LAND USE SERVICES DEPARTMENT
Planning Division

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www.sbcounty.gov/uploads/LUS/Planning/Applications/WirelessTelecommunicationCUP1.pdf

WIRELESS TELECOMMUNICATIONS FACILITY CONDITIONAL USE PERMIT
INFORMATION SHEET AND APPLICATION

Fees/Deposit

Planning Initial Deposit (J631)	**$14,120.00**

Note: In addition to the deposit other fees may be required for reviews by County Fire, Environmental Health Services, Code Enforcement, Surveyor, Public Works, and special report reviews by Building and Safety.

"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.

A Conditional Use Permit (CUP) is required by the County Development Code to evaluate the location, design and operation for new wireless telecommunication facilities as specified in each Land Use District. These uses, although generally deemed to be consistent with the purpose and intent of the Land Use District, typically have characteristics which require special consideration in order to avoid conflicts with surrounding land uses.

The Conditional Use Permit application and process provides the County the opportunity to completely review the proposed project before its implementation. Conditions of Approval will be required of the project prior to its final approval or implementation.

Conditional Use Permits will be reviewed by Planning Staff and considered by the Planning Commission at a public hearing. Actions of the Planning Commission may be appealed to the Board of Supervisors within ten days following the date of the action. Appeals must be made by means of a separate application and may require an additional fee.

Please use this information sheet as a checklist to assemble the materials required for the submittal of your Conditional Use Permit 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 the 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 Application Intake Center at (909) 387-8311 or (760) 995-8140.

Section A – Fees/Deposit

1. _____ Check or money order made payable to San Bernardino County in the correct amount.

Planning Initial Deposit (J631)	**$14,120.00**

Provide **one copy** of the following receipts or a letter stating such fees are not applicable:

2. _____ **Receipt** from the appropriate fire jurisdiction of payment of required review fees.

Note: If your project is within a Geologic Hazard Overlay District, you will be required to pay the Building and Safety Division the review fees for any required geologic reports. You will be notified when you will need to complete this part of the process. The fee amount will be as established by the County Fee Ordinance.

The fees listed above (2 - 3) for County Fire and Building and Safety are in addition to the "actual cost" deposit. Additional fees will be required if the application is the subject of a Code Enforcement action or if the action is appealed.

"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 ($65 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

3. _____ **Two copies** of a completed Land Use Application Questionnaire. *Additional copies will be required when it is determined that the application is complete. All owners must sign the Application Certificate. The notarized power of attorney must contain the names of all owners*. Note: If property is owned by corporation, partnership or other group, signee should indicate corporation position or title and submit substanstiatory documentation.
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 a plot plan drawn at a scale to accurately delineate the proposed project as it is to be constructed. A conceptual plan is not acceptable. (Folded accordion style - 8" x 10 1/2" size.) (Refer to the Plot Plan Checklist for specific requirements.)

   Only two copies of the plot plan are required for the initial filing of this application. Revisions may or may not be required. When Application Intake Center staff determines that the plan is complete, you will be required to submit additional copies of the plot plan. The specific number of copies to be submitted will be determined at that time.
7. _____ **One copy** of the plot plan 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.
11. _____ **One copy** of any letters or documents received from the County or any other jurisdiction regarding this project.
12. _____ **One copy** of existing road easements if property is not adjacent to a County-maintained road.
13. _____ **One copy** of Original color photos of the project site from various angles (digital photos on a disk/CD are preferred). Include a vicinity map indicating the location and direction of view.

Section D - Special Studies (if applicable)

14. _____ **One copy** of the Geologic Feasibility Study for any property in a Geologic Hazard (GH) Overlay District.
15. _____ **Two copies** of a Slope Analysis for any project in a Fire Safety Review Area (FS) Overlay District.
16. _____ **Three copies** of any other studies prepared for this project.
17. _____ **Five copies** of any Endangered Species Report (Desert Tortoise Certificate, etc.).
18. _____ **Two copies** of a Water Quality Management Plan (WQMP).

Technical studies for noise, hazardous materials or other issues may be required to process your application. You will be notified if any additional materials will be necessary to complete the application.

Section E – Additional Materials

Submit supplemental information, map(s) and graphics displays with a description of the project relative to the following:

19. _____ **Two copies** of a report discussing and providing the following:
    - _____ a. Identity of all tower or facility occupants. If none, so state.
    - _____ b. If the applicant intends to transfer the ownership or control of the site proposed to another entity within 24 months, so state and identify the name(s) of the proposed or identified transferee(s).
    - _____ c. Identify all other sites that connect to or connect from (hand-off-to/from) this site as proposed. Indicate if other sites are existing or proposed and height of connecting towers. If connecting tower is proposed, indicate what jurisdiction (i.e., city, county, state or federal) has approval authority and indicate at what stage of the approval process the application has reached.

_____ d. Document the size and approximate location boundary of the search ring for the proposed site and discuss other sites, if any, considered within the search ring. Explain why other sites were not considered or selected.

_____ e. Discuss potential for co-location at an existing or new site. State if a carrier has already been contracted to co-locate. If there is no potential for co-location, explain why.

_____ f. Identify any other wireless site(s) within two thousand feet of the subject site. Discuss whether it is practical to co-locate or joint locate on any of the sites you have identified. Please state if there are no sites within two thousand feet.

_____ g. Is the facility out of site from major viewing points? If not, is it installed on a site that is already developed with a telecommunication facility or other public or quasi-public use? If not, why?

_____ h. Explain how the facility is a compatible design and blends with the surrounding environment?

_____ i. Provide technical evidence showing a clear and convincing need for this facility.

_____ j. Discuss how the facility will comply with County noise standards, especially relating to generators and air conditioning compressors that may be installed and/or used at the subject site.

_____ k. Is the project filling in a "blind spot" in service? If so, explain the circumstances how this is accomplished.

_____ l. What steps are being taken to preserve existing significant vegetation?

20. _____ **Two copies** of visual impact analysis or demonstration (photo simulations) of the proposed tower at the site. The analysis shall be "worst case" (i.e., all co-locators) and shall assess the cumulate impacts of the proposed facility, including the provision of electrical service to the site, and other existing and foreseeable telecommunication facilities in the area, and shall identify and incorporate all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service. The photo simulations should be taken from a minimum of three widely scattered locations and shall include a vicinity map indicating the location and direction of view.

21. _____ **Two copies** of radio-frequency propagation maps showing the extent of the current coverage and anticipated (site on/site off maps) Utilize the same size scale and same radio-frequency strength gradients. Insure that one gradient of the radio-frequency coverage overlay indicates the minimum signal strength for your FCC license classification. Indicate scale on the map and locate landmarks, roads for identification of coverage. The maps shall be of an adequate size and detail to show the following:

_____ Show anticipated tower coverage at proposed height.

_____ Show anticipated tower coverage with maximum height allowed by the Land Use District (LUD) if less than proposed height.

_____ Show existing coverage (site off).

22. _____ **Two copies** of fully completed FCC/LSGAC Appendix A forms (2 pages) for the site as proposed. The form may be downloaded from: http://www.fcc.gov/oet/rfsafety; click on and download from the section titled, "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance".

23. _____ **Two copies** of an 8½ X 11of a topographic map of the area.

24. _____ **Two copies** of digitized photo of the development site, if available.

Section F – Plot Plan Use the following checklist to be sure that your plans include all of the required elements. The plot plan is a drawing, to scale, on one sheet of paper (minimum size of 18" x 24") of the entire land parcel showing buildings, improvements, other physical features and all dimensions. Remember that the staff 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 below, your application will be returned.**

1. _____ Official Stamp Area and Plan Identification: A 4 inch by 14 inch area in the upper right hand side of the plot plan shall be left blank and labeled "Official Use Only". The lower right hand corner of the plan shall contain the following information in this order: a) Assessor's Parcel Number(s) (APN:); b) application type and proposed land use/building size "CUP for ____" c) the names, addresses and telephone numbers of the applicant, representative, recorded Property Owner(s) (if different from applicant), and plan preparer and d) plot plan preparation date and any revision date.

2. _____ Utilities: Indicate names, address and telephone numbers of water company, sewage disposal, electric, gas, telephone. If no utility company, indicate method of supply. Show power (electrical/telephone) source. Locate and dimension proposed easement to site. Indicate if power source is proposed aboveground or underground and distance between power source and site. Show location of power (electrical/telephone) source to the site. Locate and dimension any proposed easement. Indicate if

power source is proposed aboveground or underground. Indicate distance between power source and proposed tower.

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 description of that portion.

4. _____ Project: Identify type of project in detail, including the use of each existing and proposed structure and/or open storage areas. Include any phasing of proposed tenants (carriers).

5. _____ 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'' to 10', 1'' to 20', etc.) An architect's scale is acceptable ONLY for elevations.

6. _____ Dimensions: Show all property lines and dimensions. Also, show boundary lines of project with dimensions if only a portion of the property is being developed.

7. _____ Roads/Easements: Indicate location, names, centerline, widths of boundary streets, and recorded road, utility, and drainage easements on the property. If none exist, indicate by a note that no easements exist. If property is not on a road or easement, show legal and physical access to property and lease area.

8. _____ Drainage: Indicate any drainage or hilly terrain by flow-line arrows and contour lines. If none exist, indicate by a note that no hilly terrain or drainage problems exist.

9. _____ Grading/Topographic Information:
   - _____ Show existing rough grade contours and finish contours.
   - _____ Show finish elevations at lot corners and graded areas. Show typical lot drainage and swales.
   - _____ Show finish grades for all structures, pads and parking surfaces.
   - _____ If no grading is proposed, state " No grading proposed."
   - _____ Show location, size and height of any existing or proposed retaining walls.

10. _____ Land Use District: Indicate existing and proposed General Plan Land Use District for project and all adjacent property including across any streets. If in a City, list the City and City Zoning.

11. _____ Structures/Land Use (Adjacent Areas): Indicate the existing land use, including "Vacant" or "citrus grove," of structures on all adjacent property including areas across any adjacent streets. Indicate distance to any structure that is within 20 feet of the project property line.

12. _____ Structures (Project Area):. Indicate with dimensions all existing and proposed structures, including but not limited to power poles, towers, fences, trash enclosures, signs, septic systems, curbs, driveways, and sidewalks: Indicate type of constructions and approximate age of any existing/proposed structures
   - _____ Locate by distance in relation to other structures and property lines.
   - _____ Indicate existing structures that are to remain or to be removed.
   - _____ Indicate height, building footprint dimensions, including eave overhang projections, square footage of each story and number of stories including basements.
   - _____ Show location and height of any non-retaining wall.

13. _____ Vicinity Map: Indicate project location within a general vicinity map with a north arrow. Indicate nearest cross streets, major access roads and community name.

14. _____ Lot Coverage: Show percentages of parcel covered by buildings, paving, landscaping, and open space.

15. _____ Plant and Tree Protection: 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 – All Joshua trees and all species of century plants, nolinas and yuccas. Creosote rings that are 10 feet or greater in diameter. For smoketrees and mesquites, two (2) inches or greater in diameter or six (6) feet or greater in height. All plants protected by the State Desert Native Plants Act shall be protected in accordance with that ordinance.

16. _____ Variance: If a variance is requested, indicate by a note the following: a) What is the variance for? b) Where is the proposed variance located on the project site?

17. _____ Latitude, Longitude, Elevation, Azimuth: Indicate the latitude, longitude, elevation (A.M.S.L.) and azimuth of tower/antennas.

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** 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

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

LAND USE APPLICATION QUESTIONNAIRE

Complete all sections of this application. Please refer to the checklist contained in the information sheet 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 Application Intake Center 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: Wireless Telecommunications Facility Conditional Use Permit

☐ With variance ☐ Without variance

Assessor's Parcel Number (APN): _____

Section 1 - Applicant Data. (This is the person who the county will contact regarding this application unless a separate representative has been hired.)

Applicant Name: _____

Firm Name: _____

Address: _____

Street Address: _____

City: _____ Zip: _____

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

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

Property owner of record name: _____

Firm Name: _____

Address: _____

City: _____ Zip: _____

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

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

Representative Name: _____

Firm Name: _____

Address: _____

City: _____ Zip: _____

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

Section 4 – Carrier Data

Carrier 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 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): _____

Site Address: _____

Proposal 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 at least 200 feet from any existing or proposed liquid waste disposal system?
Yes ☐ No ☐

If no, attach an explanation

Electricity: _____
(Name of Provider)

Is the site presently served? Yes ☐ No ☐

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

Telephone: _____
(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. 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. Is the project phased? Yes ☐ No ☐

   If yes, describe the phasing: _____

3. Provide information describing the wireless telecommunication facility proposed.

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

	YES	NO	UNCERTAIN
16. Is there a relationship to a larger project or series of projects?	☐	☐	☐

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

_____

18. 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. Attach photographs of the site. Snapshots or Polaroid photos will be accepted.

19. 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. Snapshots or Polaroid photos will be accepted.

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:

_____

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

_____ _____

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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)