



Conditions, Covenants, Restrictions and Legal Agreements

This guide will explain the steps needed to complete Conditions, Covenants and Restrictions (CC&Rs) and legal agreements for subdivision maps and/or development projects, including:

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What are CC&Rs?

CC&Rs are conditions, covenants and restrictions on a subject property which regulate the way in which a property (generally a subdivision) is to be maintained and indicates who is responsible for such maintenance. It may include disclosure statements regarding conditions of approval for the project or an existing land use that is located next to the subject property and any other information the subdivider wants to include in the document. It may also include creation of a homeowners association or architectural review committee. CC&Rs are reviewed and approved by the County prior to the recordation of a final subdivision map, but are not enforced by the County. Enforcement of CC&Rs is the responsibility of the individual property owner or the homeowners association.

Who prepares the CC&Rs document?

The subdivider or subdivider's attorney generally prepares the CC&Rs document. The County does not prepare CC&Rs, but will provide a simplified format upon request.

What information is needed to review CC&Rs?

To review the CC&Rs document, we will need the CC&Rs along with a current (less than 6 months old) title report or subdivision guarantee, along with a project number and contact person. The title report or subdivision guarantee is needed to verify current ownership of the property and to make sure all beneficiaries on any deed of trust sign a consent of lienholder form.

What is the review process for CC&Rs?

Once the CC&Rs have been submitted to the Planning Department, they are reviewed by Planning staff and County Counsel. This process can take 4-6 weeks. Once reviewed, a letter will be sent to the applicant or agent requesting revisions or stating that the CC&Rs are approved.

How are CC&Rs recorded?

Once the requested revisions have been made and approved by Planning Department staff, an original CC&Rs document with notarized signatures needs to be submitted to the Planning Department for final processing and transmittal to the Public Works Department. The CC&Rs will record concurrently with the final map.

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What types of legal agreements are required?

There are many types of legal agreements, including Environmental Mitigation, Open Space, Air Quality, Road Improvement Fees, Offers to Dedicate and Covenants and Agreements. These agreements can be required as conditions of approval for a subdivision or land use permit, and need to be recorded concurrent with a final map or (generally) prior to issuance of a building permit.

Who prepares the legal agreements?

Planning staff facilitates the preparation of the legal agreement by County Counsel. In the case of a simple covenant and agreement restricting the use of the property, Planning Department staff has a prepared form to provide to the applicant upon request.

What information is needed to prepare a legal agreement?

A current (less than six months old) title report or lot book guarantee, along with the project number, assessors parcel number and contact person with phone number. For most open space agreements, a metes and bounds legal description of the property subject to the open space agreement needs to be submitted with the signed and notarized agreement to be reviewed and approved by the County Public Works Department.

What is the review process for legal agreements?

Once the request to prepare an agreement has been received, Planning Department staff will forward the request to County Counsel. This process can take 2-6 weeks. Once the agreement has been prepared, the document will be mailed to the applicant or agent for review and notarization. Additional information may need to be submitted (along with any recording fees) in order to finalize the agreement which will be included in the transmittal letter. Once the agreement has been signed and notarized, the agreement needs to be returned to the Planning Department for final processing. If the agreement is part of a subdivision, the agreement will be transmitted to County Public Works to be recorded concurrently with the final map. If the agreement is part of a land use permit, Planning staff will schedule the agreement for the Board of Supervisors consent agenda (not required for Covenant and Agreements and Irrevocable Offers to Dedicate Lateral Public Access Easements). Scheduling for the Board generally is two weeks from the time the notarized documents are submitted.

How are legal agreements recorded?

If the agreement does not have to be scheduled for the Board of Supervisors consent agenda, the agreement can be recorded at the County Clerk/Recorders office as soon as all the required signatures have been obtained (County Counsel, Planning Director). If the agreement goes to the Board consent agenda, the agreement will be recorded within three days of the Board of Supervisors meeting where the agreement was approved. A copy of the recorded agreement and Board resolution will be mailed to the applicant or agent within three weeks of recordation. A copy can be obtained sooner (three days following approval by the Board) from the Records office.

Questions?

Any questions regarding information contained in this guide can be made by calling the Planning Department at (805) 781-5600 and asking for the agreement coordinator.