



# Memorandum

## OFFICE OF THE COUNTY COUNSEL

RICHARD E. WINNIE  
COUNTY COUNSEL

---

DATE: July 13, 2007

TO: Chris Bazar, Planning Director

FROM: Brian Washington, Assistant County Counsel

SUBJECT: Notice Issues Regarding General Plans

I write in response to your inquiry about whether the Planning Department met noticing requirements in initiating the Castro Valley and Eden General Plan processes. You have asked this question in the context of community concerns about whether the County adequately notified the community about the potential boundary changes between the Castro Valley and Eden General Plans when those plans were initiated.

The Government Code noticing requirements for general plans are very minimal and are found in Government Code Section 65353 to 65355. The first notice (the 10 day notices required in the Planning and Zoning Law) that the Planning Department is required to give is before the Planning Commission recommends action to the Board of Supervisors on the plans. Government Code Section 65353. A similar notice must be given when the plan comes before the Board of Supervisors for approval. Government Code Section 65355. No other noticing requirements in the Planning and Zoning law apply to general plan adoption. Of course, as the County has done, any time an issue concerning the general plans comes before a legislative body covered by the Brown Act, the County must comply with the Brown Act noticing provisions (e.g. agenda posted 72 hours before the meeting).

Therefore, the County has complied with all applicable legal noticing requirements in processing the Castro Valley and Eden General Plans.