



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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Deed Restriction Process

Approved entitlements sometimes include a requirement to record a deed restriction on the property title. This is the responsibility of the property owner to complete. Deed Restrictions typically memorialize agreements between the County and the property owner. They also provide notice to future property owners of the agreement.

Deed Restrictions typically have a minimum of two attachments:

Attachment A is the legal description of the property, provided by the property owner. This is often recorded as Attachment A of the current property deed.

Attachment B is a copy of the adopted entitlement. Adopted entitlements may be a Resolution, a signed Coastal Development Permit, or a Notice of Final Action with attached Findings and Conditions. This attachment is *not required* in the case of Deed Restrictions for ministerial projects (Accessory Dwelling Units).

1. Planning Staff can provide a template deed restriction for the property owner to review.
 - a. It is the property owner's responsibility to complete the deed restriction and provide a copy of the Deed or Title documents and a Legal Description of the property (Attachment A).
 - b. The Declarant is the named property owner, as identified in the Deed. If the property owner is a Trust or a corporation, then the property owner is responsible for providing documentation of who has authority to sign on behalf of the Trust or corporation.
 - c. If imposed by a discretionary permit, the adopted conditions requiring the preparation of a Deed Restriction will specify the reason for establishing the Deed Restriction. This will also drive the content of the Deed Restriction.
2. After the property owner has assembled a draft Deed Restriction and filed it with the Project Planner, the Planner will first review it themselves and then **route the documents to County Counsel** for their review and comments. Due to staffing shortages, County Counsel's review can take an extended amount of time. Please check in every 30 days or so for a status update.
3. Following County Counsel approval, the original documents are returned to the property owner to be **signed and notarized**. In the case of Deed Restrictions tied to Building Permit approvals, the line for the date of approval should be left blank at this stage.
4. The Property Owner provides all documents and notarization to the Project Planner, who then routes the documents to Ukiah Administrative Staff. They will **obtain the Director's signature and notarize**. Alternately, the Planner can work with the applicant to schedule an appointment at the PBS counter with the PBS Director and County Notary, so the applicant can come in, have the Deed Restriction signed by the Director and notarized, and then immediately proceed to the Records office. **Note that PBS staff are only able to notarize the Director's signature; the Declarants' (property owners') signatures must be notarized beforehand.**
5. The Deed Restriction with its Attachments and signature notarizations are then **recorded** at the County's Recorder's Office.
 - a. The property owner may pick up the documents from the Project Planner/Administrative Staff in Ukiah and record them. As stated above, if an appointment is scheduled, the PBS Director's signature/notarization can occur over-the-counter.
 - b. The property owner may alternately provide for the cost of recording (e.g. a check) and Administrative Staff can record the Deed Restriction on their behalf. The property owner is responsible for determining the cost associated with recording the documents.

6. Upon recordation, the County Recorder will provide a **conformed copy** to the property owner. A second conformed copy should be requested from the County Recorder and provided to the PBS Department. If PBS staff handle the recordation, a conformed copy will instead be mailed to the applicant.
7. Typically, Deed Restrictions are a condition that must be fulfilled before the issuance of certain Building Permits. These permits cannot be issued until PBS has received a Conformed Copy of the recorded Deed Restriction.

Assuming an appointment is made with the Director, all outstanding issues with the Building Permit application have been addressed, and the applicant is prepared to pay all necessary fees, **Steps 4-7** can potentially occur all on the same day. **Steps 1-3** can occur well in advance, and this is often advisable in order to accommodate County Counsel's review timelines.