LAND USE SERVICES DEPARTMENT
Planning Division

San Bernardino Office
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415

Phone: (909) 387-8311
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15900 Smoke Tree St.
Hesperia, CA 92345

Phone: (760) 995-8140
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www.sbcounty.gov/uploads/LUS/Planning/Applications/RevertToAcreage.pdf

REVERT SUBDIVIDED LAND TO ACREAGE
REVERSION TO ACREAGE
INFORMATION SHEET AND APPLICATION

Fees/Deposit: $7,220.00 for the "initial deposit." (J638)

"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 ($63 to $226/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.

This application is required when a subdivider is required to submit it as a condition of approval for another land use application or when he/she requests to revert any subdivided land back into acreage. It is accomplished by a Final or Parcel Map.

1. A Reversion to Acreage is necessary to combine existing lots previously created by a parcel map or a final map.

2. Reversion to Acreage applications are heard by the Planning Commission at a public hearing. Upon a recommendation for approval the application is forwarded to the Board of Supervisors for a final decision at a public hearing.

3. Required Findings for Approval - The Board may approve a reversion to acreage only if it finds and records in writing that:

   (a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

   (b) Either:

      (1) All owners of an interest in the real property within the subdivision have consented to reversion; or

      (2) None of the improvements to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for the completion of the improvements, whichever is later; or

      (3) No lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

4. A Parcel Map is required when it is desired to eliminate lot lines on 4 or fewer lots as shown on a recorded Final Tract Map or Parcel Map. A Tentative and Final Tract Map is required when it is desired to eliminate 5 or more lots.

5. A copy of your application will be sent to the County Surveyor's office for review. Comments from this department are used in the decision regarding your application.

6. When road dedication is a condition of approval, dedication may be made on the Parcel Map or Tract Map.

7. Any land use decision to approve, deny or impose specific conditions on the approval of any land use application may be appealed by any interested party, including the applicant, provided that the appeal is filed with the County on the appropriate appeal form, along with the appropriate fee, prior to the effective date of the land use decision. (Refer to the Land Use Application Time Limitations handout for the effective date.)

Please use this information sheet as a checklist to assemble the materials required for the submittal of your application and bring it with you when you submit your application. An appointment is not required to submit your application; however, appointments are available upon request. If you wish to schedule an appointment, please call one of the numbers listed above.

GENERAL PROCEDURES

1. Submit application and fees – County staff will use the checklist to determine whether your application may be accepted. The County's standard Land Use Application shall be used and is contained in this packet.
2. Determination of Application Completeness – County staff will determine whether the materials you have submitted are adequate or if additional materials or reports are required. You will be notified in writing if any additional materials are required.
3. Environmental Action Determination – County staff will prepare an Environmental Initial Study in compliance with the California Environmental Quality Act (CEQA). It is through the Initial Study that the determination is made as to what type of environmental determination will be required. If an Environmental Impact Report (EIR) is required, staff will contact you to explain the process and the costs.
4. Application processing – The project planner will have the project and materials reviewed by all appropriate County Departments and Agencies. Any required corrections, questions or revisions to the plans or other materials will be reviewed by the project planner and then provided to you.
5. Recommendations, conditions of approval and final report – The project planner will prepare these materials for consideration by either the Director of Land Use Services or Planning Commission.

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 below, 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 Customer Service Unit at (909) 387-8311.

Section A – Fees/Deposit

1. _____ Check or money order made payable to San Bernardino County in the amount of **$7,220.00** for the "initial deposit." (J638)

   "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 ($63 to $226/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.

2. _____ **Receipt** from the Department of Public Works/Land Development Division of payment of required review fees.

Section B - County Documents

3. _____ **Two copies** of the completed Land Use Application Questionnaire.
4. _____ Completed Hazardous Waste Site Certification form contained in this packet.
5. _____ **One completed** Financial Responsible Party Information form.

Section C – Other Documents

6. _____ **Two copies** of the Tentative Parcel Map (per check list); folded accordion style, 8 x 10 1/2". (See attached Tentative Parcel Map Checklist.) Note: for five or more lots or parcels being combined, follow the checklist requirements for Tentative Tract Map.

Only two copies of the Tentative Parcel Map are required for the initial filing of this application. Revisions may or may not be required. When Application Intake Center staff determines that the map is complete, you will be required to submit additional copies of the Tentative Subdivision Map. The specific number of copies to be submitted will be determined at that time.

7. _____ **One copy** of the Tentative Parcel Map reduced to 11" X 17".
8. _____ **One copy** of a) the recorded Grant Deed or b) the Quit Claim Deed with the previous Grant Deed for each lot or parcel or c) a copy of a current Preliminary Title Report (issued within 60 days of filing).
9. _____ **One copy** of the appropriate assessor's map. This may be obtained from the Assessor's Office.
10. _____ **One copy** of the United States Geological Survey (USGS) Map of the project area clearly showing project boundaries and labeled with the quadrangle map name and applicant's name. A legible photocopy is acceptable. The USGS map may be purchased at a local blueprint company.

TENTATIVE PARCEL MAP CHECKLIST

Map shall be drawn to an Engineer's scale. A scale of 1" = 100' is preferred, but in no case should the scale be smaller than 1" to 200'. Entire parent parcel and all information must be on one sheet. A remainder parcel larger than twenty (20) acres need not be drawn to scale.

The following information must appear on the tentative map. **Incomplete maps will not be accepted for filing.**

1. _____ The parcel map number _____. [Obtain from County Recorder, (909) 387-8306]
2. _____ The Registered Civil Engineer or Licensed Land Surveyor shall sign, seal, and provide their California registration or license number and the date of expiration of such license or registration.
3. _____ Names, addresses and telephone numbers of the owner of record, subdivider and the engineer or surveyor preparing the map.
4. _____ List the names, addresses and telephone numbers of public utility companies, which will serve the subject property, including water supply and method of sewage disposal.
5. _____ North point, scale, date, boundary line and dimensions of the project. The direction of the north arrow should be shown pointing towards the top or left hand side of the map.
6. _____ Show the entire assessor's parcel number, identify any remainder portion, and any contiguous properties under common ownership (whole or partial ownerships).
7. _____ Legal description of the land included within the proposed tentative parcel map.
8. _____ The parcel layout, the approximate dimensions of each parcel (ditto marks not acceptable) and a number for each parcel in consecutive numbers. Any portion of property in common contiguous ownership not included in division shall be labeled as a remainder parcel.

9. _____ Indicate the approximate acreage, the number of numbered parcels, number of lettered parcels and parcel density proposed. Indicate acreage of any remainder parcel and total acreage of project, including numbered, lettered and remainder parcel.
10. _____ Existing and proposed zoning by parcel numbers and/or letters.
11. _____ Proposed use of parcels.
12. _____ The number of lineal feet of new streets.

13. _____ Land Use district classification and development or uses of adjoining property, including across any streets. Indicate distance from property line to any off site structures that are within fifteen (15) feet of property line.

14. _____ Show and dimension all existing structures, indicating the use of each structure and whether structure is to remain or be removed. In addition, show all parking facilities and driveways.

15. _____ Front and side street building setback lines, delineated on the map, including dimensions.

16. _____ Locations, names and existing width of all adjoining highways, streets, alleys and/or ways. If none exist, indicate access to property.

17. _____ The approximate gradient or centerline profile for each proposed highway, street, easement and drainage improvement shown on the tentative parcel map.

18. _____ The width and locations of all recorded and/or proposed easements, dedication of streets or rights-of-way.

19. _____ Approximate radius of all centerline curves on highways, streets or ways.

20. _____ The location, width and direction of flow of all water courses and the approximate location of all areas subject to flood waters, overflow or inundation.

21. _____ Locate, by distance from existing and proposed property lines and other above ground structures, the placement on the property of all existing structures and other manmade features including buildings, utility poles, fences, driveways, signs, existing wells, sewers, septic systems (including leach lines), culverts, bridges, drain pipes, fire hydrants and/or sand, gravel or other excavations within the subdivision. Indicate which existing structures will remain and which will be removed.

22. _____ Topographic information (contour map) shall be required when the slope of any portion of the access route from the nearest public maintained road to a feasible building site exceeds ten percent (10%) including existing offers of dedicated or private road easements. Topographic information shall be required on all tentative maps except where a feasible building site [a feasible building site is at least ten thousand (10,000) square feet in area for all parcels twenty thousand (20,000) square feet or greater in area and is fifty percent (50%) of the parcel area for all parcels less than twenty thousand (20,000) square feet.] is shown on natural ungraded slopes of ten percent (10%) or less. Where the above does not apply, the licensed land surveyor or registered civil engineer shall note on the tentative map that "average slope of both feasible access route and feasible building site does not exceed ten percent (10%)."

Topographic information shall be required where the preliminary drainage study indicates that the subject property is affected by a tributary watershed area that is:

(a) 320 acres or greater in the desert area.
(b) 160 acres or greater in the valley area.
(c) 40 acres or greater in the mountain area.

When topographic information is required the accurate contour of the land shall be delineated at intervals of not more than two (2) feet if the slope of the land is less than ten percent (10%) and of not more than five (5) feet if the slope of the land is ten percent (10%) or greater.

Topographic information shall be obtained by aerial or field survey done under the supervision of a licensed land surveyor or registered civil engineer. (Elevations shall be based upon 1929 datum and the bench shall be one accepted by the County Surveyor.)

23. _____ Vicinity map of the area showing the proposed parcel map in relation to any established roads, landmarks, etc., so that the site can be easily located. Indicate the proposed access route to the site from nearest public maintained road.

24. _____ On a parcel map consisting of a condominium project or a planned development, the tentative parcel map shall show the approximate location from all existing and proposed property lines/structures of all building envelopes and other structures to be erected by dashed lines.

25. _____ Preliminary grading information shall be delineated on the tentative map when staff determines that the proposed site is located within a:

(a) Geologic Hazard Overlay District, or
(b) Specific plan which requires such information, or
(c) The average slope of a feasible building site and/or the access to these sites exceeds ten percent (10%).

When preliminary grading information is required it shall include maximum elevation of top and minimum elevation of toe of finished slopes over five (5) feet in vertical height, the maximum heights of those slopes and approximate total cubic yards of cut and fill. Graded slopes shall not exceed thirty (30) feet in vertical height. Set-backs from top and bottom of graded slopes shall be a minimum of one-half the

slope height. Pad elevations shall be shown, if applicable. In the event no such grading is proposed, a statement to that effect shall be noted on the tentative map.

26. _____ Indicate any regulated native trees or plants that are within one hundred (100) feet of any area that will be disturbed by a proposed roadway, building site or other land disturbing activity. Indicate all regulated trees or plants that are proposed to be removed in accordance with San Bernardino County Code Title 8, Division 9. All other regulated trees or plants may be indicated by note or general graphic representation of major clusters or stands of trees. If no regulated trees or plants are on the site, indicate this by a note on the map.

LAND USE APPLICATION QUESTIONNAIRE

Complete all sections of this application. Please refer to the checklist contained in the information packet for complete information on submittal requirements. The information furnished in this application will be used in evaluating your project pursuant to the California Environmental Quality Act (CEQA). If you believe an item does not apply to your project, mark it "N/A". Do not leave any blank spaces. If you have any questions about items requested on this form, please call the Customer Service Unit at (909) 387-8311. **Please use no more than four lines to answer any question. If more space is needed, use Attachment A on page 5 of this application questionnaire.**

APPLICATION TYPE: _____ **T.T.P.M.#**: _____

[Take "type" from the top of the cover sheet, i.e. "Conditional Use Permit," "Tentative Tract," etc. (if a tentative map is involved include the map number)]

All Assessor's Parcel Numbers (APNs): _____

Section 1 - Applicant Data

Applicant Name: _____

Firm Name: _____

Address: _____

City: _____ Zip: _____

Phone: _____ FAX No.: _____ E-Mail: _____

Section 2 – Property Owner Data (If same as above check ☐)

Property owner(s) of record: _____

Firm Name: _____

Address: _____

City: _____ Zip: _____

Phone: _____ FAX No.: _____ E-Mail: _____

Section 3 – Representative Data (If same as above check ☐)

Representative's Name: _____

Firm Name: _____

Address: _____

City: _____ Zip: _____

Phone: _____ FAX No.: _____ E-Mail: _____

Section 4 – Architecture/Engineering Representative Data (If same as above check ☐)

Representative's Name: _____

Firm Name: _____

Address: _____

City: _____ Zip: _____

Phone: _____ FAX No.: _____ E-Mail: _____

To be completed by County Staff: Filing Date: _____ Project No.: _____ JCS Project No.: _____

Section 5 – Project Description and Location/Legal Data

Briefly describe the project and use:

_____

Land Use District: _____

Overlay Districts: _____

Legal Description: Township: _____ Range: _____ Section: _____

USGS Quad Name: _____

Location: Community: _____ Nearest cross street: _____

Street name: _____ Side of street: _____

Site Size (Gross acres or square footage): _____ Number of lots: _____

Site Address: _____

Proposed Development Area: _____

Size of Proposed Buildings: _____

Previously approved land use applications for this site: _____

Are you filing other land use applications for this site at this time? Yes ☐ No ☐

If yes, please list other application types _____

UTILITIES:

Water: _____
(Name of Provider)

Is the site presently served? Yes ☐ No ☐

If an extension is necessary, how long will it be? _____

Are any existing or proposed wells within 200 feet from any existing or proposed liquid waste disposal system?

Yes ☐ No ☐ If yes, attach an explanation

If this is a Tentative Map application, how many service connections have already been made to the existing water system? _____

Sewage Disposal: Septic? Yes ☐ No ☐

Sewer : _____
(Name of Provider)

Is the site presently served? Yes ☐ No ☐

If an extension is necessary, how long will it be? _____

If septic system/leach lines are proposed or existing, attach information showing proposed or existing location and how the size of the sewage disposal area was determined

Gas: _____
(Name of Provider)

Is the site presently served? Yes ☐ No ☐

If an extension is necessary, how long will it be? _____

Electricity: _____
(Name of Provider)

Is the site presently served? Yes ☐ No ☐

If an extension is necessary, how long will it be? _____

Phone: _____
(Name of Provider)

Is the site presently served? Yes ☐ No ☐

If an extension is necessary, how long will it be? _____

Cable TV: _____
(Name of Provider)

Is the site presently served? Yes ☐ No ☐

If an extension is necessary, how long will it be? _____

Section 6 - Environmental Setting

Be sure to answer all of the questions. This information is necessary to evaluate the project under the California Environmental Quality Act (CEQA). You must provide additional information for any answers marked "yes" or "uncertain" in a letter of explanation attached to this application.

1. When do you anticipate starting construction? _____

2. Will grading be required? Yes ☐ No ☐

   If so, how many cubic yards will be cut? _____ How many cubic yards will be filled? _____

3. Is the project phased? Yes ☐ No ☐

   If yes, describe the phasing: _____

4. If residential, indicate the number of units or lots. _____

5. If commercial, provide information describing the type of commercial activity proposed, along with square footage of sales area, trash enclosures, loading facilities and hours of operation.

6. If industrial, attach information indicating type of industrial activity proposed, square footage of building, estimated employment per shift, trash enclosures, loading facilities and hours of operation.

7. If institutional, attach information indicating major function, estimated employment per shift, estimated occupancy, trash enclosures, loading facilities and hours of operation.

8.

8. Will the use require truck activity? Yes ☐ No ☐

If yes, give truck type(s) and number of axles : _____

What is the gross weight of each vehicle: _____

Number of truck trips per day _____

		YES	NO	UNCERTAIN
9.	Will the project change scenic views or vistas from existing residential areas, public lands or roads?	☐	☐	☐
10.	Will there be a change in dust, ash, smoke, fumes or odors in the vicinity of the project?	☐	☐	☐
11.	Has the site been surveyed for historical, paleontological or archaeological resources?	☐	☐	☐
12.	Is the site on filled land or on slope of 10 percent or more?	☐	☐	☐
13.	Will there be the use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives?	☐	☐	☐
14.	Will there be a change in lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns?	☐	☐	☐
15.	Will there be any substantial change in existing noise or vibration levels in the vicinity?	☐	☐	☐
16.	Will there be a substantial change in demand for public services (police, fire, water, sewage, etc.)?	☐	☐	☐
17.	Has a traffic study been prepared for this site or has the site been included in another traffic study?	☐	☐	☐
18.	Will the project generate significant amounts of solid waste or liter?	☐	☐	☐
19.	Will the project change any existing features of hills or make substantial alteration of ground contours?	☐	☐	☐
20.	Will there be a substantially increase in fossil fuel consumption (electricity, oil, natural gas, etc.)?	☐	☐	☐
21.	Is there a relationship to a larger project or series of projects?	☐	☐	☐

22. List any previous environmental documents or technical studies prepared for this site:

_____

23. Describe the project site, as it exists before project implementation, including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects. On an attachment describe any existing structures on the site, and the use of the structures.

24. On an attachment, describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercials, etc,), intensity of land use (single family dwelling(s), apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity.

Attachment A

(Please use this form to amplify any answer. Be sure to identify which question is being amplified.)

APPLICATION CERTIFICATE

ALL OWNERS OF RECORD MUST SIGN THIS CERTIFICATE: (Attach it to the application)

List Assessor's Parcel Number(s) of the project property:

_____

List Assessor's Parcel Number(s) of all property contiguous to the project property, which is owned or beneficially controlled by the individual(s) signing this Certificate: If there are no contiguous properties under the same ownership, STATE "NONE"—***do not leave blank***.

_____

The undersigned owner(s) or officer(s) in the organization owning the lands for which this application is made, states that he/she or the organization is aware that the application is being filed with the San Bernardino County Planning Division, and certifies under penalty of perjury that the County applications forms have not been altered and that the information contained in this application is true and correct. I (We) acknowledge that additional materials may be necessary to provide to the Planning Division once the preliminary review of the specifics of the project has been initiated.

I (We) further agree that if any information contained in this application proves to be false or incorrect, the County of San Bernardino and any special purpose or taxing district affected thereby are and shall be released from any liability incurred if a certificate of compliance is or has been issued on basis of this application. I understand that under such circumstances any such certificate shall be null and void and shall be returned to the County for cancellation.

If this is an actual cost application, the applicant agrees to pay all accumulated charges for this project. For any type of application, 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.

Any persons signing with Power of Attorney for others must print the names of those individuals in the signature block and attach a notarized copy of the Power of attorney.

(Print) (APPLICANT OR LEGAL AGENT)	Signature	Date
REGISTRATION NO. (IF R.C.E. OR LICENSED LAND SURVEYOR)		
(Print) (OWNER(S) OF RECORD)*	Signature	Date
(Print) (OWNER(S) OF RECORD)*	Signature	Date
(Print) (OWNER(S) OF RECORD)*	Signature	Date

*If property is owned by corporation, partnership or other group, signee should indicate corporate position or title and submit substantiating documentation (e.g. incorporation certificate).

HAZARDOUS WASTE SITE CERTIFICATION

This certificate must be submitted with all Development Case Applications except for legislative acts such as General Plan Land Use District changes.

INSTRUCTIONS

The applicant for this development project shall consult the most current list of identified hazardous waste sites at http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm to determine whether the development project is located on a site included on the list.

CERTIFICATION

The undersigned owner, applicant or legal representative of the lands for which this development project application is made, hereby certifies under penalty of perjury, and in accordance with Section 65962.5(e) of the Government Code of the State of California that he (she) has consulted the most current and appropriate list of "CAL/EPA, Facility Inventory Data Base, Hazardous Waste and Substances Sites List," and further certifies that the site of the proposed development project:

☐ Is not located on a site which is included on the Cortese List dated:_____

OR

☐ Is located on a site included on the Cortese List dated:_____.

List all of the Assessor Parcel Numbers (APNs) of the project property:

_____

_____
Printed Name of Person Certifying this Review

_____ _____
Signature of Person Certifying this Review Date

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 Responsibly 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. <u>Indemnification.</u> 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 it's 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)