centers listed at the bottom of this page. Once the number has been generated and payment made (**estimated cost \$3000 to \$7000**), you will be contacted by the Environmental Programs Department (EPD) or the Department of Building and Safety to set up your site assessment inspection. Once the site assessment has been completed you will be provided plan requirements in writing. You may be required to provide a Biological Restoration Plan and or Earthwork Restoration Plan. A brief description of each of these is provided below:

Biological Restoration Plan:

A biological restoration plan may be required which is prepared by a qualified biologist and is submitted to the County for review and approval. A biological restoration plan determines how to restore the site to its original state prior to disturbance. This plan may include a re-vegetation plan, an irrigation plan, a mitigation and monitoring plan, schedules and cost estimates for restoration. The level of detail that will be required will be determined through a site assessment conducted by the Environmental Programs Department.

Earthwork Restoration Plan:

The need for an Earthwork restoration Plan is based on the estimated volume of earthwork required to be moved on the site in order to effectively restore the site per the intent of County Ordinance 457.

If an Earthwork Plan is required, the plan shall be prepared by a registered civil engineer. All Riverside County Department of Building and Safety grading plan requirements are necessary to be incorporated into the Earthwork Plan. Plan requirements shall include the details necessary for earthwork movement, cut and fill slopes, property lines, water courses, the location of surface streets and all associated related information. The Earthwork Plan shall also contain standard notes for the accomplishment of the approved restoration effort. A civil engineer letter of certification of earthwork and a formal compaction report for fills of more than one foot may be required prior to final of the Earthwork Plan.

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

- 3
- 4 1. An approved fixed pipe inert gas system operated by manual and automatic controls, or
- 5
- 6 2. An approved fixed pipe dry chemical system operated by manual and automatic control.
- 7

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

- 13
- 14 1. Roof Coverings. Roof covering shall be fire retardant roofing as specified in Section 1504.1, .2, and .3
15 of the Uniform Building Code or other fire retardant roofing that has been tested by the Underwriters
16 Laboratory or other recognized testing agency and accepted by the International Conference of Building
17 Officials.
- 18
- 19 2. Protection of Openings. Openings into attics, floors or other enclosed areas shall be covered with
20 corrosion-resistant wire mesh not greater than ¼-inch in any dimension unless such openings are equipped
21 with sash or doors.
- 22
- 23 3. Alterations. Existing buildings and structures in high fire hazard areas to which additions, alterations or repairs
24 are made, shall comply with these special provisions in accordance with the provisions of Section 102 of the
25 Uniform Administrative Code.
- 26

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

- 28
- 29 1. Section 3304 of the Uniform Building Code is amended to read:
- 30

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

- 35
- 36 2. Section 3306 of the Uniform Building Code is amended as follows:
- 37

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

- 41
- 42 1. An excavation below finished grade for basements and footings of a building, retaining wall or other structure
43 authorized by a valid building permit. This shall not except any fill made with the material from such
44 excavating nor except any excavation having an unsupported height greater than 5 feet after the completion of
45 such structure.
- 46
- 47 2. Cemetery graves.
- 48
- 49 3. Refuse disposal sites controlled by other regulations.
- 50
4. Excavations for wells or tunnels or utilities.

- 1 5. Mining quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where
2 established and provided for by law, provided such operations do not affect the lateral support or increase the
3 stresses in or pressure upon any adjacent or contiguous property.
4
- 5 6. Exploratory excavations under the direction of soil engineers or engineering geologists. This exemption shall
6 be restricted to those circumstances involving exploratory excavations of less than one thousand (1,000) cubic
7 yards in any one location of less than one acre .
8
- 9 7. An excavation which does not exceed 50 cubic yards on any one lot and which, (a) is less than 2 feet in depth,
10 or (b) which does not create a cut slope greater than 5 feet in height and steeper than 1½ horizontal to 1
11 vertical. This exemption shall not apply when finish grading is proposed, subsequent to a permit authorizing
12 rough grading in accordance with Section 4.J.4(a)
13
- 14 8. A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical,
15 or less than 3 feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any
16 one lot and does not obstruct a drainage course. This exemption shall not apply when finish grading is
17 proposed, subsequent to a permit authorizing grading in accordance with Section 4.J.4(a).
18
- 19 9. The construction or maintenance of roads or facilities for the generation, storage or transmission of water
20 including floodwaters or electrical energy by public agencies or their agents.
21
- 22 10. The maintenance of existing private roads by private individuals or their agents, including private roads used
23 exclusively in connection with an agricultural use, but not the construction or widening of such roads.
24
- 25 11. Fire protection within that area specified in any annual weed abatement notice or hazard reduction notice or
26 such additional area as may be authorized or required, in writing, by the appropriate fire protection agency or
27 as provided in Section 405 of Ordinance No. 787.
28
- 29 12. Uses incidental to an existing residence such as fencing, gardening, or landscaping, including but not
30 limited to, the mowing, cutting and/or removal of dead underbrush, dead weeds, or dead grasses.
31
- 32 13. Agricultural discing on an operating farm.
33
- 34 14. The raising of crops or animals exclusively for commercial agricultural purposes where all excavated material
35 remains on-site, but not including agricultural grading or clearing within the sand source areas identified in
36 Exhibits B and C of the Third Amendment to the Coachella Valley Fringe-toed Lizard Habitat Conservation
37 Plan and Implementing Agreement. This section does not apply to clearing or grading for buildings,
38 structures or uses that require a building permit or other land use approval..
39

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

- 41
- 42 a. The agricultural grading or clearing described above occurs on land in the Coachella or Palo Verde Valleys
43 located within Riverside County Census Tracts 452.01, 452.02, 453, 454, 455, 456.01, 456.02, 457.02,
44 458, 459, 460, 461 and 462; or
45
- 46 b. The agricultural grading or clearing described above occurs on land that has been farmed within the
47 preceding five (5) years and is leased or owned by an operating farm; or
48
- 49 c. The agricultural grading or clearing described above is conducted by an operating farm for the purpose of
50 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

1 processed or has been approved for residential, commercial or industrial development, and the land graded
2 or cleared is contiguous to the operating farm.
3

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 R-A
5 pursuant to Ordinance No. 348 and if each of the following is done in the order indicated prior to the
6 commencement of grading activities:
7

- 8 (1) The person or entity seeking to grade or clear first obtains an approved erosion control plan from the
9 United States Department of Agriculture Natural Resources Conservation Service or licensed soil engineer.
- 10 (2) The person or entity seeking to grade or clear obtains an "Agricultural Grading and Clearing Registration
11 Form" from the Office of the Agricultural Commissioner or the Department of Building and Safety.
12
- 13 (3) The person or entity seeking to grade or clear files with the Agricultural Commissioner the approved
14 erosion control plan and completed "Agricultural Grading and Clearing Registration Form."
15
- 16 (4) The Agricultural Commissioner reviews the approved erosion control plan and "Agricultural Grading and
17 Clearing Registration Form" and based on the information contained therein and submitted therewith
18 makes a recommendation, that in the opinion of the Agricultural Commissioner, the proposed farming plan
19 can feasibly be implemented for the raising of crops or animal exclusively for commercial farming
20 purposes within two years . The Agricultural Commissioner shall within fifteen (15) working days forward
21 this recommendation to the Department of Building and Safety for a determination as to whether the
22 activities proposed qualify for an exception from the requirement to obtain a grading permit as set forth in
23 Section 4.J.2.1. through 14 of this Ordinance.
24
- 25 (5) Within thirty (30) working days of the receipt of the recommendation from the Agricultural Commissioner
26 described in Subsection (4) above, the Department of Building and Safety shall review the "Agricultural
27 Grading and Clearing Registration Form" and any other available information; shall make a determination
28 as to whether the activities proposed qualify for an exception from the requirement to obtain a grading
29 permit as set forth in Section 4.J.2.1 through 14 of this Ordinance; and shall notify the applicant by certified
30 mail of the process for filing an appeal.
31

32
33 If the farming to be performed is not consistent with the farming plan described in the "Agricultural
34 Grading and Clearing Registration Form", a revised farming plan shall be processed in accordance with
35 Subsections (1) through (5) above or a grading permit shall be required.
36

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

44 Any agricultural grading or clearing exception obtained in accordance with Subsection (1) through
45 (5) above shall cease to be valid if the farming plan which served as the basis for the exception has not
46 shown substantial progress towards implementation within (two) 2 years of the date the exception
47 was determined to be applicable by the Department of Building and Safety and/or if at anytime during
48 the excepted agricultural grading, the approved erosion control plan is not being implemented. A one (1)
49 time one (1) year extension may be granted by the Building Official if the applicant can provide
50 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

1 extension is approved pursuant to a revised farming plan.

2
3 15. Site restoration work required pursuant to court order or otherwise authorized in writing by the County of
4 Riverside or any state or federal agency.

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

15
16 4. Section 3308 of the Uniform Building Code is amended by changing the definition of the word "Compaction" and by
17 adding the following definitions, all to read:

18		
19	COMMERCIAL:	Occupied with or engaged in commerce or work intended for commerce.
20	COMPACTION:	The densification of a fill
21	LANDSCAPE ARCHITECT:	An individual registered in the State to practice in the field of landscape
22		architecture.
23	SLOPE CONTROL SPECIALIST:	A professional landscape architect or other professional person experienced in
24		erosion control work, retained by the developer in a professional consultive
25		capacity and responsible for analysis, plans, specifications, supervision and
26		certifications regarding slope control planting and related slope control work
27		other than grading, for a specific project.
28	SLOPING LOT:	A lot having a fall from front to rear, rear to front, side to side or diagonally
29		across the lot of five percent or more over a substantial portion of such lot.
30	TERRACED LOT:	A lot having been graded so as to create a relatively flat usable area for a
31		building site and associated use. Such usable area shall be defined as that
32		portion of a lot having a slope of less than five percent over a major portion of
33		the lot, when the remainder of such a lot is in a natural slope.
34	CLEARING:	The removal of natural vegetation by any means, including but not limited to,
35		brushing, grubbing and/or discing.
36	FARMED:	Has been subject to practices associated with the raising of crops or animals
37		including but not limited to discing, plowing, seeding, cultivating, harvesting,
38		pasturing and fallowing for the purpose of crop rotation.
39	FARMING:	The performance of practices associated with the raising of crops or animals
40		including but not limited to discing, plowing, seeding, cultivating, harvesting,
41		pasturing and fallowing for the purpose of crop rotation.
42	OPERATING FARM:	An agricultural operation that has for a least 3 consecutive years done each of
43		the following:
44		a) Owned implements used to produce crops or animals or executed
45		agreements with contractors who have the necessary implements; produced
46		crops or animals for sale on any owned or leased land within Riverside County
47		whether contiguous or non-contiguous;
48		b) Derived reportable sales of the crops or animals produced; and
49		c) Generally conformed to the Agricultural Commissioner's model farming
50		plan in the production process.