REVISION TO AN APPROVED ACTION (MINING) 
INFORMATION SHEET AND APPLICATION

The Director of Land Use Services may approve a minor modification/revision to the conditions of approval for an existing conditionally approved mining project. Before approval, the California Department of Conservation, Division of Mine Reclamation (DMR) will be notified of the proposed modification/revision for review and comments pursuant to Public Resources Code Section 2772.1. The review procedures that were originally used to review and approve the project may also be used to consider the proposed modification/amendment.

Mining Operations:
(Refer to Division 8, Chapters 82.17 and 88.03 of the County Development Code, Public Resources Code Sections 2207 and 2710 et seq., and California Code of Regulations Section 3500 et seq. – the statutes and state regulations are collectively known as the Surface Mining and Reclamation Act of 1975, “SMARA”).

In keeping with the Permit Streamlining Act, saving time, and money, we encourage all applicants to have a complete package with all the requirements on the plot plans in their application and text prior to submittal.

CHECKLIST OF SUBMITTAL MATERIALS

Please use this checklist as you assemble the materials for the submittal of your application. County staff will use the checklist to determine whether your application is acceptable for submission. If your submittal package does not contain all of the information listed, your application will not be taken in and receipted for processing. If you have any questions about the items requested or if you wish to obtain information on processing schedules, please call the Application Intake Center at (909) 387-8311.

Maps, diagrams or calculations that require preparation in accordance with the Professional Engineers Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code), the Geologist and Geophysicist Act (Chapter 12.5 (commencing with Section 7800) of Division 3 of the Business and Professions Code), and the Professional Land Surveyors’ Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code) shall be prepared by a California-licensed professional, shall include his or her license number and name, and shall bear the signature and seal of the licensee.

Section A – Fees/Deposit

1. _____ Check or money order made payable to San Bernardino County in the amount of $3,200.00 (Major Revision) or $1,100.00 (Minor Revision) for the “initial deposit.” (J649)

“Actual Cost Initial Deposit” – The basic review fees for this application are charged on an “actual cost” basis. Your application money is deposited into an account and the reviewing staff records the time spent processing your proposed project. Your account is then charged for the staff time at established hourly rates ($64 to $250/hr). You are responsible for all charges made to the project account. If account funds are depleted, an additional deposit will be required. If an additional deposit is required, it must be paid to allow staff to continue processing. Any failure to pay the required deposit will result in suspension and possible termination of the project review process. After the review is completed, a minimum deposit balance will be required for condition compliance processing. For more information on fees, please contact County Planning.
Section B - County Documents

2. _____ **Two copies** of the completed Amendment Application.
3. _____ **One completed** Financial Responsible Party Information form.

Section C – Other Documents

4. _____ If adding acreage, submit a Biota report covering the new area to be added.
5. _____ If adding acreage, submit proof of ownership or a lease/contract.
6. _____ **One copy** of approved federal permit if additional acreage is on federal lands.
7. _____ **One copy** of an updated Financial Assurance Cost Estimate may be required.
8. _____ Updated Operating Plan Outline if needed to reflect the requested changes(s).

Amendments to Maps (all maps to be folded to 8 ½” x 11 ½ “size):

9. _____ **Two copies** each of the Mining and Reclamation Plan maps. A checklist with the requirements for these plans is included with this packet.

Specifically **list or depict** on the map the proposed amendment. Use a symbol or **highlight** where actual amendments are supposed to occur.

Amendments to Conditions of Approval:

10. _____ **One copy** of current conditions of approval.

Section D – Mining Plot Plan:

The plot plan is a drawing to scale at 1” = 200’ on one sheet (minimum size of 24” x 36”). The plot plan should clearly show **in detail**, boundaries of active and future mining areas, topographic details, geology, streams, utilities, haul roads, and stockpile areas (topsoil and material) to scale. Including buildings (temporary or permanent), and all dimensions. Remember that the reviewing parties and Planning Commission are not familiar with the property and will need this information to evaluate your project. **If the plans are not legible or do not contain the information listed, your application will not be accepted for processing.** Use all the information given on the information sheet and checklist to be sure that your plans include all of the required elements.

1. _____ **Identification**: Indicate names, addresses and telephone numbers of the mine operator, land owner, applicant, representative, owners of mineral rights, civil engineer, soil engineer, geologist, map preparer, lessee, date of map preparation and date of latest map amendment. Also, include the name of the Mine or Project and the mineral to be mined. Clearly highlight and mark the amendment.
2. _____ **Utilities**: Indicate names, address and telephone numbers of – water company – sewage disposal – electric – gas – telephone –show location on plot plan. If no utility company, indicate method of supply.
3. _____ **Legal Description**: Complete legal description of the property including number of acres. Include APN. If a portion of a large parcel is being developed, include a detailed legal description of that portion.
4. _____ **North Arrow**: Indicate north (pointing to top or right hand side of the plan), date of drawing and the scale. Use an Engineer’s Scale (1” to 200’).
5. _____ **Specifically list on the map the proposed amendment. Use a symbol or highlight where actual amendments occur. Add the date the amendment was added to the plan.**
6. _____ **Dimensions**: Show all property or claim lines and dimensions. Also, show boundary lines of project with dimensions if only a portion of the property is being utilized. The property corners must be staked in the field and easily identified by inspection personnel.
7. _____ **Legend**: Include a legend depicting all lines and symbols.
8. _____ **Roads/Easements**: Indicate location, names, centerline, gradients, widths of streets, and recorded road, utility, and drainage easements on the property. **If none exist, state “No easements exist.”** Then show how you access the property.
9. _____ **Drainage**: Show the location, width and **direction of flow** of all drainage courses on site.
_____ Show the location and details of all facilities to control on-site storm runoff, erosion and sedimentation such as water courses, culverts, drainpipes, settling ponds, retarding basins, ditches and dikes, including gradients.

10. _____ Grading/Topographic Information - Show existing surface contours on-site and bordering the Mine and disturbed areas. **If no grading is proposed, state “No grading proposed.”**

11. _____ Land Use District: Indicate existing and proposed General Plan Land Use District for project and all adjacent property including across any streets.

12. _____ Structures (Adjacent Areas): Indicate any existing development on adjacent property including development across any adjacent streets. Show distance of existing structures on adjacent properties that are within 20 feet of the project property line – if none exist, please note.

13. _____ Structures (Project Area): For all existing and proposed structures, including but not limited to power poles, towers, fences, trash enclosures, signs, septic systems, and processing equipment:
   - Locate by distance in relation to other structures and property lines, and indicate existing structures that are to remain or to be removed.
   - Indicate the type of construction, indicate height, building footprint, dimensions, and number of stories for both proposed and existing structures.

14. _____ Vicinity Map: Show location within the general vicinity, indicating nearest cross streets and community name.

15. _____ Signage: If none proposed, state “No signs proposed.” Provide a dimensioned side elevation of any proposed identification sign including the proposed “copy” (wording). Include distance from both top and bottom of sign to grade. Refer to Development Code for information on allowable type and size of signs. Register signs with Code Enforcement.

16. _____ Parking: Show all parking areas in details with dimensions and indication of surfacing materials. Refer to the County Development Code for details.

17. _____ Plant and Tree Protection: If no protected or endangered trees exist on the site, state **“No Protected Plants”**, otherwise show the location, size, and type of all native trees, including unbranched cacti, yuccas, palms and joshuas, and indicate whether any of the following trees are to be removed:
   - **Valley or Mountain Areas** – Six inches or greater in diameter or 19 inches in circumference measured at 4.5 feet above average ground level of the base.
   - **Desert Areas** – Two (2) inches or greater in diameter or six (6) feet or greater in height for smoketrees and mesquites. All Joshua trees, all species of century plants, nolinas and yuccas. Creosote rings, that are 10 feet or greater in diameter. All plants protected by the State Desert Native Plants Act shall be protected in accordance with that ordinance. Chapter 88.01: San Bernardino County Development Code.

18. _____ Mining Operation: Refer to SMARA sections
   - Show the mine design, including ramps.
   - Depict separate mining phases where applicable.
   - Show mining area setback dimensions from property lines.
   - Show maximum and minimum elevation of the mining operation and bench elevations.
   - Show processing, and storage areas.
   - Show operating equipment and structures.
   - Show the boundaries of areas to be mined, waste dumps, stockpiles, tailing ponds, retarding basins, and settling ponds including crest, toe and slopes.
   - Show a detailed drawing of plant site and building.

19. _____ Cross Sections: Show the progression of stripping and excavating including elevations and dates or phases. Show the overburden, mineral deposits, groundwater level, and details of the working face of the operation. Provide at least one cross section through buildings and processing equipment.

**Section E – Reclamation Plan: Refer to SMARA sections**

**Reclamation Plan Checklist:** A Reclamation Plan is a separate dimensioned drawing, to scale (1” = 200’) on one sheet of at least 24” x 36” in size. The following information must be included on the Reclamation Plan Appendix 2.) All written information should be shown across the bottom or along the right hand side of the drawing.

1. _____ Identification: Indicate names, addresses and telephone numbers of the mine operator, land owner, applicant, representative, owners of mineral rights, civil engineer, soil engineer, geologist, map preparer, Lessee, and date of map preparation, dates of latest map amendment. Also include the name of the Mine or Project and the mineral to be mined.
2. **Utilities**: Indicate names, address and telephone numbers of – water company – sewage disposal – electric – gas – telephone.  If no utility company, indicate method of supply.

3. **Legal Description**: Complete legal description of the property including number of acres. Include APN. If a portion of a large parcel is being developed, include a detailed legal description of that portion.

4. **North Arrow**: Indicate north (pointing to top or left hand side of the plan), date of drawing and the scale. Use an Engineer’s Scale 1”=200 ‘.’

5. **Dimensions**: Show all property or claim lines and dimensions. Indicate boundary lines of project if only a portion of the property is being utilized. The property corners must be staked in the field and easily identified by inspection personnel.

6. **Legend**: Include a legend depicting all lines and symbols.

7. **Land Use District**: Indicate existing and proposed General Plan Land Use District for project and all adjacent property including across any streets.

8. **Vicinity Map**: Show location within the general vicinity.

9. **Reclamation Plan**:
   - Show the boundaries of disturbed areas to be reclaimed, including acreage.
   - Show reclaimed ground surface contours.
   - Show original and post reclamation drainage including critical areas within or near the project areas such as lakes, streams or wetlands. Show direction of flows with arrows.
   - Show erosion and sediment control structures or treatment such as water bars, berms, siltation ponds, diversions, etc.
   - Show a re-vegetation Plan including names of plant species, size and spacing of plants, and the method of planting and irrigation.
   - Illustrate the ultimate physical condition of the site and specify proposed uses or potential uses of the mined land after reclamation.
   - Illustrate the sequence and timing for reclaiming the land.
   - Show post-mining safety features such as fences, gates, signs, etc.

10. **Specifically list on the map the proposed amendment. Use a symbol or highlight where actual amendments occur. Add the date the amendment was added to the plan.**

11. Show cross sections (1”=50’) throughout the reclaimed mined and disturbed areas, waste dumps, tailings, ponds, and building sites. Depict the slope ratio on all slopes.
**Note:** State Fish and Wildlife fees may be required before your project can be approved.

If your project is subject to these fees, you will have to submit your payment ([https://www.wildlife.ca.gov/Conservation/CEQA/Fees](https://www.wildlife.ca.gov/Conservation/CEQA/Fees) depending on project specifics) to the Clerk of the Board of Supervisors within five (5) days after the date of conditional approval. The project planner will then be able to complete the final paperwork at the appropriate time.

If you have any questions concerning the Environmental Filing Fee due to the State, please visit the California Department of Fish and Wildlife Web-Site: [https://www.wildlife.ca.gov/Conservation/CEQA](https://www.wildlife.ca.gov/Conservation/CEQA)

No Effect Determination (NED) Process. For additional explanation to the regulations and procedures regarding NEDS please see the No Effect Determinations Detailed instructions at the following link: [https://www.wildlife.ca.gov/Conservation/CEQA/NEDhtml](https://www.wildlife.ca.gov/Conservation/CEQA/NEDhtml)
MINING APPLICATION QUESTIONNAIRE FOR AMENDMENT OF CONDITIONS OF APPROVAL OR PROJECT DESIGN

This amendment application is for changes to: (check where applicable)  
☐ Mining operation  ☐ Asphalt batch plant addition  ☐ Conditions of Approval  
☐ Milling operation  ☐ Concrete batch plant addition  
☐ Mining/Reclamation Plot Plan  ☐ Processing plant addition

DATE:_________________  

1. Applicant: ________________________________  
Mailing Address: ________________________________________________________  
City, State _____________________________ Zip ________________  
Phone _______________ FAX No. _______________ E-Mail ________________________

2. Engineer/Representative: ________________________________  
Mailing Address: ________________________________________________________  
City, State _____________________________ Zip ________________  
Phone _______________ FAX No. _______________ E-Mail ________________________

3. Land owner: ________________________________  
Mailing Address: ________________________________________________________  
City, State _____________________________ Zip ________________  
Phone _______________ FAX No. _______________ E-Mail ________________________

4. Operator: ________________________________  
Mailing Address: ________________________________________________________  
City, State _____________________________ Zip ________________  
Phone _______________ FAX No. _______________ E-Mail ________________________

Parcel No.(s): ________________________________  
Total acres of parcel(s): ________________________________

Project/Mine legal location section(s):  
Township __________ Range __________ SBBM ☐ or MDBM ☐ (check one)  
Township __________ Range __________ SBBM ☐ or MDBM ☐ (check one)  
Township __________ Range __________ SBBM ☐ or MDBM ☐ (check one)  
Township __________ Range __________ SBBM ☐ or MDBM ☐ (check one)  

San Bernardino County 1 Mining Amendments Questionnaire – 10/03/12
Note: If more than one person is involved in the ownership of the property, a separate page must be attached to this application which lists the names and addresses of all persons having interest in the ownership of mineral rights. **All applicants** for a surface mining or reclamation Plan who **are not** the record owner(s) of the property must submit a signed statement by the property/mineral rights owner(s) authorizing them to act on their behalf.

5. **Description of proposed amendment (BE AS SPECIFIC AS POSSIBLE):**

The applicant agrees to pay all accumulated charges for this project. The applicant also agrees to defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding attacking or seeking to set aside, void or annul the approval of all or part of the matters applied for, or any other claim, action or proceeding relating to or arising out of such approval. This requirement includes the obligation to reimburse the County, its agents, officers and employees for any court costs or attorney fees which the County, its agents, officers or employees are required by a court to pay as a result of such claim, action or proceeding. The County agrees to notify the applicant of any such claim, action or proceeding promptly after the County becomes aware of it. The County agrees to cooperate in the defense provided by the applicant. The County may, at its own expense, participate in the defense of the claim, action or proceeding, but such participation will not relieve the applicant of applicant's defense and indemnification obligations.

**APPLICANT'S CERTIFICATION OF FILING (Legal owner of the property must sign):**

I certify under penalty of perjury that I am the owner of record, or as noted below that the owner of record has knowledge of and consents to the proposed surface mining permit application for this property. I further certify that the information contained herein is true and correct to the best of my knowledge.

☐ Owner of Possessory Interest, or Mineral Rights.

☐ Legal Owner(s) (all individual owners must sign as their names appear on the deed to the land).

☐ Corporate Officer(s) empowered to sign for the corporation. Include document verifying corporate officer status.

☐ Owner's Legal Agent having Power of Attorney for this action (a certified Power of Attorney document must accompany the application form)

Dated __________________________, 20________

________________________________________
Signature

________________________________________
Print Name

________________________________________
Title

________________________________________
Company
MINING/RECLAMATION PLAN SUMMARY FORM

DATE: ________________

Please print legibly or type all requested information.

MINING OPERATION

1. Name of mine or project: __________________________________________
   California Mine ID #: __________________________________________
   List any other names or applications this mine or project may have been known by:
   ___________________________________________________________________

2. Mineral commodity mined __________________________________________

3. List claim number(s) __________________________________________________________________________

4. Location of mine/project: __________________________________________
   Latitude _____________ Longitude _______________ (As taken from the center point of the project area)

5. Maximum total yearly production: (Check either tons or cu yds, whichever is used)

<table>
<thead>
<tr>
<th>Ore</th>
<th>Waste</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 5,000 (tons) □ (cu yds) □/yr</td>
<td>_______</td>
<td>_______</td>
</tr>
<tr>
<td>5,000 - 25,000 (tons) □ (cu yds) □/yr</td>
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<td>25,000 - 50,000 (tons) □ (cu yds) □/yr</td>
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<td>50,000 - 100,000 (tons) □ (cu yds) □/yr</td>
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<td>100,000 - 250,000 (tons) □ (cu yds) □/yr</td>
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<td>250,000 - 500,000 (tons) □ (cu yds) □/yr</td>
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<td>500,000 - 1,000,000 (tons) □ (cu yds) □/yr</td>
<td>_______</td>
<td>_______</td>
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<tr>
<td>Over 1,000,000 (tons) □ (cu yds) □/yr</td>
<td>_______</td>
<td>_______</td>
</tr>
</tbody>
</table>

6. Type of operation (check where applicable):
   □ Open pit
   □ Single bench
   □ Multi bench
   □ Drill and blast
   □ Shovel/truck
   □ Loader/truck
   □ Underground
   □ Flow way channel
   □ alluvial terrace
   □ Hillside
   □ Hardrock
   □ Metallic
   □ Non-metallic
   □ Sand and gravel
   □ Quarry
   □ other _____

7. Mine dimensions
   Highest elevation _____________ Maximum depth _____________ Maximum length _____________
   Overall slope angle _____________ Maximum slope angle _______ Maximum width _____________
   (At Completion) Overall Slope angle ____________________________________________________________________
   Angle of repose for native or host materials __________________________________________
   Bench height and width _______________ Safety berm height and width _______________
8. Check all of the following items that may be conducted at or constructed on the mine or project site.

- Access road(s) to the closest maintained road
- Haul roads
- Office site
- On-site living quarters
- Parking area
- Plant site
- Screening
- Settling ponds
- Explosive storage
- Fencing
- Stockpiles
- Tailings dams
- Tanks (water/fuel)
- Truck Scale
- Water wells
- Waste dumps
- Sheds
- Asphalt batch plant
- Baghouse (dry)
- Blasting
- Concrete batch plant
- Conveyors
- Crushers
- Concrete batch plant
- Conveyors
- Crushers

9. Operating times

Operation is: Continuous ☐ Seasonal ☐ Intermittent ☐

If seasonal or intermittent, check months of operation:

- January ☐ April ☐ July ☐ October ☐
- February ☐ May ☐ August ☐ November ☐
- March ☐ June ☐ September ☐ December ☐

Operating times:

- Operating days/week __________________________ Daily hours of operation __________________________
- Estimated starting date __________________________ Estimated operating life __________________________
- Estimated termination date __________________________
- Maximum number of employees at any one time __________________________

10. Size of operation:

- Total holding in acres __________________________ Total acres to be permitted __________________________
- Total acres to be disturbed and reclaimed (including roads) __________________________

Total acres:

- Owned ______ acres
- Patented ______ acres
- Unpatented ______ acres
- Leased ______ acres
- Sub-leased ______ acres
- other ______ acres

11. Site access:

Describe all access routes into the mine site from the closest county/state maintained road, including all roads off your property used in connection with mine production or waste disposal.

(Use additional paper if necessary, as all routes must be completely described.)

If access routes are on private properties describe the type of legal agreement procured.

12. List number and types of vehicles and equipment associated with the project and the number of truck trips/day for each type of vehicle.
13. Water usage:

Source of fresh water

Total gallons of water to be used per day (dust control, plant operation, etc.)

Gallons per day recycled: Gallons per day fresh:

Chemicals to be used:

Method of chemical disposal:

Proposed sewage system:

14. Energy

Electricity to be consumed by the project/month KWH.

Natural gas to be consumed by the project/month cu ft.

Other fuels to be consumed by the project (list type and quantity):

15. Describe in general the type of vegetation and the percentage of the site that it covers. List the animals that you have seen or that are known to occur on the site.

16. Describe in general the topography (i.e., slopes, landforms, landscape) and topographical relief of the site.

17. Describe any drainage channels that exist on the site.

18. Describe off site drainage that enters the site. Describe how off site drainage is handled (directed) onto /through/around your project site.

19. Describe any alteration and/or improvements on the site.

20. Describe the land uses on the adjacent land in each direction. Note any major or important natural or man-made features on the adjacent land; for example, major highways, stream channels or other notable features.

North:

East:

South:

West:
21. Describe the site alterations that will occur as a result of your proposed project. For instance, describe topographic changes, storm flows that will have to be channelized, lengths of new roads and/or easements and other such changes.

22. If your project requires any permits from other agencies, please identify the agency and type of permit. Some agencies or departments that you may have to obtain permits from are listed below.

- Air Pollution Control District
- BLM
- County Environmental Health Division
- Fish and Game
- State Regional Water Quality Control Board
- Forest Service
- State Lands Commission
- County Fire

Type of permit(s) ____________________________

Reclamation

23. Estimated year for reclamation to start

Estimated time for reclamation to be completed

Estimated times for reclamation by phases:
  Phase 1 ________________________________
  Phase 2 ________________________________
  Phase 3 ________________________________
  Phase 4 ________________________________

24. Reclamation methods (check where applicable)

☐ Backfilling and grading ☐ Rehabilitation of drainage
☐ Stabilization of slopes ☐ Equipment and refuse removal
☐ Resoiling and revegetation ☐ Mitigate hazards

25. Proposed or potential future use of the land after reclamation:

Note: If other than Vacant Open Space, document in the Reclamation Plan Text the applicable standards that will be met for the future use. I.E., if a construction project is envisioned show how the UBC compaction requirements will be met etc.
FINANCIALLY RESPONSIBLE PARTY INFORMATION
Please print your responses.

The Financially Responsible Party is the individual or legal entity that will sign the Financially Responsible Party Agreement (attached), which agreement establishes the entity that: is responsible for all permit processing costs associated with the project application; will receive project accounting during the application processing; is responsible for paying for consultants necessary to complete the processing of the project application; is deemed the owner of funds held in the project trust fund; and indemnifies the County for legal challenges to project approval.

Have you ever had a Trust Account with San Bernardino County Land Use Services? ☐Yes ☐No

If yes, what name was used? ______________________________________________________________

Financially Responsible Party Name: ________________________________________________________

The Financially Responsible Party is a (choose one): ☐Company/Organization ☐Individual

If Company/Organization, type, i.e. corporation, LLC, partnership: _____________________________

Are you registered with the California Secretary of State? ☐Yes ☐No

If yes, what is your entity number? _________________________________

If Company/Organization, Contact Name: _____________________________________________

Mailing Address: ________________________________________________________________________

______________________________________________________________________________________

City        State   Zip

Home/Business Phone: ______________________________ Cell Phone: __________________________

Email: ________________________________________________________________________________

What is your preferred method for receiving invoices: ☐Email ☐U.S. Mail

If you are not the Financially Responsible Party, do you have notarized authorization to encumber the Financially Responsible party? ☐Yes ☐No (Please attach a copy of the authorization.)

----------------------------------------------------------------------------------------------- For Office Use Only -----------------------------------------------------------------------------------------------

Project Number: _____________________  Type of Application: _____________________________

Received By: _________________________________________________ Date: _________________

Entered By: _________________________________________________ Date: _________________
FINANCIALLY RESPONSIBLE PARTY AGREEMENT

This Agreement is entered for the benefit of San Bernardino County by and through the San Bernardino County Land Use Services Department (LUSD) by ____________________________________________ (Financially Responsible Party) in reference to LUSD application processing costs associated with a Project. [If the Financially Responsible Party is a legal entity (e.g. corporation or partnership), the representative must supply notarized authorization that he/she is approved to financially encumber that legal entity.]

1. The Financially Responsible Party will pay the security deposit required at the time of Project submittal in an amount established by the County Code or by LUSD policy; will pay monthly invoices within twenty-five (25) days from invoice date, subject to LUSD stopping work until payment is received; and agrees to be responsible for payment of all permit processing costs associated with the Project application.

2. If it is deemed necessary by LUSD to utilize consultant services, the Financially Responsible Party will pay a deposit to cover consultant costs prior to execution of the contract with the consultant, with charges against the contract with the consultant to be billed on an hourly basis against the deposit.

3. Financially Responsible Party agrees that all funds deposited in the Project Trust Account will be held by the County in an account under the name of Financially Responsible Party, and that the Financially Responsible Party shall be considered the owner of all funds in said account.

4. Financially Responsible Party agrees that the LUSD is not required to issue any clearances or permits without receipt of full payment of fees, unless waived by the Board of Supervisors, by Board Action.

5. Financially Responsible Party agrees that if there is an outstanding amount on any other LUSD application for which the Financially Responsible Party is the applicant, the depositor, of the Financially Responsible Party, subsequent applications will not be accepted until such amounts are paid.

6. Financially Responsible Party agrees that LUSD may refund any funds remaining in the project trust account at the completion of work to the Financially Responsible Party.

7. The Financially Responsible Party agrees that the person or entity designated as the Financially Responsible Party maintains that designation until the project is completed and all legal challenges to the County’s approval have been resolved, or the County is notified, and accepts, a Change of Financial Responsibility form (available on the San Bernardino County LUSD website).

8. Indemnification. In compliance with Development Code §81.01.070, the Financially Responsible Party agrees, to defend, indemnify, and hold harmless the County or its “indemnitees” (herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any
claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

The Financially Responsible Party shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

Although the County may, at its sole discretion, participate at its own expense in the defense of any such action, such participation shall not relieve the Financially Responsible Party of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The Financially Responsible Party's indemnification obligation applies to the indemnitees' “passive” negligence but does not apply to the indemnitees' “sole” or “active” negligence or “willful misconduct” within the meaning of Civil Code Section 2782.

The Financially Responsible Party agrees that its indemnification obligations under this agreement remain in effect even though a court may order the County to set aside its approvals of the project.

9. In the event of a transfer of project or property, the Financially Responsible Party shall notify the County within two (2) working days, in writing and by telephone as follows:

   Land Use Services Department
   Attn: Administrative Manager
   385 N. Arrowhead Avenue, 1st Floor
   San Bernardino, CA 92415-0187
   (909) 387-4000

Executed on the ____________ day of ____________________________, 20_______

________________________________________
Financially Responsible Party (Please print and sign)