COUNTY OF AMADOR

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TO: Board of Supervisors

FROM: Deputy County Counsel, Glenn Spitzer GS

DATE: December 30, 2020

SUBJECT: Addressing legal issues in Foothill Conservancy appeal from Planning Commission approval of expiration extensions for tentative subdivision map Nos. 143 and 180 (Agenda Item No. 5a)

I. BACKGROUND AND INTRODUCTION

Tentative map Nos. 143 and 180 were originally approved in 2005 and 2014 respectively, but both maps expired in 2017. The applicants presented both tentative maps anew in 2017, and both were approved with conditions and an expiration of November 14, 2020. The applicant filed timely extension requests seeking a six year extension for both per Government Code section 66452.6(e). On October 13, 2020, the Planning Commission approved a three-year extension for tentative map No. 180 and a four-year extension for tentative map No. 143.

Foothill Conservancy appealed from the approval of the extension applications. In nearly identical letters dated October 28, 2020, Foothill Conservancy contends essentially that the maps are inconsistent with the Kirkwood Specific Plan and the General Plan, that the two planning documents are inconsistent with each other, and that changed circumstances and new information precludes the County from approving the maps by relying on the Kirkwood Specific Plan.

When the County approved the tentative maps in 2017, the County found the maps consistent with the general and specific plans. (Government Code § 66473.5.) If the maps have since become inconsistent with the plans, then the County should deny the extension request. Additionally, if the Board finds that circumstances have substantially changed or that qualifying new information reveals new or substantially more severe environmental impacts, then the Board should require a supplemental or subsequent EIR for the Kirkwood Specific Plan before approving the maps.

As discussed below, under the circumstances, the Board has wide discretion to determine whether the map is consistent with the planning documents, but there is no evidence presented that would compel the Board to conclude an inconsistency. Additionally, there is no evidence presented that compels the Board to conclude that a subsequent or supplemental EIR is required prior to approval of the extension.

II. LEGAL REQUIREMENTS

A. The proposed project must be consistent with applicable planning documents.

When approving a tentative map, a local agency must find that the map is consistent with applicable general and specific plans. (Gov't Code § 66473.5.) A tentative map must be disapproved if the County finds the map would be inconsistent with these plans, and it follows that the County should not approve an extension if there is an inconsistency. (*Woodland Hills Residents Ass'n v. City Council* (1975) 44 Cal.App.3d 825.) An exact match is not required; instead, the map must be compatible with the objectives, policies, land uses, and programs specified in the plans. (*Sequoyah Hills Homeowners Ass'n v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.)

The review of plan consistency is "highly deferential to the local agency." (*Naraghi Lakes Neighborhood Preservation Assn. v. City of Modesto* (2016) 1 Cal.App.5th 9, 18.) "Reviewing courts must defer to a procedurally proper consistency finding unless no reasonable person could have reached the same conclusion." (*Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 732.) "[T]he essential question is 'whether the project is compatible with, and does not frustrate, the [] plan's goals and policies.'" (*Naraghi Lakes,* 1 Cal. App. 5th at 18.) "[I]t is beyond cavil that no project could completely satisfy every policy stated in [a plan], and that state law does not impose such a requirement." (*Id.* (internal citation omitted).)

Planning documents "must try to accommodate a wide range of competing interests … and to present a clear and comprehensive set of principles to guide development decisions." (*Id.*) Once the planning documents are in place, "it is the province of elected [] officials to examine the specifics of a proposed project to determine whether it would be 'in harmony' with the policies stated in the plan." (*Id.*) "It is, emphatically, *not* the role of the courts to micromanage these development decisions." (*Id.* (italics in original).)

B. The County cannot rely on the Kirkwood Specific Plan if the Board finds there are substantial changes in the project or to the circumstances under which the project will be undertaken, or if new information shows new significant impacts or substantially more severe impacts than were discussed in the plan EIR.

The Kirkwood Specific Plan EIR was certified prior to the approval of the plan in 2003. After an initial EIR is certified, there is a statutory presumption against additional environmental review. (*San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924, 934.) Public Resources Code (PRC) Section 21166 prohibits agencies from requiring additional environmental review after an initial EIR is certified unless certain specified conditions are met. Section 21166 provides that, when environmental review has been performed, no subsequent or supplemental EIR shall be required by the lead agency or any responsible agency unless:
(1) substantial changes are proposed in the project that will require major revisions of the EIR, or
(2) substantial changes occur with respect to the circumstances under which the project will be undertaken that will require major revisions in the EIR, or

(3) new information, which was not known and could not have been known when the EIR was certified, becomes available.

Section 21166 provides a balance against the burdens created by the environmental review process and accords a reasonable measure of finality and certainty to the results achieved. (*San Diego Navy Broadway Complex Coalition,* 185 Cal.App.4th at p. 934.) Section 21166 comes into play precisely because in-depth review has already occurred, the time for challenging the sufficiency of the original EIR has long since expired, and the question is whether circumstances have *changed* enough to justify *repeating* a substantial portion of the process. (*Id.*)

CEQA Guidelines, section 15162(a)(3) expands on the section 21166 requirements and explains that the "new information" trigger applies only to new information that was not known and could not have been known "with the exercise of reasonable diligence" when the prior environmental review was completed, and that the new information is of "substantial importance." Also, a further EIR may be required only if the new information shows that

(1) The project will have significant effects not evaluated in the prior EIR.
(2) Significant effects previously examined will be substantially more severe than shown in the prior EIR.
(3) Mitigation measures or alternatives found infeasible are in fact feasible and would substantially reduce significant effects of the project but the project proponents decline to adopt them; or
(4) Mitigation measures or alternatives considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt them.

The questions associated with whether new information triggers additional environmental analysis involves judgment calls for the Board, and the Board's decision will be upheld if it is supported by substantial evidence. (*Local & Reg'l Monitor v. City of LA* (1993) 12 Cal.App.4th 1773, 1802.) In other words, courts must defer to the Board's decision if supported even if a contrary conclusion can be reached.

III. ANALYSIS

A. Nothing presented compels a finding of inconsistency between the General Plan and Kirkwood Specific Plan.

Foothill Conservancy contends that the 2003 Kirkwood Specific Plan is inconsistent with the General Plan. Per Government Code section 65454, "No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan."

The Planning Department reviewed the General Plan against the Kirkwood Specific Plan and determined that there were no qualifying inconsistencies between these two documents. It is within the purview of the Planning Commission and Board to find an inconsistency if these bodies believe that to be true, but nothing presented by Foothill Conservancy legally compels such a conclusion.

Courts generally will not find a plan inconsistency unless the project violates a specific and mandatory policy within a plan. (*E.g., Spring Valley Lake Assn. v. City of Victorville* (2016) 248 Cal.App.4th 91 (project did not comply with the plan's mandate for commercial development to general on-site electricity to the maximum extent feasible); *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777 (plan mandated use of a traffic count methodology, which the county ignored).

Foothill Conservancy provided a table of purported inconsistencies, but none of those purported inconsistencies require a finding of inconsistency between the two planning documents. The table does not show any specific and mandatory plan violation. The table shows a number of subjective goals set forth in the general plan with no corresponding goal in the specific plan. But this does not create an inconsistency because a project can meet the goals of the general plan while also meeting the objectives of the specific plan. An inconsistency would arise if, for example, both planning documents had contrary mandates, but Foothill Conservancy does not point to such a circumstance.

B. Nothing presented compels a finding of inconsistency between the tentative maps and the planning documents, and nothing presented requires a finding under PRC section 21166 that substantial changes or qualifying new information preclude reliance on the Kirkwood Specific Plan.

The proposed development contemplated in both tentative maps is consistent with the density and location of the development identified in Chapter 4 of the Kirkwood Specific Plan. Foothill Conservancy contends that changes in fire severity, climate impacts, utility capacity, traffic, Endangered Species Act listings, and employee housing renders the map inconsistent with the Kirkwood Specific Plan or precludes reliance on the planning document under PRC section 21166 (changed circumstances or qualifying new information). However, it presents no evidence that demonstrate how these issues make the development inconsistent with the plan or preclude reliance on that plan or the underlying EIR.

The Kirkwood Specific Plan addresses fire protection services in section 5.4 and contains requirements for emergency access and review by the applicable fire agencies. The EIR for the plan sets forth requirements for new development to mitigate fire risks such as compliance with building codes and Kirkwood Meadows Public Utility District (KMPUD) regulations, which includes building and landscape standards for constructing fire-resistant structures, sprinklers, distancing, and other measures. (EIR, ¶ 4.13.3.2 and 4.13.4.2.) Risks are also mitigated through compliance with fire and life safety plans. (*Id.*) Also, the KMPUD affirmed in its November 4, 2020 letter that the Kirkwood Volunteer Fire Department has additional resources and sufficient expertise and aid to address the fire-safety needs of the community.

Foothill Conservancy does not explain how the map failed to meet these fire related requirements or how any purported increase in fire severity makes these measures inadequate or constitutes a substantially more severe impact than is already addressed in the EIR. Nor does Foothill Conservancy explain how the residential development creates a significant or substantially more severe impact with respect to greenhouse gases. Indeed, there are no proposed changes to the map.

Foothill Conservancy contends inconsistencies arise over utility issues, and that a diminished capacity to provide these resources substantially increase the severity of impacts. However, the KMPUD refutes the contention in its November 4, 2020 letter. The KMPUD states that there is in fact wastewater treatment and collection capacity in its wastewater treatment plant, and that the district anticipates resolving any issue with the Regional Water Quality Control Board prior to the need for the capacity. The KMPUD states that the propane capacity will be satisfied when it installs an additional bulk storage tank, which was deferred until the need arose.

Foothill Conservancy contends there is new data on traffic congestion and accidents and on the frequency of highway pass closures in winter. Foothill Conservancy does not articulate how this project would exacerbate or interplay with these issues. For example, one could argue that the construction of residences near the recreation resources could decrease traffic congestion during peak hours. The Kirkwood Specific Plan sets forth a number of policies and objectives in section 5.1, and the maps appear to meet the objectives. There is no explanation how these purported congestion issues create an inconsistency. Nor is there an explanation of how the purported new data on traffic congestion constitutes a substantially more severe impact on traffic than that discussed in section 4.7 of the plan EIR.

Foothill Conservancy contends new listings under the federal Endangered Species Act creates an inconsistency and constitutes qualifying new information under PRC section 21166. However, there is no explanation how this creates an inconsistency or how it increases impacts beyond what was contemplated or known at the time the EIR was certified. (*See e.g., Moss v. County of Humboldt* (2008) 162 Cal.App.4th 1041, 1065.) Importantly, the pads are already cleared.

Foothill Conservancy contends the Red Cliffs building fire exacerbated the employee housing needs and thereby created a plan inconsistency or a new or substantially more severe impact. Employee housing requirements are set forth in section 8.6 of the Kirkwood Specific Plan. These requirements are made conditions of the tentative map, and those conditions must be met prior to recordation of the final map. Accordingly, there is no inconsistency.

C. Municipal Code section 19.50.040 is inapplicable to extensions of tentative map expiration dates.

Foothill Conservancy contends the extension request is subject to the requirements of section 19.50.040. However, that section only applies to applications for discretionary use permits and project approvals. The project approval occurred in 2017. This application is for an expiration extension on an already approved project.

IV. CONCLUSION

Plan Consistency: The Board generally has wide discretion to determine whether a project is or is not consistent with the applicable planning documents. There is nothing in the evidence presented by Foothill Conservancy that compels the Board to find an inconsistency.

PRC Section 21166: In light of the fact that an EIR has already been certified for the Kirkwood Specific Plan, the Board is afforded some latitude in determining whether changed circumstances or new information requires further environmental analysis. If the Board finds the existence of a

new significant impact, or a substantial increase in the severity of an impact already identified in the Kirkwood Specific Plan EIR, then the Board must require a supplemental or subsequent EIR before it can approve the extension of the tentative map expiration. However, there appears to be nothing in the evidence presented by Foothill Conservancy that compels such a finding.

KIRKWOOD MEADOWS
PUBLIC UTILITY DISTRICT

October 13, 2020

Nate Whaley
Martin Point LLC
P.O. Box 2
Kirkwood, CA 95656

Re: Utility Conditional Will Serve for Palisades Unit 6
APN: 026-020-046 & 006-010-082

Dear Mr. Whaley:

The Kirkwood Meadows Public Utility District ("District") has received your request dated October 9, 2019, for a Conditional Will Serve ('CWS') for your development: Palisades Unit 6 ('Development'), Tentative Subdivision Map No. 143 in Amador County. We understand that your Development is on approximately 12.58 acres located on Amador County APN 026-020-046 and 1.71 acres located on Alpine County APN 006-010-082 in Kirkwood. The District understands your Development consists of 21 single-family lots and you are requesting a total of 21 connections for Water, Wastewater, Propane, and Electric for your Development.

The District has determined that presently there is adequate water and electric capacity to serve your Development. The District has determined that presently there may not be adequate wastewater and propane capacity to serve your Development. Capacity is or may become available, subject to the following conditions:

1) The Development will be responsible to design and construct all on and off site improvements deemed necessary by the State, County, and the District to adequately serve the Development. The Development will be responsible to obtain all permits, licenses, acceptances, pay all associated fees, design, construct and make acceptable to the State, County, and the District a water, wastewater, propane, and electric distribution/collection system to serve this Development. The Development will be responsible to provide all on-site and off-site improvements necessary for proper domestic, irrigation, and fire protection water, wastewater, propane, and electric needs for serving the Development.
2) Execution of a Mainline Extension Agreement ('MLX') with the District prior to the start of construction of the utility facilities and full compliance with the terms thereof within two (2) years of the date of this letter.
3) Should the District determine that facilities need to be oversized to accommodate planned growth and avoid unnecessary duplicated facilities, the District shall provide a Reimbursement Agreement, consistent with the additional capacity and equitable cost sharing.

P.O. Box 247
Kirkwood, CA 95646
www.kmpud.com

(209) 258-4444
Fax (209) 258-8727
email: info@kmpud.com

Kirkwood Meadows PUD is an equal opportunity provider and employer.

4) This letter is subject to the Kirkwood Meadows Public Utility District Code, Rates, Rules and Regulations, as may be amended from time to time.

WATER

5) For those lots where the static pressure is higher than 80 psig, customers will be required to install a customer owned and maintained pressure reducing valve prior to service. These lots should be noted on the Final Map and disclosed to the Department of Real Estate prior to the District's acceptance of the project.

6) The existing water distribution system may have insufficient delivery capacity to serve the addition of this project to the system without adversely impacting existing customers. Distribution capacity of the existing system may require improvement by the Developer as part of this project.

WASTEWATER

7) The District is currently refining wastewater treatment capacity. Based on current data available, the wastewater treatment plant may not have sufficient permitted capacity to serve your Development and may require re-permitting in order to provide service for this Development. Wastewater service to this Development may be contingent upon successful re-permitting.

8) The existing wastewater collection system may have insufficient capacity to serve the addition of this project to the system. Collection capacity of the existing system may require improvement by the Developer as part of this project.

PROPANE

9) Based on current data available, the propane tanks have insufficient capacity to serve your Development and must be expanded in order to provide service for this Development. The District has fully allocated all existing capacity and is currently contemplating a plan to replace or add propane tanks. Propane service to this Development is contingent upon one of these options being implemented.

10) The existing propane distribution system may have insufficient capacity to serve the addition of this project to the system. Distribution capacity of the existing system may require improvement by the Developer as part of this project.

ELECTRIC

11) The existing electric distribution system may have insufficient capacity to serve the addition of this project to the system. Distribution capacity of the existing system may require improvement by the Developer as part of this project.

GENERAL

12) The Development shall provide the District access to all facilities in the form of an exclusive easement, sufficiently wide to accommodate the facilities including any separation requirements between dissimilar facilities.

13) The Development shall provide protection and/or relocation of the District's utilities and easements that are located within the Project boundaries as necessary.

14) All District facilities currently existing on developer property shall be protected and/or relocated at developers' expense by means and methods acceptable to the District.

15) Any encroachment on existing utility easements shall require protection and possible relocation of said facilities solely at developers' expense.

16) All facility designs are subject to District review and approval.

17) Prior to service from the District, Development is subject to and must provide approval from Amador County.

18) Upon the receipt of an approved Final Map for the Development you are required to provide two copies full size and one PDF to the District.

19) The District will require a $5,000 deposit for all engineering, inspection and construction services to be billed on a time and material basis for your project.

20) The Development may be responsible for Reimbursement Fees.

21) Payment of applicable fees for engineering review, administration, and construction inspection per the District's rules and regulations in force at the time of application and/or service.

22) Payment of all applicable Connection Fees per the District's rules and regulations in force at the time of payment and/or service. In order to serve this Development, the District may require the payment of Connection Fees at the time of Final Map Approval. Current fees are available from the District and increase every July first.

23) No service shall be initiated until the system has met all conditions above and been accepted by the District.

24) Subdivision shall obtain a Will Serve Commitment from the District prior to Final Map Recording or service being initiated.

Failure to satisfy all Conditions within two (2) years of this Conditional Will Serve Commitment will result in the commitment becoming null and void. You will be required to file a new application for a Conditional Will Serve Commitment, subject to available utility and facility capacity; rates, rules, and regulations of the District's Utility Systems, as may be amended from time to time.

Upon compliance with all of the terms of the Conditional Will Serve Commitment, the District will issue a Will Serve Commitment to the subdivision, after which, service may be initiated.

Please feel free to call me at (209)258-4444 with any questions, comments, or concerns regarding the contents of this letter.

Sincerely,

Erik M. Christeson
General Manager

KIRKWOOD MEADOWS
PUBLIC UTILITY DISTRICT

October 13, 2020

Nate Whaley
Martin Point LLC
P.O. Box 2
Kirkwood, CA 95656

Re: Utility Conditional Will Serve for Timber Creek Townhomes
APN: 026-270-033

Dear Mr. Whaley:

The Kirkwood Meadows Public Utility District ("District") has received your request dated October 9, 2019, for a Conditional Will Serve ('CWS') for your development: Timber Creek Townhomes ('Development'), Tentative Subdivision Map No. 180 in Amador County. We understand that your Development is on approximately 2.7 acres located on APN 026-270-033 in Kirkwood. The District understands your Development consists of 1 lot, Planned Development – Multi-Family and you are requesting a total of 21 connections for Water, Wastewater, Propane, and Electric for your Development.

The District has determined that presently there is adequate water and electric capacity to serve your Development. The District has determined that presently there may not be adequate wastewater and propane capacity to serve your Development. Capacity is or may become available, subject to the following conditions:

1) The Development will be responsible to design and construct all on and off site improvements deemed necessary by the State, County, and the District to adequately serve the Development. The Development will be responsible to obtain all permits, licenses, acceptances, pay all associated fees, design, construct and make acceptable to the State, County, and the District a water, wastewater, propane, and electric distribution/collection system to serve this Development. The Development will be responsible to provide all on-site and off-site improvements necessary for proper domestic, irrigation, and fire protection water, wastewater, propane, and electric needs for serving the Development.
2) Execution of a Mainline Extension Agreement ('MLX') with the District prior to the start of construction of the utility facilities and full compliance with the terms thereof within two (2) years of the date of this letter.
3) Should the District determine that facilities need to be oversized to accommodate planned growth and avoid unnecessary duplicated facilities, the District shall provide a Reimbursement Agreement, consistent with the additional capacity and equitable cost sharing.
4) This letter is subject to the Kirkwood Meadows Public Utility District Code, Rates, Rules and Regulations, as may be amended from time to time.

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6) The existing water distribution system may have insufficient delivery capacity to serve the addition of this project to the system without adversely impacting existing customers. Distribution capacity of the existing system may require improvement by the Developer as part of this project.

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14) All District facilities currently existing on developer property shall be protected and/or relocated at developers' expense by means and methods acceptable to the District.

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23) No service shall be initiated until the system has met all conditions above and been accepted by the District.

24) Subdivision shall obtain a Will Serve Commitment from the District prior to Final Map Recording or service being initiated.

Failure to satisfy all Conditions within two (2) years of this Conditional Will Serve Commitment will result in the commitment becoming null and void. You will be required to file a new application for a Conditional Will Serve Commitment, subject to available utility and facility capacity; rates, rules, and regulations of the District's Utility Systems, as may be amended from time to time.

Upon compliance with all of the terms of the Conditional Will Serve Commitment, the District will issue a Will Serve Commitment to the subdivision, after which, service may be initiated.

Please feel free to call me at (209)258-4444 with any questions, comments, or concerns regarding the contents of this letter.

Sincerely,

Erik M. Christeson
General Manager

cc: Amador County Planning Department

General plan goal and/or policy (highlighted text shows conflicts with subdivision maps 180 & 143)	*Kirkwood Specific Plan*
Goal CM-3: Provide transportation alternatives to the automobile. Policy CM-3.4: Consider transportation needs in the context of new development proposals. *Promote land use patterns which place residents near activity centers and essential services* to reduce the need for frequent automobile travel. Policy C-6.1: Encourage new development to be pedestrian-friendly, and located near existing activity centers to limit energy use associated with automobile transportation. Goal C-10: Reduce GHG emissions associated with automobile travel, electrical power generation and energy use. Policy C-10.1: Evaluate the potential effects of climate change on the county's human and natural systems and prepare strategies that allow the County to appropriately respond and adapt.	There are no transportation options for people and business services to get to and from Kirkwood other than by automobile, except for an employee shuttle from S. Lake Tahoe. Kirkwood is missing essential services including medical facilities, retail stores selling hardware and other goods, and a real grocery store, requiring residents to drive to Pioneer, Meyers, Markleeville, Jackson or Nevada obtain those services. GHG gas analysis of the Kirkwood development and traffic has never been done.

General plan goal and/or policy (highlighted text shows conflicts with subdivision maps 180 & 143)	*Kirkwood Specific Plan*
Policy LU-1.2: Designate residential areas of varying densities to create the opportunity to provide affordable housing for all income levels. Consider affordable and senior housing needs in the siting and design of residential projects. GOAL H-1: Provide adequate sites to encourage provision of affordable housing. Policy H-1.1: Ensure sufficient sites are appropriately zoned to accommodate each jurisdiction's share of regional housing needs. Goal H-2: Provide support for affordable and special-needs housing in Amador County. Policy H-2.1: Provide for a variety of housing types to meet the housing needs of special population groups.	There are no requirements for affordable or senior housing at Kirkwood other than an employee housing plan that is badly out of date.
Policy LU-1.3: Encourage development patterns which *support water quality objectives*; protect agricultural land and natural resources; promote community identities; minimize environmental impacts; *enable viable transit, bicycle and pedestrian transportation; reduce greenhouse gas emissions*; and promote public health and wellness.	Development at Kirkwood has led to several water quality violations and the area is only reachable by car.
Policy LU-2.1: Direct development to areas with existing urban services and infrastructure, or to areas where extending of urban services is feasible given distance from developed areas and topography, capacity, or land capability.	Kirkwood has some urban services and infrastructure, but does not have police services or anything other than basic life support emergency medical services. Wastewater treatment is limited, as is propane service.

General plan goal and/or policy (highlighted text shows conflicts with subdivision maps 180 & 143)	*Kirkwood Specific Plan*
Policy LU-3.1: Ensure that effective public safety facilities, staffing, and equipment are provided to maintain service levels as the county's population and development change.	Kirkwood does not have police services or any emergency medical services other than basic life support. There are no provisions for this at Kirkwood or in the specific plan. There may be inadequate storage capacity for fire flow and emergency use there are too few firefighters, and the fire department needs a ladder truck to serve taller buildings (see KMPUD documents).
Policy LU-4.2: Consider infrastructure availability and expansion in the evaluation of individual projects. Policy LU-6.1: Ensure that new development is able to meet water supply, wastewater disposal, and public service standards. Policy C-3.1: Guide future development to areas of the county with the ability to obtain adequate wastewater service and treatment capacity.	KMPUD has limited wastewater treatment capacity and limited propane capacity. The water storage may not be adequate to provide adequate fire flow for emergencies.
Policy LU-7.1: Support efforts to provide health care services in rural communities and activity centers located throughout the county as the population expands.	Health care services are extremely limited at Kirkwood. There are no provisions for this at Kirkwood or in the specific plan.
Policy LU-7.2: Support and promote transportation options which permit seniors and residents with reduced mobility to receive adequate health care.	There are no provisions for this at Kirkwood or in the specific plan.

General plan goal and/or policy (highlighted text shows conflicts with subdivision maps 180 & 143)	*Kirkwood Specific Plan*
Policy LU-8.2: Encourage and facilitate the development of early care and education services throughout the county to meet the current and future needs of young children and families.	There are no provisions for this in the Kirkwood Specific Plan.
Goal LU-12: Reduce fire risks to existing and future structures. Policy LU-12.1: Ensure that appropriate levels of emergency services including fire protection, can be demonstrated for new development. Policy LU-12.3: Continue to ensure that the County's development code addresses evacuation and emergency vehicle access, water supplies and fire flow, fuel modification for defensible space, and home addressing and signing. Policy S-2.2: Guide new development to areas where adequate fire protection, roads, and water service are available to support fire response.	There are no provisions in the Kirkwood Specific plan providing appropriate levels of emergency medical services and police services, and when Highway 88 is closed, there is no ability to secure mutual aid from other fire departments. Per KMPUD, the highway can be closed for days at a time. If the highway closure is combined with high winds or snow, there is no ability to medevac injured or sick patients. There is no aerial fire equipment at Kirkwood, which is needed for larger and taller structures. There are not enough trained firefighters available and inadequate fire flow.
Policy C-1.4: Encourage new development, renovation, landscape, and agricultural projects to include water conservation measures, including use of graywater, reclaimed, or recycled water for irrigation, water-conserving plumbing fixtures, and low-water landscapes.	Are any of these measures in the Kirkwood Specific Plan?

General plan goal and/or policy (highlighted text shows conflicts with subdivision maps 180 & 143)	*Kirkwood Specific Plan*
Policy C-3.2: Encourage recycling and water-saving features in new development, including use of graywater, recycled, or reclaimed water for irrigation, to limit the water flows to septic systems and leach fields. Policy H-3.2: The County and the cities of Ione, Jackson, Plymouth, and Sutter Creek shall promote energy and water conservation designs and features in residential developments.	Are any of these measures in the Kirkwood Specific Plan?
Policy C-4.1: Encourage site plan elements in proposed development such as reduced pavement/cover and permeable pavement, as well as drainage features which limit runoff and increase infiltration and groundwater recharge.	Are any of these measures in the Kirkwood Specific Plan?
Policy C-5.1: Develop Low Impact Development (LID) standards for new construction, including residential developments of 5 or more units, and commercial or industrial projects. These standards should be incorporated into the County's development ordinances.	LID standards are not included in the Kirkwood Specific Plan.
Policy OS-3.4: Use site planning techniques, including, but not limited to, buffers, setbacks, and clustering of development to protect sensitive environments, including wetlands, riparian corridors, vernal pools, and sensitive species.	Are any of these measures in the Kirkwood Specific Plan?
Policy OS-3.6: Encourage the use of appropriate native species for reclamation and revegetation components of development projects. Restrict the introduction of invasive exotic species. The County will amend Chapter 15.40 of the County Code (governing grading and erosion control) to include a section addressing the requirement to limit the potential for introduction and spread of invasive species during soil disturbance and construction activities.	Kirkwood needs to update its invasive weeds plan.

General plan goal and/or policy (highlighted text shows conflicts with subdivision maps 180 & 143)	*Kirkwood Specific Plan*
Program H-10: Amend the Zoning Code to comply with SB2 requirements. Amend the zoning code to allow transitional and supportive housing in all zones that allow for residential housing subject to the same restrictions that apply to other residential dwellings of the same type in the same zone.	There is no transitional or supportive housing provided for in the Kirkwood Specific Plan.

Gabrielle Melani

Admin · December 8, 2019

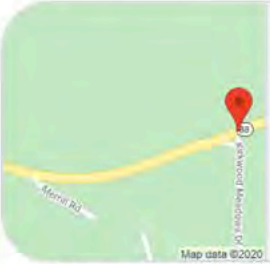
9:01a -Kirkwood Meadows Dr / Sr88 is a hazard at this time

7

2 Comments

Like Comment

Gabrielle Melani Author KIRKWOOD SKI DISPATCH -and CALTRANS
TO RESET THE CONE PATTERN AND TO ADD MORE CONES TO TIGHTEN THE PATTERN ... See More



GOOGLE.COM

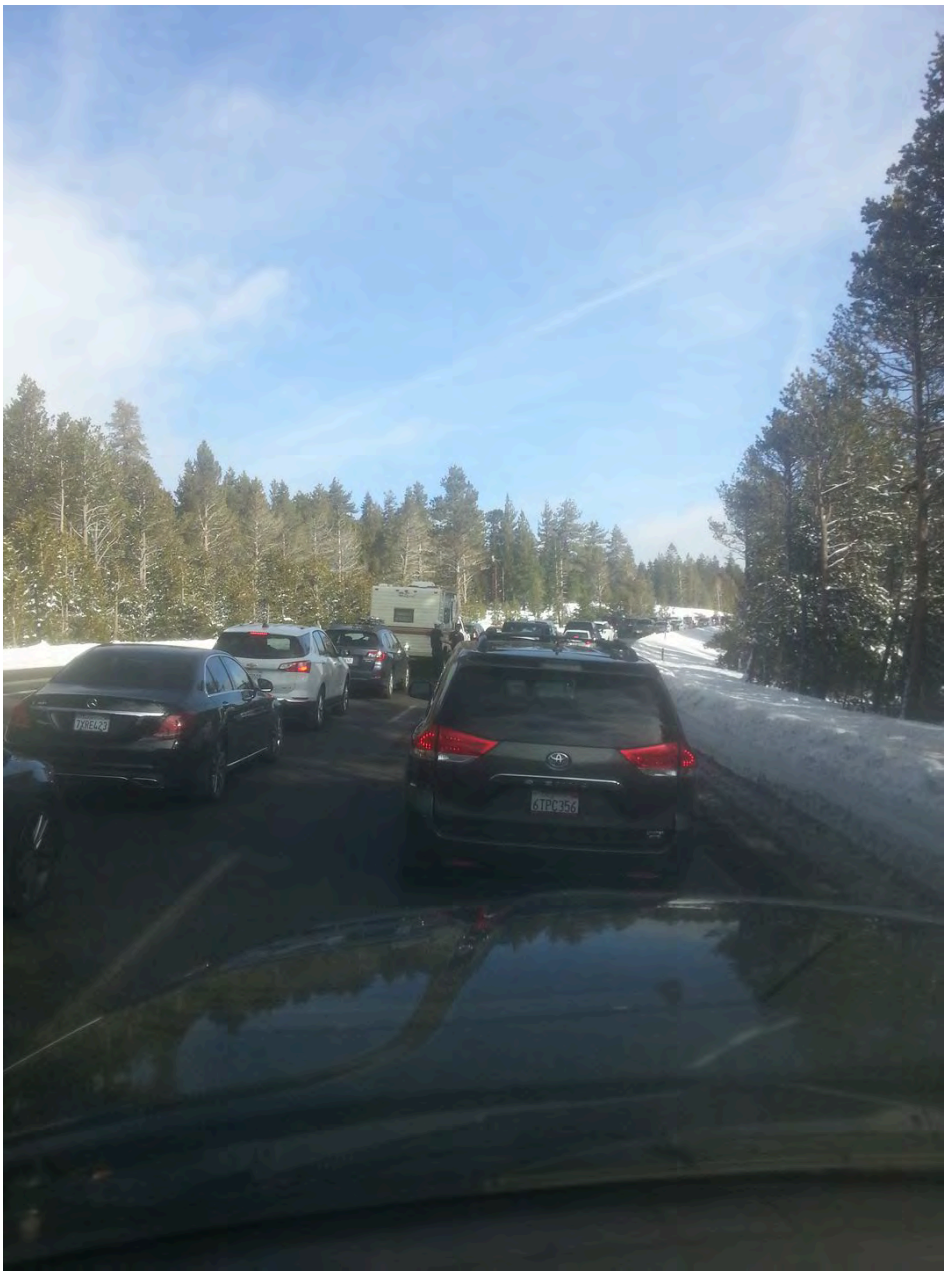
38°42'02.6"N 120°04'38.5"W

Like · Reply · 43w

Laurel Huffman Miranda

January 27, 2018 · Pine Grove, CA

This was hwy 88 this morning at 10:30 ish about 15 miles this side of the spur ...we sat for an hour...why???? Because Kirkwood was full and they were blocking the road...chp and caltrans were there but didn't do anything



Comments

Laurel Huffman MirandaAuthor No we looked for a wreck and there was none and Kirkwood employees were putting up cones and saying they were full on all of the different parking areas

Beth Reeves That explains the crazy stream of cars coming down the highway this evening
1
Buck Buckley And so the Kirkwood 500 has started !!!!!
3

-

  Debra Kapic Yes been going on for the pass few weeks

  1

-

Laura Frost This happened over MLK weekend too. I emailed CalTrans and they said it was an unexpectedly large crowd. I agree. There needs to be a way around for through traffic.
4

- Active Now

Katherine Evatt At one time, there was a proposal for Kirkwood to work with ACTC to offer skier buses through Amador. Not happening now.

- Like
- · Reply
- · 2y

- Dana Green Leusch There is no shuttle of any kind up to Kirkwood?? That is absolutely crazy. Isn't that a win-win - they have more skiers, fewer accidents, less gridlock??

  1

Dana Green Leusch This is also a win for local business if city skiers are staying the night in Sutter Creek or Jackson and then taking the shuttle.
2

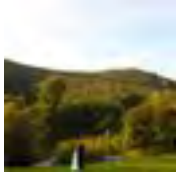
-

Michelle Rhoades Tonight as I was heading back down south, Ridge Road was backed up from the Mormon church to Sutter Hill. I went the back way and once on hwy 88 it was bumper to bumper as far as I could see. At some points we were down to around 25 MPH. I finally turned off at Liberty road to miss the traffic.
3

> Laurel Huffman MirandaAuthor so you were dealing with "city" traffic all the way to the city

-

Jay Esler Wowie Ridge Road was bumper to bumper last evening, far worse than casino traffic EVER gets! Meredith is right, an entire season's traffic has been condensed. This goes with a ski resort, which provides jobs. Glad to have some snow!
2

- 

Shelly Fincham-Wolin We were in this crap, what a nightmare!
1

-

Ginger Rolf I have lived in Pine Grove since 75. Friday and Sunday during ski season hwy 88 is a challenge to cross. Worked on many committees along side Kirkwood to improve the traffic flow. Nothing has changed except, the prediction that traffic will continue t…See More
5

Rick Coughlin
April 6

SR 88

[IN THE CENTRAL CALIFORNIA & SIERRA NEVADA]
IS CLOSED FROM 3.5 MI EAST OF SILVER LAKE TO KIRKWOOD /CARSON SPUR/ (AMADOR CO) - DUE TO SNOW - MOTORISTS ARE ADVISED TO USE AN ALTERNATE ROUTE

IS CLOSED FROM 2 MI EAST OF KIRKWOOD TO 5 MI WEST OF PICKETTS JCT /CARSON PASS/ (ALPINE CO) - DUE TO SNOW - MOTORISTS ARE ADVISED TO USE AN ALTERNATE ROUTE

CHAINS OR SNOW TIRES ARE REQUIRED FROM 7 MI EAST OF PINE GROVE TO 9 MI EAST OF PINE GROVE (AMADOR CO)

CHAINS ARE REQUIRED ON ALL VEHICLES EXCEPT 4-WHEEL-DRIVE VEHICLES WITH SNOW TIRES ON ALL 4 WHEELS FROM 5 MI WEST OF PICKETTS JCT (AMADOR CO) TO 3.5 MI EAST OF WOODFORDS (ALPINE CO)

PLEASE RESEARCH CHAIN CONTROL LOCATIONS AS CALTRANS IS CURRENTLY WORKING TO UPDATE CHAIN CONTROL DESCRIPTIONS FOR CONSISTENCY WITH INTERNET MAPPING, LIKE GOOGLE MAPS & MAPQUEST.

Carole Norman and 11 others 5 Comments

Like Comment

Tina Rankin

Admin · February 24, 2018 · California

Drivers.... cinch down that seat belt, put your helmets on and start your engines. The Kirkwood 500 is in full force this morning. Red Corral was still pretty icy towards the bottom by 88 but is being sanded real good. 88 was good, icy in the normal areas but sanded. Skiers are flying up the hill along with busses so stay safe out there.

-

  Ginger Rolf I wish we could just slow everyone down. Not only do they risk their lives, everyone around them lives. They also crash and block the roads for everyone else. All wheel drive does not mean you can drive any way you want to

- Marjorie Stampfl Sad that no one but locals will read this warning.
5

-

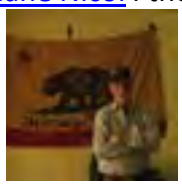
Jeremy New I'm in the Kirkwood line. It starts by the spur/pass. :(Going to be a busy one.
1

-

Debra Kapic I wish they would all slow down the flat landers only have one thing on their mines getting there no matter what it takes be safe all
1

-

Gabrielle Melani

-
2
- Diane Nicol I thought it was the 88 500 from the gift!
- 
Buck Buckley Ridge Road is just as bad as 88 is!

Betty Cole Bostock shared a post.

Conversation Starter · March 4, 2018

Gabrielle Melani, saw this a minute ago so thought I'd share!

Katie Wry *to* Unofficial Kirkwood Community
March 4, 2018

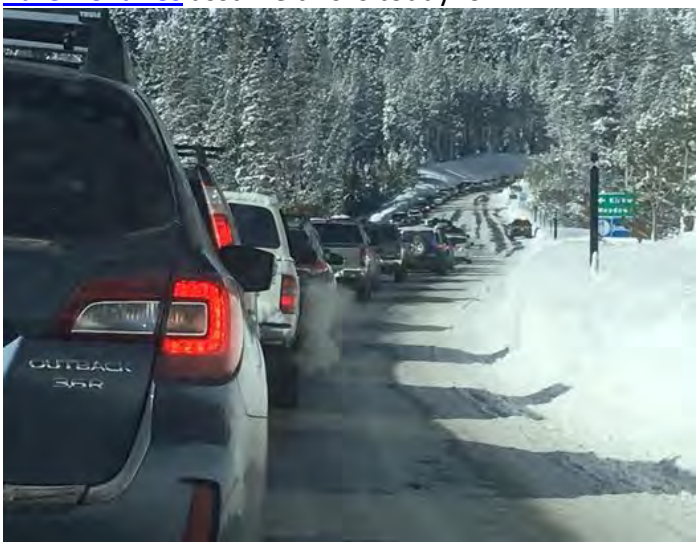
Please be advised - Kirkwood Valley is completely parked out. CLOSED to incoming traffic until further notice. Traffic is backed up passed Carson Pass. Please avoid this area if possible. Will reassess @ 1230.- Kirkwood Dispatch

Comments

-

  Marcia Batchelder Gaudet Backed up past Carson Pass, or Carson Spur? Is that possible? I think the Pass is 3 or 4 miles! Good grief!

- Karen Charles I thought this would happen today - such a beautiful ski day
1
- Karen Charles assume this is today lol



9

-

  Marcia Batchelder Gaudet We went to Meyers from Amador Pines yesterday, but didn't leave until the Spur had been open for an hour. Kirkwood was parked out, but by then there was no traffic. You could tell where the road had been closed at Silver Lake by all the stirred up sn…See More

-
- Ginger Rolf Blocking highway 88 week after week with no relief in sight. □

1

Marcia Batchelder Gaudet It is very frustrating. It can take hours and hours to drive Hwy 50 from South Lake Tahoe to Echo Summit all day on Sundays in the winter. We don't leave our house in Meyers to go into town because we'd be stuck in it trying to get back home. The use o…See More

•

Lori Wingo LeVal Those are probably the same frustrated people that fly down Upper Ridge in the 25 mph zone tailgating anyone doing the speed limit. I get so tired of it!

•

Ginger Rolf and passing us along their trip.. so scary..

•

Lori Wingo LeVal Ginger, I wonder if we could ha e some kind of town hall to figure out how to slow these people down. I noticed it 16 yrs ago and it's only gotten worse.

•

Lori Wingo LeVal I wrote a big message to the sheriff yesterday

3

•

Ginger Rolf Laurie Wingo LeVal , Pine Grove Civic Club worked with Kirkwood about 15 years ago. We held meeting after meeting, and thought maybe they would help. Well, then we saw they published shortcuts to Kirkwood, in some of their ski ads. Suggesting Shakeridg…See More

2

Lori Wingo LeVal Maybe we could just borrow a CHP car and park it right on the edge of the road on Sundays □

2 · 2y

•

Lori Wingo LeVal If anything, just more signs! I'll let you know what the sherif says, I was talking mostly about the 40mph to 25 at the light on 88. I have come close to being hit multiple times because people don't even look to see if anyone is turning.When I taught the kids to drive the first thing I told them was to always stop as you turn and look to your right to make sure no one's coming because they don't see you

3

-

Ginger Rolf Laurie Wingo LeVal and they use the left turn lanes for a passing lane..

-
-

9

Implementation

Preparing, Integrating, and Implementing the General Plan

"I have been impressed with the urgency of doing. Knowing is not enough; we must apply. Being willing is not enough; we must do"

—Leonardo da Vinci

Introduction

All statutory references are to the California Government Code unless otherwise noted

The implementation of a general plan is particularly important to consider even before the general plan update process is started. Determining how goals, policies, and actions may work in practice can help define how best to approach the general plan update and content. Additionally, with the proliferation of regional planning initiatives, grant programs promoting particular policies, and focused and related companion documents such as climate action plans, the general plan serves the function of integrating and synthesizing the various interrelated documents and programs that make a community function affectively.

A general plan is ineffective if not well implemented. Implementation relies on specific plans, zoning ordinances, subdivision ordinances, and public project consistency requirements, among other mechanisms. State law requires cities and counties to have subdivision and building regulations and open-space zoning, while many of the other measures described in this chapter are adopted at the discretion of the city or county. To effectively implement the objectives, policies, and proposals of the general plan, implementing measures must be carefully chosen, reflective of local needs, and carried out as an integrated program of complementary and mutually reinforcing actions. Measures should be specific enough to implement the goals of the general plan, while maintaining enough adaptability to allow flexibility in implementation throughout the timeline of the general plan.

It is important to remember that implementation measures identified in the general plan (and the mitigation measures identified in its EIR) must be fiscally and technically feasible to be valid. Cities and counties should consider collaborating with regional public and private sector partners to develop multi-party fair share impact fee programs for financing infrastructure improvements. For transportation components, jurisdictions should consider impact fee programs focusing on multi-modal system improvements that reduce the VMT generated by new development.

Some cities and counties have implemented metrics to track their progress towards reaching the outcomes highlighted in their general plans. The City of Sunnyvale incorporated implementation strategies and a system of trackers available annually to the community. The City of Sacramento uses metrics to create reports on the implementation of its general plan annually, and completes a thorough review every five years, looping the information back into regular general plan updates. Implementing metrics to track progress and inform reviews can improve transparency and ease the update process.

Zoning

Zoning is one of the primary means of implementing a general plan. In contrast to the long-term outlook of the general plan, zoning classifies the specific, immediate uses of land. The success of a general plan, and in particular the land use element, rests in part upon the effectiveness of a consistent zoning ordinance in translating the long-term objectives and policies contained in the plan into everyday decisions.

The typical zoning ordinance regulates land use by dividing the community into districts or "zones" and specifying the uses that are to be permitted, conditionally permitted, and prohibited within each zone. Text and map(s) describe the distribution and intensity of land uses in such categories as residential, commercial, industrial, and open space. Trade-offs and considerations related to sustainable development, infill, climate risk, environmental justice, and equity, among other issues, should be considered when designating zoning maps. Written regulations establish procedures for considering projects, standards for minimum lot size, building height and setback limits, fence heights, parking, and other development parameters within each land use zone.

Form based codes (FBC) have also emerged as a resource for planning the "feel" of a community. FBCs are typically accomplished through overlays on a base zoning designation but can also be stand alone. More information on FBCs can be found here.

In counties, general law cities, and charter cities with a population of more than two million, zoning provisions must be consistent with the general plan (Gov. Code § 65860). Charter cities with a population of under two million are exempt from the zoning consistency requirement unless their charters provide otherwise; however, these charter cities should see consistency between the general plan and zoning as a common-sense approach to planning and transparency. An in-depth discussion of zoning consistency can be found later in this chapter under the heading "Consistency in Implementation."

Zoning Tools

Zoning must be consistent with the general plan. The following are some common examples of zoning provisions that can be used to further general plan objectives and policies.

- **Cluster zoning**: A district that allows the clustering of structures upon a given site in the interest of preserving open space. Cluster zones typically have a low standard for gross residential density and a high minimum open-space requirement to encourage the clustering of structures.
- **Conditional use permit (CUP)**: A discretionary permit that enables a city or county to consider, on an individual basis, specific land uses that might otherwise have undesirable effects upon an area and to approve such uses when conditions can be placed on them that would avoid those effects.

- **Design review**: Required review of project design and/or architectural features for the purpose of ensuring compatibility with established standards. It is often used in historic districts or areas that have a distinct character worthy of protection. Design review is a means of enforcing aesthetic standards.
- **Floating zone**: A district described in the zoning ordinance but not given a specific location on the zoning maps until a property owner or developer applies for it. Planned Unit Development (PUD) zoning is a common example of a floating zone. Floating zones can implement development standards established in the general plan.
- **Floodplain zone**: A district that restricts development within delineated floodplains in order to avoid placing people and structures in harm's way and obstructing flood flows. The zone may allow for agricultural, open-space or similar low-intensity uses that account for current and future flood risk.
- **Hillside development ordinance**: Provisions regulating development on steep slopes, often by establishing a direct relationship between the degree of slope and minimum lot size. This can implement specific policies and standards that may be found in the land use, open-space, and safety elements.
- **Mixed-use zoning**: An ordinance provision that authorizes several land uses to be combined in a single structure, area, or project. It is being widely used in a variety of communities from urban to rural in nature. It is often used for office/commercial/high-density residential and for urban projects that combine ground floor retail/commercial with residential units above.
- **Open-space zoning**: Government Code section 65910 specifically requires the adoption of open-space zoning to implement the open-space element. Similarly, the Timberland Productivity Act requires local governments with qualifying timberlands to adopt Timberland Productivity Zoning (TPZ) for qualifying timberlands (Id. at §§ 51100, et seq.).

Creating walkable, transit friendly communities can revitalize an economic district

Image by Urban Advantage, SANDAG

- **Overlay zone**: Additional regulations superimposed upon existing zoning in specified areas. Subsequent development must comply with the requirements of both the overlay zone and the base district. Overlay zones commonly establish historic districts, airport height restrictions, and floodplain regulations.
- **Planned unit development (PUD) zoning**: A type of floating zone designed to provide flexibility in project design and standards. It is usually characterized by comprehensive site planning, clustering of structures, and a mixture of land uses. A PUD can implement specific density, open-space, community design, and hazard mitigation standards contained in the general plan.
- **Specific plan zone**: A district that mandates the preparation of a specific plan prior to development. The specific plan establishes zoning regulations tailored to that site, consistent with the general plan.
- **Transfer of development rights (TDR)**: A device by which the development potential of a site is severed from its title and made available for transfer to another location. The owner of a site within a transfer area retains property ownership but not approval to develop. The owner of a site within a receiving area may purchase transferable development credits, allowing a receptor site to be developed at a greater density. The California Coastal Commission has used this technique to "retire" antiquated subdivision lots in environmentally sensitive areas.

Zoning-Related Statutes

Although local governments have broad discretion in zoning matters, there are a number of state-mandated zoning requirements that directly relate to the general plan. The following summarizes most of the requirements that apply to general law cities, charter cities with a population above two million, and counties:

- **Surplus school sites**: School districts may request the rezoning of certain surplus school sites (Gov. Code § 65852.9). The city or county must then zone the site consistently with the general plan. The local government may not rezone surplus school sites to open-space, recreational, or park uses unless surrounding lands are similarly zoned or the school district agrees to the rezoning. If a surplus school site is located on the periphery of a community, rezoning should be compatible with the nature of the development on surrounding parcels.
- **Prezoning**: Government Code section 65859 allows a city to prezone adjacent unincorporated territory. The prezoning action is subject to the requirements applicable to zoning in the city, including the requirement for consistency with the general plan. Prezoning has no regulatory effect until the property is annexed to the city. Local agency formation commission (LAFCO) law requires prezoning as part of the annexation process. Prezoning properties should be considered in context to growth occurring in the city and whether infill development may address similar growth accommodating needs without requiring annexation of undeveloped property.
- **Interim ordinance**: Cities and counties may enact interim ordinances prohibiting uses that may conflict with a contemplated general plan, specific plan, or zoning proposal if they find that the use would result in a threat to public health, safety or welfare (Gov. Code § 65858). Interim zoning may be imposed for an initial period of 45 days and extended for up to two years. It can be used effectively when a general plan revision or major rezoning is underway in order to achieve general plan consistency. Local governments should exercise caution when imposing land use controls or moratoriums, even if they are only temporary. Excessive restrictions may give rise

to a claim of regulatory taking that entitles affected landowners to just compensation. City and county officials should consult with their legal counsel to determine what degree of interim development control is reasonable.

- **Regional housing needs**: Local governments must consider the effects of proposed ordinances on regional housing needs and balance them against the availability of public services, fiscal resources, and environmentally suitable sites. A zoning ordinance limiting the number of new housing units must contain findings regarding the public health, safety, and welfare that justify reducing regional housing opportunities (Gov. Code § 65863.6). Pursuant to Government Code section 65913.1, the local government must zone a sufficient amount of vacant land for residential use to maintain a balance with land zoned for nonresidential use and to meet the community's housing needs as projected in the housing element. In addition, Government Code section 65863 restricts the ability of a city or county to reduce, through administrative, quasi-judicial, or legislative action, the residential density of any parcel to a density lower than that used by the Department of Housing and Community Development (HCD) in determining compliance with housing element law. Allocation of housing and determination of suitable sites should also consider how new housing may be impacted by a changing climate.
- **Housing development projects**: Government Code Section 65589.5 restricts cities and counties from disapproving a housing development project affordable to very low-, low- or moderate-income households except under certain circumstances. These circumstances include inconsistency with both the applicable zoning and the general plan land use designation, and specific unavoidable adverse impacts on the public health and safety, among others. This code section further restricts the ability of cities and counties to lower the density of a housing development project that is consistent with general plan and zoning standards unless there is a specific, adverse impact on public health and safety that cannot otherwise be mitigated.
- **Density bonus**: Local governments must provide incentives to developers of specified housing developments. A density bonus and at least one other regulatory incentive must be provided when a developer pledges to set aside specific percentages of the total amount of housing for low- or very low-income residents, seniors, or—for condominium projects only—moderate-income residents (Gov. Code § 65915). In return, the developer must reserve these units for this purpose for a certain number of years. Incentives may include a reduction in site development standards or approval of mixed-use zoning. A density bonus must exceed the maximum allowable general plan or zoning density by at least 25 percent.
- **Accessory Dwelling Units**: Local governments may, by ordinance, provide for the creation of accessory dwelling units, also known as "second units", in single family and multifamily zoning districts (Gov. Code § 65852.2). The ordinance may designate areas where accessory dwelling units are permitted, subject to certain zoning and design conditions as set forth in the statute. Second unit applications must be considered ministerially; without discretionary review a local government cannot adopt an ordinance totally precluding second units. In the absence of any local ordinance, state law provides for the approval of accessory dwelling units that meet certain statutory standards. Government Code Section 65583 allows a city or county to identify sites for second units based on the number of second units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department.

Specific Plans

A specific plan is a helpful tool for systematically implementing the general plan within all or a portion of the planning area (Gov. Code §§ 65450, et seq.). Any interested party may request the adoption, amendment, or repeal of a specific plan. Either the public or private sector may prepare a plan. However, responsibility for its adoption, amendment, and repeal lies with the city council or county board of supervisors. As a legislative act, a specific plan can also be adopted by voter initiative and is subject to referendum.

At a minimum, a specific plan must include a statement of its relationship to the general plan (Gov. Code § 65451(b)) and text and diagram(s) specifying all of the following in detail:

- The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan (Id. at § 65451(a)).
- The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan (Ibid.).
- Standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable (Ibid.).
- A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the provisions of the preceding three paragraphs (Ibid.).
- Any other subjects that, in the judgment of the planning agency, are necessary or desirable for general plan implementation (Gov. Code § 65452).

A specific plan is especially useful for large projects, as well as for sites with environmental and fiscal constraints. A specific plan may be adopted by resolution (like a general plan) or ordinance (like a zoning ordinance). Some jurisdictions have chosen to adopt the policy portions of their specific plans by resolution and the regulatory portions by ordinance. This enables a city or county to assemble, in one package, a set of land use specifications and implementation programs tailored to the unique characteristics of a particular site.

A regulatory specific plan often has advantages over zoning. A community's control of development phasing provides a good example. The regulatory effects of zoning are immediate, while the provisions of a general plan are long term. If a general plan's implementation is limited to zoning, phasing a long-term development so that it meets the general plan's objectives can be difficult. The one-time adoption of a specific plan that stipulates development timing or schedules infrastructure installation can solve the problem.

Statutory provisions allow streamlined permitting once a specific plan is in place. For example, residential development projects are exempt from CEQA if they implement and are consistent with a specific plan for which an EIR or supplemental EIR has been prepared (Gov. Code § 65457).

A specific plan can reduce development costs. For example, the specific plan's land use specifications, in combination with its capital improvements program, can eliminate uncertainties as to future utility capacities and help avoid costly oversizing. CEQA exempts certain transit oriented development projects that are consistent with a Specific Plan (Pub. Resources Code §21155.4). The exemption applies if a project meets all of the following criteria:

1. It is a residential, employment center, or mixed use project;
2. It is located within a transit priority area;
3. The project is consistent with a specific plan for which an environmental impact report was certified; and
4. It is consistent with an adopted sustainable communities strategy or alternative planning strategy.

The exemption can be used if the project would cause no new or worse significant impacts compared to what was analyzed in the environmental impact report for the specific plan. If new or worse impacts would result, supplemental environmental review would need to be prepared.

A specific plan must be consistent with the jurisdiction's general plan (Gov. Code § 65454). In turn, zoning ordinances, subdivisions (including tentative tract and parcel maps), public works projects, development agreements, and land projects (as defined in Business and Professions Code section 11004.5) must be consistent with any applicable specific plan (Gov. Code §§ 65455, 66473.5, 66474(a), and 65867.5). Furthermore, a special district, school district, or joint powers authority may not carry out its capital improvements program (prepared pursuant to Government Code section 65403) if the affected city or county's planning agency finds the program or any part inconsistent with a specific plan, unless the district or local agency explicitly overrules the city or county's finding (Id. at § 65403(c)).

A specific plan is prepared, adopted, and amended in the same manner as a general plan, except that it may be adopted by resolution or ordinance and it may be amended as often as the local legislature deems necessary (Gov. Code § 65453(a)). A specific plan is repealed in the same manner as it is amended (Id. at § 65453(b)). To defray the cost of specific plan preparation, a city or county may impose a fee upon persons whose projects must be consistent with the plan. The fee must be prorated according to the benefit a person receives from the specific plan (Id. at § 65456).

For more information about specific plans, see OPR's publication The Planner's Guide to Specific Plans.

Subdivision Regulations

Land cannot be subdivided for sale, lease, or financing in California without local government approval. The Subdivision Map Act establishes statewide uniformity in local subdivision procedures while giving cities and counties the authority to regulate the design and improvement of subdivisions, require dedications of public improvements or related impact fees, and require compliance with the objectives and policies of the general plan (Gov. Code §§ 66410, et seq.). This includes the authority to approve and design street alignments, street grades and widths, drainage and sanitary facilities, lot size and configuration, traffic access, and other measures that are "necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan" (Id. at § 66418, 66419).

These regulatory powers can promote the usual array of land use, circulation, open-space, and safety element objectives, policies, and plan proposals. Good subdivision design can encourage pedestrian access, residential street calming, urban forestry, tree preservation, floodplain management, wildland fire safety, and other principles or policies that may be articulated in the general plan.

Subdivisions provide infrastructure that will serve the new lots being created. Local governments can require dedications of public improvements or the payment of in-lieu fees for:

- Streets, alleys, drainage, public utility easements, and public easements (Gov. Code § 66475)
- Local transit facilities, such as bus turnouts, benches, shelters, and landing pads (Gov. Code § 66475.2)
- Bicycle paths (Gov. Code § 66475.1)
- Parks and recreational facilities, if the city's general plan or specific plan contains policies and standards for such facilities (Quimby Act, Gov. Code § 66477)
- Elementary "school sites (Gov. Code § 66478)
- Access to waterways, rivers, and streams (Gov. Code § 66478.4)
- Access to coastline or shoreline (Gov. Code § 66478.11)
- Access to public lakes and reservoirs (Gov. Code § 66478.12)
- Drainage and sanitary sewer facilities (Gov. Code § 66483)
- Bridges and major thoroughfares (Gov. Code § 66484)

No tentative subdivision map or parcel map can be approved unless the city or county finds that the subdivision, together with design and improvement provisions, is consistent with all aspects of the general plan or any applicable specific plan (Gov. Code §§ 66473.5, 66474, and 66474.61). Lot line adjustments must also be consistent with the general plan (Id. at § 66412). The local government must deny a proposed subdivision if it finds that the proposed subdivision map is inconsistent with the general plan or any applicable specific plan; the design or improvement of the subdivision is inconsistent with the general plan or any applicable specific plan; the site is physically ill-suited for either the type or proposed density of development; or the subdivision's design or types of improvements are likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause public health problems (Id. at § 66474). Local governments should also carefully consider climate risk and environmental justice in approving subdivision and parcel maps in order to be consistent with general plan requirements for the same. Cities and counties must make written findings of fact supported by substantial evidence for each of these matters when deciding upon a subdivision.

The special rules applicable to vesting tentative maps are worth noting, as detailed in Government Code section 66498.1, et seq. When subdividers receive city or county approval of a vesting tentative map, they also obtain a limited right to develop the subdivision in substantial compliance with those ordinances, policies, and standards in effect at the time the application was deemed complete (Id. at § 66498.1(b); Kaufman and Broad v. City of Modesto (1994) 25 Cal.App.4th 1577). If, however, a local agency has initiated formal proceedings to amend applicable plans or regulations prior to the application being deemed complete, the amendments, if adopted, will apply to the

vesting map (Gov. Code §§ 66498.1(b), 66474.2). The local agency may condition or deny building permits for parcels created under a vesting tentative map if the agency determines that a failure to do so would threaten community health or safety or the condition or denial is required by state or federal law (Id. at § 66498.1(c)). The vesting tentative map law applies to all subdivisions, including commercial and industrial tracts.

Changes in land use and circulation can stimulate economic activity

Image by Urban Advantage, Calthorpe Associates

Capital Facilities

Capital facilities must be consistent with the general plan (Gov. Code § 66473.5; Friends of B Street v. City of Hayward (1980) 106 Cal.App.3d 988). The network of publicly owned facilities, such as streets, water and sewer facilities, public buildings, and parks, forms the framework of a community. Although capital facilities are built to accommodate present and anticipated needs, some (most notably water and sewer facilities and roads) play a major role in determining the location, intensity, and timing of development. For instance, the availability of sewer and water connections can have a profound impact upon the feasibility of preserving agricultural or open-space lands.

The general plan should identify existing capital facilities and the need for additional improvements. The circulation element is the most obvious place to address infrastructure issues, but it is not the only element where capital improvements come into play. For example:

- The housing element must identify adequate sites for various housing types based in part on public services and facilities. Water and sewer providers are required to adopt a procedure to grant priority to development with units affordable to lower income households.
- The safety element must "address evacuation routes, peakload water supply requirements, and minimum road widths...as those items relate to fire and geologic hazards". Climate risk in siting capital facilities should also be considered to ensure long term needs and viability of the investment (Gov. Code § 65302(g)(4)(c)(ii)).
- The land use element must include education-related land uses such as school sites, open-space for recreation, public buildings and grounds (the placement of public buildings may play an important role in urban design), and solid and liquid waste disposal facilities.
- The open-space element may consider "[o]pen-space for outdoor recreation... areas particularly suited for park and recreation purposes" (Gov. Code § 65560(b)(3)). It may also address open-space areas for protecting water quality and for water reservoirs.
- The conservation element can address flood control measures and must be developed "in coordination with any countywide water agency and with all district and city agencies that have developed, served, controlled or conserved water for any purpose in the county or city for which the plan is prepared" (Gov. Code § 65302(b)).

What about timing of improvements for implementation?

Local governments can underscore their interest in public services and facilities by adopting an optional public facilities element.

Each year, the local planning agency is required to "review the capital improvement program of the city or county and the local public works projects of other local agencies for consistency with the general plan" (Gov. Code § 65103(c)). To fulfill this requirement, all departments within the city or county and all other local governmental agencies (including cities, counties, school districts, and special districts) that construct capital facilities must submit a list of proposed projects to the planning agency (Gov. Code § 65401).

In lieu of considering individual projects or only those projects to be undertaken in a single year, many cities and counties prepare and annually revise a 5- to 7-year capital improvement program (CIP). The CIP projects annual expenditures for acquisition, construction, maintenance, rehabilitation, and replacement of public buildings and facilities, including sewer, water, and street improvements; street lights; traffic signals; parks; and police and fire facilities. In rapidly developing areas, a CIP coordinated with a general plan can help shape and time growth according to adopted policies. In an older city with a declining tax base and deteriorating capital facilities, a CIP can help stimulate private investment or stabilize and rehabilitate older neighborhoods by demonstrating a public commitment to the provision of key public facilities on a predetermined schedule.

Many federal grant programs, including those under the Clean Air Act and the Moving Ahead for Progress in the 21st Century Act (MAP-21) require or promote consistency between federally assisted capital projects and local, regional, and state plans. For example, the Clean Air Act requires that the population projections used in planning capital facilities conform to the assumptions contained in the regional air quality management plan adopted as part of the State Implementation Plan (SIP) when federal funding or approval is sought. The federal government gives priority to implementing those programs that conform to the SIP and will not fund those that do not. The Code of Federal Regulations Title 40, Chapter I, Part 52, Subpart F, Section 52.220 lists all of the items which are included in the California SIP.

Capital improvements also have regional implications. The growing interrelatedness of planning issues among local governments applies directly to local capital improvement projects. The location of major roads, sewer facilities, water trunk lines, and emergency service buildings within the city or county can affect surrounding communities by encouraging or deflecting the direction of growth. Although the LAFCO exists to encourage the orderly provision of services within cities and special districts, it is seldom an effective substitute for every city and the county consulting and cooperating with its neighbors.

Development Agreements

A development agreement is a contractual agreement between a city or county and a developer that identifies vested rights that apply to a specific development project. By its nature, it offers opportunities for a city or county to assure that general plan objectives, policies, and plan proposals will be implemented as development occurs within an area.

A development agreement provides that, for a specified time period, the rules, regulations, and policies that are applicable to a particular development will not change. This gives developers who have otherwise yet to attain a vested right to develop a degree of assurance that their project preparations will not be nullified by some future local policy or regulation change (e.g., the rezoning of a commercial project site to residential), with limited exceptions. In exchange for the privilege of a regulation "freeze," the city or county usually will obtain certain concessions from the developer. For example, the developer might provide extra affordable housing, open space, or public facilities.

Development agreements must specify the duration of the agreement, the permitted uses of property, the density or intensity of use, the maximum height and size of proposed buildings, and the provisions for reservation or dedication of land for public purposes (Gov. Code § 65865.2). In addition, development agreements may include the conditions, terms, restrictions, and requirements for subsequent discretionary actions; provide that such stipulations shall not prevent development of the land with regard to the uses, densities, and intensities set forth in the agreement; specify the timing of project construction or completion; and set forth the terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time (Ibid.).

One advantage of development agreements is that the developer may be asked to obligate the project to improvements that exceed the usual legal limits on exactions. The limits do not apply when the developer has voluntarily entered into a contract with the city or county. A disadvantage of development agreements is that a city or county may be unable to respond to a changing market or apply new regulations to a project that is controlled by a long-term development agreement.

A city can enter into a development agreement covering unincorporated territory that is within its sphere of influence (Gov. Code § 65865(b)). This allows for planning in advance of an annexation. Such an agreement is not operative unless annexation proceedings are completed within the period of time specified by the agreement (Ibid.). If territory covered by a county development agreement becomes part of a newly incorporated city or is annexed to a city, the agreement is valid for its original duration or eight years from the date of incorporation, whichever is earlier (Id. at § 65865.3).

Unless otherwise provided in the development agreement, the existing rules, regulations, and policies in effect when the agreement is executed will apply to development of the property (Gov. Code § 65866). This avoids unanticipated consequences for both a developer and a city or county. A detailed specific plan prepared and adopted prior to a development agreement is one way to specify development details for a site, including the regulations and policies that would apply under the development agreement. Specific plan preparation can also facilitate further participation in planning a development.

Building and Housing Codes

State Housing Law delegates the enforcement of state building standards and housing codes to the local building department. Codes and standards are intended to encourage uniformity and establish minimum standards to protect the health, safety and general welfare of the public and occupants of residential buildings statewide. Local land use, housing elements, and additional health or safety elements are established by local ordinances. Building and housing codes have their greatest effect on new construction and rehabilitation, but certain parts of the codes apply to the use, maintenance, change in occupancy, and public health and safety hazards of existing buildings.

State Housing Law (Health & Saf. Code §§ 17910, et seq.) requires cities and counties to enforce state building standards and other regulations adopted by the Department of Housing and Community Development. Local ordinances may modify state building standards to impose substantially the same requirements as those contained in the various industry codes: the Uniform Housing Code, the International Building Code, The International Residential Code, The International Existing Building Code, the Uniform Plumbing Code, the National Electrical Code, and the Uniform Mechanical Code. The State Housing Law applies to buildings such as apartments, hotels, motels, lodging houses, manufactured housing, and dwellings but not to mobile homes (Id. at § 17911). In addition

to meeting the requirements of state housing law, local codes must also comply with other state requirements related fire safety, noise insulation, soils reports, earthquake protection, energy insulation, and access for the disabled.

State law allows a city or county, when adopting the California Building Standards Code, to make such changes "as it determines ... are reasonably necessary because of local climatic, geological or topographical conditions" (Health & Saf. Code § 17958.5). Further, the local building department can authorize the use of materials and construction methods other than those specified in the California Building Standards Code where the department finds the proposed design satisfactory and the materials or methods at least equivalent to those prescribed by the California Building Standards Code with regard to performance, safety, and the protection of life and health (Id. at § 17951(e)(2)). These provisions can be used to promote the construction of affordable housing and the rehabilitation of substandard housing.

Other provisions are particularly useful where a community intends to encourage historic preservation. Health and Safety Code section 17958.8 allows the use of original materials and construction methods in existing buildings. Health and Safety Code section 17980(c)(2) requires local enforcement agencies to consider needs expressed in the housing element when deciding whether to require abandonment or repair of a substandard dwelling. In the reconstruction of existing buildings that would be hazardous in the event of an earthquake, the law allows cities and counties to use building standards that provide for the protection of the occupants but that are less rigorous in other respects than current building standards (Id. at §§ 19160, et seq.).

Code enforcement and abatement procedures are another means of implementing the general plan, particularly the housing and safety elements. Various state laws and regulations spell out abatement procedures that local government may enforce upon buildings that, because they are substandard or unsafe, constitute a public nuisance. The most common procedures involve citation and misdemeanor action on the part of the city or county to mandate abatement by repair, abandonment, or demolition.

Acquisition

City and county acquisition of real property rights can help to implement the policies of the land use, circulation and open-space elements. In implementing the land use element, cities and counties may acquire land designated for government offices, police and fire stations, parks, access easements, etc., or for public purposes such as urban redevelopment. With regard to the circulation element, local governments may acquire land for public rights-of-way (e.g., streets, sidewalks, bicycle paths, etc.), transit terminals, airports, etc. Cities and counties may advance open-space element policies and proposals through the acquisition of open-space and conservation easements.

Open-space acquisition has some advantages over purely regulatory approaches to implementation, such as zoning. Ownership ensures that the land will be controlled by either the city or county or another public agency. Another option is acquiring an open-space or conservation easement, rather than full ownership. This ensures that development will be limited, while the private landowner who continues to hold the underlying rights is compensated for lost development opportunities. This avoids the question of whether regulatory limitations have unconstitutionally "taken" private property without just compensation.

The primary disadvantage to acquisition is its cost. Land often is expensive, particularly when urbanization is imminent or where the supply of potentially developable land is limited. Funding sources, such as taxes and assessments, are limited

in this post-Proposition 13 and post-Proposition 218 environment. A successful acquisition program often involves the resourceful blending of several funding sources.

Acquisition can take various forms. An overall program can be tied to general plan consistency or a capital improvements program. A city or county, in consultation with its legal counsel, may wish to consider the following:

- **Fee simple absolute interests**: A fee simple absolute estate in land consists of all the real property interests associated with the land, including the rights to sell, lease, and develop the property. Consequently, fee simple absolute ownership entitles a city or county to develop or not develop the land as it chooses.
- **Easement interests**: An easement consists of a portion of the rights to real property, such as the right to travel over the property or the right to build structures. The seller retains all property rights not stipulated in the easement. Travelways, utilities and open space are some common uses of easements.
- **Leasing**: The lessee possesses and occupies leased real property for a determinable time period, although the landlord retains full ownership. A city or county may lease land from a property owner for access purposes, open-space preservation, etc.
- **Lease-purchase agreements**: A city or county may lease real property and rental payments may be put toward purchasing the property. If a local jurisdiction does not have enough capital to buy the land outright, the lease-purchase method can spread payments over time.
- **Purchase and resale or lease**: Once a city or county has purchased a parcel of land or the parcel's development rights, the jurisdiction may assist in the development of housing affordable to lower income households and preserve open space (or otherwise control land use) by selling the land or the development rights with deed restrictions specifying permitted land uses. A local jurisdiction may also lease property subject to a rental contract specifying permitted uses. These techniques enable the jurisdiction to recover at least a portion of its purchasing expenses.
- **Joint acquisition**: Two or more local governments may combine their funding resources to acquire joint ownership of real property rights. Joint acquisition allows local governments to share the financial burden of purchasing land.
- **Land swapping:** Local governments may exchange some of their land for parcels owned by private landowners or other jurisdictions in order to obtain desirable open space, park sites, etc.
- **Eminent domain**: Eminent domain involves the compensated taking of property for a public use or purpose, such as the acquisition of open space for a city greenbelt. This may include fee simple interest and less-than-fee interests such as easements. An owner whose property is taken is entitled to receive just compensation through the payment of fair market value for the loss (Cal. Const., art. I, § 19). Cities and counties are authorized to exercise the power of eminent domain (Gov. Code §§ 37350.5, 25350.5) in accordance with the Eminent Domain Law (Code Civ. Proc. §§ 1230.010, 1230.020).

Preferential Property Tax Assessments

Preferential assessment programs provide landowners an economic incentive to keep their land in agricultural, timber, open-space, or recreational use. This can help implement the land use, open-space, and conservation elements by protecting areas designated for

such uses from premature development. State law provides local governments with several preferential assessment programs, the most common of which are discussed below.

Williamson Act

The Legislature enacted the California Land Conservation Act, also known as the Williamson Act (Gov. Code §§ 51200, et seq.) in response to the rapid loss of agricultural land in areas of increasing land values. Typically, as development approaches an agricultural area, the price of land is driven upward by owners and buyers speculating on the future development potential of the land. The increase in prices leads to a corresponding increase in the assessed value of the land and to the owner's property taxes. At some point, the increased tax burden makes it uneconomical to continue farming and encourages the sale of the land for development.

The Williamson Act allows counties and cities to establish agricultural preserves and to assess agricultural and open-space land on the basis of its agricultural, rather than market, value (Gov. Code § 51252). Owners of qualified land located in an agricultural preserve contract with the county or city to continue agricultural or compatible activities for a period of at least ten years (or in some circumstances nine years) (Id. at § 51244). Until 2010, the state annually reimbursed local agencies for a portion of the resultant tax losses pursuant to the Open Space Subvention Act (Id. at §§ 16140 et seq.). However, funding for these payments has not been included in the state budget since 2010. As a result, some counties have stopped entering new Williamson Act contracts; some have also declined to renew existing contracts, generally due to small parcel size or incompatible use.

A Williamson Act contract automatically renews itself each year (Gov. Code § 51244). Termination of the contract may be accomplished by one of three methods. The landowner or local government can file a notice of "nonrenewal" (Id. at § 51245). The notice halts the yearly contract renewal, resulting in its expiration at the end of the ten years (Id. at § 51246). Alternatively, at request of the landowner, a local government may immediately cancel a contract after making certain strict findings. (Id. at § 51282). Such a cancellation requires the owner to pay penalty fees. (Id. at § 51283). A contract may be rescinded without penalty when the city or county has entered into an agreement with the landowner to simultaneously place an equal or greater amount of equally suitable agricultural land into an agricultural conservation easement (Id. at § 51256). The value of the proposed conservation easement must be at least 12.5 percent of the cancellation value of the land subject to the contract being rescinded and other restrictions apply (Ibid.). Nonrenewal is intended to be the normal route for ending a Williamson Act contract. Cancellation is meant to be reserved for special circumstances (Lewis v. City of Hayward (1986) 177 Cal.App.3d 103) and rescission is intended to provide more flexibility.

Williamson Act contracts are voluntary, which is both their greatest strength and weakness. On the positive side, voluntary contracts lessen the potential for litigation over the uncompensated taking of land that is sometimes alleged when land uses are restricted. Also, because the owner is directly involved in entering the program, responsibility is imparted to the landowner for ensuring that the program works. On the other hand, the potential profits anticipated from future development on the urban fringe may outweigh the tax advantages of the contract. Thus, in the very areas where it could be most effective in preventing the premature conversion of farmland, there are strong economic incentives not to join the program.

In 1998, in response to the perceived weaknesses of the Williamson Act program, the Legislature added additional non-regulatory protection in the form of farmland security zones for specific classifications of farmland, including prime farmland, farmland

of statewide importance, unique farmland, and farmland of local importance. Land can be entered into a farmland security zone contract for a 20-year term rather than the 10-year term of Williamson Act contracts (Gov. Code § 51296.1). During this time, the land is assessed at 65 percent of either its Williamson Act valuation or its Proposition 13 valuation, whichever is lower, rather than on the actual use of the land for agricultural purposes as is required under the Williamson Act (Rev. & Tax Code § 423.4). Cities and special districts that provide non-agricultural services are generally prohibited from annexing land enrolled under a farmland security zone contract, with certain exceptions (Gov. Code §§ 51296.3, 51296.4). Additionally, farmland Security Zone statutes prohibit a school district from using contracted land for school facilities, rendering inapplicable a local zoning ordinance, or even acquiring land, in a farmland security zone (Id. at §§ 51296.5, 51296.6, 51296.7). Farmland security zone contracts also provide that any voter-approved special taxes levied after January 1, 1999, for urban-related services be levied upon the contracted land or the trees, vines, or crops on the land at a reduced rate, unless the urban service directly benefits the land or living improvements (Id. § 51296.2).

For more information on the Williamson Act and farmland security zone contracts, contact the Department of Conservation's Division of Land Resource Protection.

Timberland Productivity Act

The Timberland Productivity Act of 1982 requires all counties and cities with productive private timberland to establish timberland production zones (TPZs) to discourage the premature conversion of timberland to other uses (Gov. Code §§ 51100, et seq.). The land use element must reflect the distribution of existing TPZs and have a land use category that provides for timber production (Id. at 65302(a)(1)). A city or county also may use TPZs to implement the conservation element's timber resource provisions.

Patterned after the Williamson Act, TPZs are subject to rolling 10-year restrictions on use of the land and taxation of the land is based on such restrictions in use (Gov. Code §§ 51110 et seq.). Under this program, assessments on timber are based on the value of harvested timber, rather than on the market value of standing timber, pursuant to the Forest Taxation Reform Act of 1976 (Rev. & Tax Code §§ 434 et seq.) and the Timber Yield Tax Law (Id. at §§ 38101 et seq.).

During the first two years of the Act, local governments could adopt TPZs on qualified parcels without approval of the property owner, provided that statutory procedures were followed (Gov. Code §§ 51110, 51112). Currently, additions to local programs are limited to requests from property owners (Id. at §§ 51113, 51113.5). Subject to approval by the local legislative body, land may be removed from a TPZ by rezoning (Id. at §§ 51120, 51121). The effective date of the new zone generally must be deferred until expiration of the 10-year restriction (Id. at § 51120). However, the local legislative body may, under special circumstances, approve immediate rezonings and a tax recoupment fee will be imposed (Id. at §§ 51133, 51134, 51142).

The Timberland Productivity Act did not rely on voluntary inclusion during its beginning stages. This was advantageous because restrictions could be applied in a more comprehensive manner than Williamson Act contracts and could provide coherent preserves of timberland. The primary disadvantage is that there is greater potential for conflict between property owners and local governments over the designation of lands.

Conservation, Open-Space, and Scenic Easements

State law provides several means of conserving open space through easements. Easements are attractive because they are less expensive than full-fee rights, can be more effective than zoning, do not displace property owners, and may yield property or

inheritance tax advantages to the grantor. Recording the easement in the office of the County Recorder places future owners on notice of the easement's provisions.

The Conservation Easement Act enables a local government or a non-profit organization to acquire perpetual easements for the conservation of agricultural and open-space lands and for historic preservation (Civ. Code §§ 815, et seq.). Granting of a conservation easement may qualify as a charitable contribution for tax purposes. The easement may also qualify as an enforceable restriction for purposes of preferential assessment.

The Open-Space Easement Act of 1974 authorizes local governments to accept easements granted to them or to non-profit organizations for the purpose of conserving agricultural and open-space lands (Gov. Code §§ 51070 - 51097). These easements are established for a term of not less than ten years and renew annually (Id. at § 51081). They must be consistent with the general plan and are considered enforceable restrictions on land that provides for reduced taxation based on value of the land subject to the restrictions, rather than market value (Cal. Const., art. XIII, § 8). The local government is prohibited from granting building permits for any structures that would violate the easement (Gov. Code § 51086). Procedures for termination by nonrenewal and by abandonment are outlined in Government Code sections 51090 through 51094.

The California Farmland Conservancy Program Act (CFCP) (Pub. Resources Code §§ 10200 - 10277) authorizes the Department of Conservation to provide grants to local governments and qualified non-profit land trusts to assist in the voluntary acquisition of agricultural conservation easements. To be eligible, a parcel be large enough for, and be located in an area that is conducive to, sustained commercial agricultural production (Id. at § 10251(a)). In addition, the local government within whose jurisdiction the parcel is located must have a general plan that demonstrates a long-term commitment to agricultural land conservation, reflected in plan provisions that relate to the area where the easement acquisition is located (Id. at § 10251(b)). Finally, there must be evidence that without protection, the parcel is likely to be converted to a nonagricultural use in the foreseeable future (Id. at § 10251(c)).

There are other noteworthy open-space provisions in the Government Code. The Scenic Easement Deed Act (Gov. Code §§ 6950 - 6954) authorizes a local government to purchase fee rights or scenic easements but does not promote a specific mechanism for obtaining them. Government Code sections 65870 through 65875 enable local governments to adopt an ordinance for the purpose of establishing open-space covenants with property owners. These are deed restrictions regulating land uses.

Land Trusts

A land trust is a private non-profit organization established for the purpose of preserving or conserving natural resource and agricultural lands through acquisition. A city or county may establish cooperative policies with a local land trust or one of the national trusts, such as the Nature Conservancy, the Trust for Public Land, or the American Farmland Trust, to promote the objectives and policies of the land use, open-space, conservation, and safety elements of its general plan.

Land trusts, whether local, statewide, or national, are often funded through membership dues and donations from individuals, businesses, and foundations. Working in cooperation with landowners and governmental agencies but outside of the structure of government, a land trust can quickly, flexibly, and confidentially obtain land or development rights that would otherwise enter the open market. In many cases, particularly where natural lands are being preserved, after obtaining the land or development rights the trust transfers its rights to a governmental agency at below-market rate for the agency to manage.

Transportation System Management

Transportation system management (TSM) is a means of improving the efficiency of the existing transportation system through more effective utilization of facilities and selective reduction of user demand. TSM strategies, both individually or as a package of supportive programs, attempt to reduce existing traffic congestion and vehicle miles traveled and increase the person-carrying capacity of the transportation system. Other benefits of TSM include improved air quality, conservation of energy resources, reduction of new transportation and parking facility needs, and prolonged life of existing transportation facilities.

Generally, TSM strategies cost less than traditional capacity-increasing capital projects. To achieve the highest degree of success, transportation and planning agencies, transit providers, developers, and employers should all coordinate in the planning and implementation of TSM.

TSM policies can be used to help correlate the land use and circulation elements by assuring that planned street and highway capacities will adequately accommodate traffic generated by planned land uses. TSM programs that discourage single-passenger car commutes and that promote flexible hours at places of employment may improve the levels of service of area streets and highways by reducing peak-hour flows. If a jurisdiction's conservation element includes clean air or energy conservation policies, such provisions may be implemented through TSM programs that reduce motor vehicle trips and thereby air pollution and energy use.

EXAMPLES OF TRANSPORTATION SYSTEM MANAGEMENT TECHNIQUES

Listed below are various transportation system management (TSM) techniques aimed at improving the efficiency of circulation on highway and transit systems by improving flow, reducing congestion, and increasing the carrying capacity of existing facilities. Caltrans has divided these techniques into seven categories, each containing particular measures that may be applied to specific TSM cases.

Programs to Improve Traffic Flow

- Signalization
- Traffic signal synchronization
- One way streets
- Changeable message signs
- Computerized traffic systems
- Integrated single-system traffic operations systems
- Reversible lanes
- Ramp meters

Preferential Treatment for Transit and Other High-Occupancy Vehicle (HOV) Strategies

- Exclusive highway bus or bus/carpool lanes
- Contra flow HOV lanes
- Reserved lanes or dedicated streets for buses and HOVs
- Bus turnouts
- Bus-actuated signals
- Ramp meter bypass lanes for HOVs

Infrastructure Funding Mechanisms

The timing, type, and quality of development are often directly related to the availability of infrastructure and public services. The principal funding sources for local government infrastructure are taxes, benefit assessments, bonds, and exactions (including impact fees). The following discussion briefly describes each of these.

It is important to remember that implementation measures identified in the General Plan (and the mitigation measures identified in its EIR) must be feasible to implement to be legally defensible. Cities and counties are advised to collaborate proactively with their regional public and private sector partners in order to develop and adopt multi-party fair share impact fee programs needed to finance planned transportation infrastructure improvements. In light of the legislative trends outlined in Appendix C, cities and counties are advised to base such impact fee programs on multi-modal system improvements with a demonstrated ability to reduce the VMT generated by new development.

Taxes

Taxes are either general or special. A general tax, such as the ad valorem property tax (which is capped at one percent of assessed valuation by Proposition 13), a utility tax, or a hotel tax, is collected and placed in the city's or county's general fund. General taxes are not dedicated to any specific purpose and are usually imposed to pay for capital improvements or services that will used by the entire community.

A special tax is a non-ad valorem tax that is either levied by a city or county and dedicated to a particular use or levied by a special district (e.g., a school district a transit district, etc.) to finance its activities. Special taxes often finance specific projects or services, such as flood control or ambulance service.

The Mello-Roos Community Facilities Act of 1982 authorizes a special tax that is primarily intended and commonly used to finance the infrastructure needs of new development (Gov. Code §§ 53311 - 53368.3). Under the Mello-Roos Act, cities, counties, and special districts create "community facilities districts" and levy special taxes within those districts to finance new public improvements, police and fire protection, and school construction (Id. at §§ 53313, 53313.5). The Mello-Roos Act also authorizes the issuance of bonds (Id. at §§ 53345 et seq.).

The Property Assessed Clean Energy Program (PACE) is an innovative mechanism for financing energy efficiency, water efficiency and renewable energy improvements in multifamily housing and other facilities throughout the state. For more information on PACE, see here.

Proposition 218, approved by voters in November 1996, requires a popular election in order to levy a local general tax (with a simple majority needed for approval) or a special tax (with a two-thirds majority needed for approval) (Cal. Const., art. XIII C; id., art. XIII D). It also requires a simple majority election in order to levy certain service fees, although generally not development impact fees. The effect of Proposition 218 on local financing has been profound. Prior to its passage, an election usually was not required in order to impose or increase taxes, so a jurisdiction could more easily raise needed revenue.

Benefit Assessments

Benefit assessments (also known as special assessments) are among the oldest techniques for financing the construction and maintenance of such physical improvements as sidewalks, sewers, streets, storm drains, lighting, and flood control that benefit distinct areas. Most of the numerous assessment acts authorize the use of bonds, paid for by an assessment.

Unlike general taxes, benefit assessments are not subject to a two-thirds vote requirement. Instead, as a result of Proposition 218 of 1996, a proposed assessment is subject to a ballot procedure that enables property owners to reject the proposal by majority protest among those returning ballots (Cal. Const., art. XIII D, § 4). Property owners' ballots are weighted: those who would pay a larger assessment have a greater vote (Ibid.).

A benefit assessment cannot be levied on a parcel that does not receive a direct benefit from the improvement or service being financed (Cal. Const., art. XIII D, § 2; id., art. XIII D, §4). The amount assessed to a parcel is strictly limited to the pro-rata share of benefit being received (Cal. Const., art. XIII D, § 4). The improvement must provide a special benefit to each assessed parcel, above and beyond any general benefit that might accrue (Ibid.).

Proposition 218 created important limitations on the use of benefit assessments. Prior to levying any such assessment, OPR recommends reviewing Proposition 218 and any implementing statutes. For more information, see the following sources: Proposition 218 Implementation Guide (League of California Cities, 2007), Understanding Proposition 218 (Office of the Legislative Analyst, 1996), and A Planner's Guide to Financing Public Improvements (OPR, 1997).

Bonds

Cities, counties, school districts, and other districts may issue general obligation (G.O.) bonds for the acquisition or improvement of real property, such as buildings, streets, sewers, water systems, and other infrastructure, upon approval by two-thirds of the voters casting ballots. G.O. bonds are secured by local governments' ability to levy property taxes but may also be repaid from other revenue sources as available. School district (K-12) and community college district bonds may be passed by a 55% vote rather than a two-thirds vote pursuant to Proposition 39 of 2000 (Cal. Const., art. XIII A, § 1; id., art. XVI, § 18).

Revenue bonds are secured by the future revenues of the facility or enterprise they are financing. Wastewater treatment facilities and parking facilities are examples of the types of revenue-producing facilities that are commonly financed by revenue bonds. The Revenue Bond Law of 1941 provides for a source of funds for the construction of hospitals, water facilities, sewer plants, parking facilities, and other such public facilities (Gov. Code §§ 54300, et seq.). Because revenue bonds are secured by the proceeds from the enterprise they fund, they generally carry higher interest rates than general obligation bonds.

Lease revenue bonds are a similar tool. Instead of being issued by the city or county, lease revenue bonds are issued by a non-profit corporation or a special authority that constructs a facility and leases it to the city or county. Lease payments provide the revenue to pay off the bond. When the bond is retired, the facility is turned over to the city or county. Some local agencies have used this method to finance administrative centers and schools.

Exactions

Exactions are dedications of land, improvements, or impact fees imposed on new development to fund the construction of capital facilities. They cannot be used for operations and maintenance. The authority to impose exactions on development derives from the police power and statute. An exaction is levied to finance a specific activity, facility, or service and can only be levied once, at the time of project approval.

Exactions may only be imposed where they will advance a legitimate state interest (e.g., health, safety, and welfare issues, such as smooth traffic flow, availability of recreational facilities, sewer and water service, etc.) and are necessary to mitigate the adverse impact to that interest that would otherwise result from the project (Nollan v. California Coastal Commission (1987) 107 S.Ct. 3141). This principle is reflected in the Mitigation Fee Act, which lays out the ground rules for imposing development impact fees and other exactions (Gov. Code §§ 66000, et seq.).

While the general plan may form a policy basis for exactions, keep in mind that it does not preempt constitutional limits on regulatory "takings" or enable any exaction that would conflict with state law. The Nollan decision established that there must be

a nexus between the exaction and the state interest being advanced. The U.S. Supreme Court, in Dolan v. City of Tigard (1994) 114 S.Ct. 2309, added a second step to the analysis: there must be a "rough proportionality" between the exaction being imposed and the relative need created by the project. Reducing Dolan to its simplest terms, the court overturned the city's requirements for bicycle path and floodway dedications because they were out of proportion to the impact on flooding and the contribution to bicycle traffic that would have resulted from the proposed expansion of a plumbing supply store, even though Tigard's comprehensive plan contained definitive policies relating to such dedications.

In Koontz v. St. Johns River Water Management District (2013) 133 S. Ct. 2586, 2599, the U.S. Supreme Court held that the "nexus" and "rough proportionality" requirements also apply to mitigation fees (i.e., exactions of money, rather than exactions of property) imposed to obtain a land use approval (accord, Ehrlich v. City of Culver City (1996) 12 Cal.4th 854). In Ehrlich, the California Supreme Court held that while the Mitigation Fee Act is the method for bringing constitutional challenges to a monetary exaction imposed as a condition of development approval in the state, the Court interprets the standards of the Mitigation Fee Act (Gov. Code § 66001) as embodying the requirements established in the Nollan and Dolan opinions (Ehrlich, supra, at pp. 867-868).

In a case decided after Koontz, the California Supreme Court held that the increased scrutiny required by Nollan and Dolan does not apply to allegations that application of an ordinance regulating land use constitutes a taking, if the ordinance does not require the landowner to convey or dedicate a property interest (CA Building Industry Assn. v. City of San Jose (2015) 61 Cal.4th 435).

In some jurisdictions, where development may adversely affect the availability of low- and moderate-income housing, exactions are levied upon developers to finance the construction of sufficient housing to alleviate that impact. San Francisco, for example, has an inclusionary housing program that mandates the construction of affordable housing or payment of in-lieu fees in accordance with a prescribed formula, which links projected employment to the number of housing units, as a condition of new downtown office development. *Public Needs and Private Dollars*, by William Abbott, Marian E. Moe, and Marilee Hansen discusses the legal basis for development exactions and offers practical, California-specific advice about calculating and imposing them.[lxviii]

Privatization

Recent years have seen a growth in the popularity of privatization--the use of private contractors or private ownership--to provide local services, such as garbage collection or street maintenance. Although not strictly a financing measure, privatization is a strategy that can help stretch limited public funds. Privatization has certain advantages: local governments need not purchase and maintain specialized machinery, personnel for specialized or seasonal tasks need not be maintained on salary, and the costs to local governments of providing services may be reduced. It also has disadvantages: special skills are needed to establish and manage the contract with the private-service provider, quality is beyond the direct control of the local government and elected officials, and, if it is necessary to replace the contractor, residents may face a period of interrupted service.

Transportation Financing Methods

Caltrans' Division of Transportation Planning has provided the following descriptions of general categories and examples of measures to generate additional funds for transportation projects:

- Business license taxes, which are often based upon gross receipts or number of employees, since business activity and employment concentration affect traffic congestion. San Francisco has used this method to provide funds for the operation of its municipal railway.
- Parking regulations, such as neighborhood parking stickers, parking meters, and daily tickets, which can bring in substantial funds in urban areas. These revenues can be used for a variety of local transportation programs.
- Transportation impact fees (also called traffic impact mitigation fees, system development charges, and adequate public facilities fees) based upon the traffic projected to be generated and/or the cost estimates of public transportation facilities necessitated by development. In the Westchester area of Los Angeles, a one-time fee is collected for each p.m. peak-hour trip generated by new commercial and office development to cover needed areawide improvements. In Thousand Oaks, the city requires traffic mitigation fees to pay for signals, the cost of paving adjacent arterials, and off-site improvements, all of which are made necessary by the traffic resulting from new development. To offset development impacts on the local transit system, San Francisco charges a transit impact fee based on building square footage.
- Airspace leasing, which taps the value of public rights-of-way in urban areas. A governmental agency may capitalize on that value by leasing to the private sector unoccupied space over, under, or within the right-of-way. This has been used for a variety of purposes, including parks, parking lots, cellular communications, office buildings, restaurants, and public facilities.
- Public/private partnerships, development agreements, and cost-sharing, which involve developing agreements between the private and public sectors that split responsibilities for the cost of infrastructure provision, operation, and maintenance. This technique tends to be more flexible and less bound by legal constraints than other measures.
- Privatization, which may reduce or eliminate the need for public funds for transportation infrastructure if the prospect of profit exists. California's first modern toll roads were built in Orange County by private funds. Private provision of transit services is becoming more common as it is connected to specific developments. Individual developers and employers have designed and initiated traffic mitigation programs, such as traffic flow improvements, flexible work hours, and bicycle facilities. In addition, recent trends show groups of developers, employers, and businesses banding together in transportation management associations to address mutual traffic concerns in a specific area and developing programs such as those mentioned above. Such measures have been established in the cities of El Segundo, Pleasanton, and Berkeley (in cooperation with the University of California).

Consistency in Implementation

The general plan is largely implemented through zoning and subdivision decisions. In 1971, the Legislature made consistency with the general plan a determinative factor for subdivision approvals. Since then, lawmakers have continued to add consistency requirements to California's planning and land use laws. Other statutes, while not mandating consistency, require findings or a report on whether various

local actions conform to the general plan. Consistency statutes and legal precedents are detailed below.

In order for zoning and other measures to comply with consistency requirements, the general plan itself must first be complete and adequate (i.e., it must address all required issues and be internally consistent). In 1984, the Court of Appeal ruled that a conditional use permit issued pursuant to existing zoning may be challenged if a city or county general plan does not comply with the statutory requirements that are relevant to the permit in question (Neighborhood Action Group v. County of Calaveras (1984) 156 Cal.App.3d 1176, 1184). More recently, the appeals court ruled that a general plan amendment can only be challenged on the basis of an internal general plan inconsistency when there is a nexus between the particular amendment and the claimed inconsistency in the general plan (Garat v. Riverside (1991) 2 Cal.App.4th 259, 289-90).

The California Attorney General has opined that "the term 'consistent with' is used interchangeably with 'conformity with'" (58 Ops. Cal.Atty.Gen. 21, 25 (1975)). A general rule for consistency determinations can be stated as follows: An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and will not inhibit or obstruct their attainment (see Ibid.).

The city or county is responsible for determining whether an activity is consistent with the general plan. A city council's finding of a project's consistency with the plan would be reversed by a court if, based on the evidence before the council, a reasonable person could not have reached the same conclusion (No Oil, Inc. v. City of Los Angeles (1987) 196 Cal.App.3d 223).

Any given project need not be in perfect conformity with each and every policy of the general plan if those policies are not relevant or leave the city or county room for interpretation (Sequoayah Hills Homeowners Association v. City of Oakland, (1998) 23 Cal.App 4th 704, 719 (1993)). In Families Unafraid to Uphold Rural El Dorado County v. El Dorado County Board of Supervisors (1998) 62 Cal.App.4th 1332, 1341, the court held that "[t] he nature of the policy and the nature of the inconsistency are critical factors to consider." A project is clearly inconsistent when it conflicts with one or more specific, fundamental, and mandatory policies of the general plan (Id. at p. 1342).

Placer County's Online General Plan employs one method to help ensure consistency. Upon receiving a development proposal or other entitlement request, county staff enters distinguishing project features into a computer program. The program analyzes the proposal by checking for general plan and community plan consistency, identifying goals and policies by topic, and preparing a report of its results. The software can compare project characteristics to the goals and policies of the general plan and each of its elements, providing an unbiased consistency analysis.

Zoning Consistency

Counties, general law cities, and charter cities with populations of more than two million are required to maintain consistency between their zoning ordinance and their adopted general plan (Gov. Code § 65860). Charter cities with populations under two million are not subject to this mandate but may choose to enact their own code requirements for consistency (Id. at §§ 65803, 65860(d)).

Where the consistency requirement applies, every zoning action, such as the adoption of new zoning ordinance text or the amendment of a zoning ordinance map, must be consistent with the general plan. A zoning ordinance that conflicts with the general plan at the time it is enacted is "invalid at the time it is passed" (Lesher Communications v. City of Walnut Creek (1990) 52 Cal.3d 531; accord, Sierra Club v. Board of Supervisors (1981) 126 Cal.App.3d 698).

By the same token, when a general plan amendment makes the zoning inconsistent, the zoning must be changed to re-establish consistency "within a reasonable time" (Gov. Code § 65860(c)). According to the California Supreme Court, "[t] he Planning and Zoning Law does not contemplate that general plans will be amended to conform to zoning ordinances. The tail does not wag the dog." (Lesher Communications v. City of Walnut Creek, supra, at p. 541).

State law does not prescribe what constitutes "a reasonable time" for reconciling the zoning ordinance with the general plan. OPR suggests that when possible, general plan amendments and necessary related zoning changes be heard concurrently (Gov. Code § 65862). When concurrent hearings are not feasible, OPR suggests the following time periods:

- For minor general plan amendments (those involving a relatively small area), six months.
- For extensive amendments to the general plan (such as a revision that results in the inconsistency of large areas), two years.

Zoning-related initiatives and referenda must also maintain general plan consistency. An initiative seeking to impose growth management regulations was invalidated when it was found to be inconsistent with the general plan (Lesher Communications v. City of Walnut Creek, supra). A referendum that sought to overturn a rezoning approval was invalidated because the rezoning was necessary to maintain or achieve consistency with the general plan (deBottari v. City of Norco (1985) 171 Cal.App.3d 1204; City of Irvine v. Irvine Citizens Against Overdevelopment (1994) 25 Cal.App.4th 868).

Zoning can be a useful tool in creating vibrant spaces

Image by Urban Advantage, SANDAG

Assessing and Achieving Zoning Consistency

Zoning consistency can be broken down into three parts: uses and standards, spatial patterns, and timing. These are described below.

The local agency's general plan and zoning ordinance contain text and maps that specify development standards and the proposed location of uses for the community. The development standards and uses specified for all land use categories in the zoning ordinance—density, lot size, height, and the like—must be consistent with the development standards and uses specified in the general plan's text and diagram of proposed land use. This has several implications.

The zoning scheme, with its range of zoning districts and their associated development standards or regulations, must be broad enough to implement the general plan. For example, if a general plan contains three residential land use designations, each with its own residential intensity and density standard, then the zoning ordinance should typically have at least as many zoning districts with appropriate standards. Similarly, if the general plan identifies seismic hazard areas and calls for zoning measures to implement safety policies, the zoning ordinance must contain appropriate provisions, such as a hazard overlay zone, or specific development standards.

When a new element or major revision to a general plan is adopted, the zoning scheme should be thoroughly reviewed for consistency. It must be amended if necessary to ensure that it is adequate to carry out the new element or revisions.

When rezoning occurs, the newly adopted zoning must be appropriate and consistent with all elements of the general plan. This includes not only the land uses and development standards, but also the transportation, safety, open-space, and other objectives and policies contained in the plan.

Both the general plan diagram of proposed land use and the zoning map should set forth similar patterns of land use distribution. However, the maps need not be identical if the general plan text provides for flexibility of interpretation or for future development (*Las Virgenes Homeowners v. County of Los Angeles* (1986) 177 Cal.App.3d 312). For example, a land use diagram may designate an area for residential development while the zoning map may show the same area as predominantly residential with a few pockets of commercial use. Despite the residential designation, the commercial zoning could be consistent with the general plan if the plan's policies and standards allow for neighborhood commercial development within residential areas. Likewise, more than one zoning classification may be consistent with any one of the general plan's land use categories. For example, both R-1 (residential) and PUD (planned unit development) may be consistent zoning for a low-density residential category in the plan.

The timing of development is closely linked to the question of consistency of spatial patterns. A general plan is long term in nature, while zoning responds to shorter-term needs and conditions. In many cases, zoning will only gradually fulfill the prescriptions of the general plan. Timing may be particularly important in rural areas designated for future urbanization. If the general plan contains policies regarding orderly development, adequate public services, and compact urban growth, rezoning a large area from a low-intensity use (e.g., agriculture) to a more intensive one (e.g., residential) before urban services are available would be inconsistent with the general plan. Conversely, an inconsistency may be created when general plan policies promote high-intensity development in an area but the jurisdiction instead permits low-intensity uses.

Since timing can be a problem, general plans should provide clear guidance for the pace of future development, perhaps by using five-year increments or by establishing a set of conditions to be met before consistent zoning would be considered timely.

Local governments have devised a number of ways to evaluate and achieve zoning consistency. A fairly common approach is to employ a matrix comparing the general plan's land use categories and associated development standards with the zoning districts and their corresponding zoning ordinance development standards. To indicate the degree of zoning consistency with the plan, many matrices feature categories ranging from "highly compatible" to "clearly incompatible." An intermediate category, "conditionally compatible," could reflect zoning that by itself is not compatible but could become compatible if measures such as a PUD overlay were imposed to reduce or eliminate potential conflicts.

The matrix approach has its limitations. By itself, a matrix cannot answer questions about the zoning's compatibility with the objectives, policies, and programs of the general plan, nor can it answer questions about timing. A number of local governments use a checklist to evaluate the consistency of individual zoning proposals. The checklist repeats the major goals and policies of the general plan and rates the degree to which the proposed zoning conforms to each of them (e.g., "furthers," "deters," "no effect"). A point system that rates development projects by their level of consistency with the goals, objectives, and policies of the general plan is a similar approach.

Subdivision Consistency

Before a city or county may approve a subdivision map (including parcel maps) and its provisions for design and improvement, the city or county must find that the proposed subdivision map is consistent with the general plan and any applicable specific plans (Gov. Code § 66473.5). These findings can only be made when the local agency has officially adopted a general plan and the proposed subdivision is "compatible with the objectives, policies, general land uses and programs specified in such a plan" (Ibid.).

Government Code sections 66474 and 66474.61 require a city or county to deny approval of a tentative map if it makes either of the following findings: the proposed map is not consistent with applicable general and specific plans or the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

Enforcement and Remedies

Any resident or property owner may sue to enforce the requirements for the adoption of an adequate general plan (58 Ops.Cal.Atty. Gen. 21 (1975)). The same is true for enforcing the requirements that zoning and subdivisions must be consistent with the general plan (Gov. Code §§ 65860(b), 66499.33). As the state's chief law enforcement officer, the Attorney General may do the same (58 Ops. Cal.Atty.Gen. 21; Cal. Const., art. V, § 13). Additionally, persons living outside a city have standing to sue if the city's zoning practices exclude them from residing in the city or raise their housing costs by adversely affecting the regional housing market (Stocks v. City of Irvine (1981) 114 Cal.App.3d 520).

The courts may impose various remedies for failure to have a complete and adequate general plan (Gov. Code §§ 65750, et seq.). One is a writ of mandate to compel a local government to adopt a legally adequate general plan. The courts also have general authority to issue an injunction to limit approvals of additional subdivision maps, parcel maps, rezonings, and public works projects or (under limited circumstances) the issuance of building permits pending adoption of a complete and adequate general plan (Id., 58 Ops.Cal.Atty.Gen. 21 (1975), Friends of "B" Street v. City of Hayward (1980) 106 Cal.App.3d 988, *Camp v. Mendocino* (1981) 123 Cal.App.3d 334). Where a court finds that specific zoning or subdivision actions or public works projects are inconsistent with the general plan, it may set aside such actions or projects. Under certain circumstances, the court may impose any of these forms of relief prior to a final judicial determination of a general plan's inadequacy (Gov. Code § 65757).

Annual Progress Reports

After the general plan has been adopted, Government Code section 65400(a)(2)(A) requires the planning agency to provide an annual report to their legislative body, OPR, and HCD on the status of the plan and progress in its implementation. The report must detail

progress in meeting the jurisdiction's share of regional housing needs determined pursuant to Government Code section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to Government Code section 65583(c)(3) (Id. at § 65400(a)(2)(B)).

The annual progress report must be provided to the legislative body, OPR, and HCD on or before April 1 of each year. Jurisdictions must report on a calendar-year basis (January 1 through December 31). Jurisdictions are able to complete the housing element portion of the annual progress report online through the Department of Housing and Community Development's online portal. While there is a standard format for the housing element portion of the annual report, there is no standardized format for the preparation of the annual progress report for the rest of the general plan. The form and content of the report may vary based on the circumstances, resources, and constraints of each jurisdiction. This section is meant to provide general guidance to cities and counties in the preparation of their annual progress reports.

Purpose of the Report

- To provide enough information to allow local legislative bodies to assess how the general plan is being implemented in accordance with adopted goals, policies, and implementation measures.
- To provide enough information to identify necessary course adjustments or modifications to the general plan as a means to improve local implementation.
- To provide a clear correlation between land use decisions that have been made during the 12-month reporting period and the goals, policies, and implementation measures contained in the general plan.
- To provide information regarding local agency progress in meeting its share of regional housing needs and removing governmental constraints to the development of housing pursuant to Government Code section 65583(c)(3).

Format of the Report (General)

The following describes ways in which various cities and counties have organized and formatted their annual progress reports:

- **Focus on individual policies and implementation measures**: Provide a comprehensive listing of all general plan policies, including those which have been incorporated by reference, categorized by element, with a commentary on how each policy was implemented during the reporting period (i.e., a description of the activities underway or completed for implementation of each policy). This listing can most easily be accomplished by using a table format.
- **Focus on development activities and projects approved**: Provide comprehensive listing of all development applications that the planning agency received and processed with commentary on how the agency's actions on these development applications further the goals, policies, and/or implementation measures of the general plan. Link the major projects, including public projects, to the general plan using policy numbers or by element.
- **Focus on general plan elements**: Provide a general summary of each of the mandatory and optional elements of the general plan with a brief description of various actions taken by the agency (e.g., development application approvals, adoption of ordinances or plans, agency-initiated planning studies, etc.) that advanced specific goals and policies of each element.
- **Broad annual report format**: Incorporate the annual progress report into a broadly focused annual report on all of the

activities and programs of the jurisdiction, drawing upon data and sources such as an annual performance report on budgeting, processing of land use entitlements, redevelopment activities, housing construction, or other programs or "state of the city/county" reports.

CONSISTENCY PROVISIONS IN STATE LAW AND LEGAL PRECEDENTS

All statutory references are to the California Government Code unless otherwise noted.

Agricultural Preserves

- § 51234 requires that agricultural preserves established under the Williamson Act be consistent with the general plan.
- § 51282 requires a city or county, when approving a Williamson Act contract cancellation, to make a finding that the proposed alternate use is consistent with the general plan.

Capital Improvements

- §§ 65401 and 65402 require planning agencies to review and report on the consistency with the applicable general plan of proposed city, county, and special district capital projects, including land acquisition and disposal.
- § 65103(c) requires planning agencies to review annually their city or county capital improvement programs and other local agencies' public works projects for consistency with the general plan.
- Friends of B Street v. City of Hayward (1980) 106 Cal.App.3d 988 held that a city's capital facilities projects must be consistent with the city's general plan.
- § 53090, et seq., require that most public works projects undertaken by special districts, including school districts, must be consistent with local zoning, which in turn must be consistent with the general plan. A school district board may render a zoning ordinance inapplicable with respect to school classroom facilities (§ 53094). A special district governing board may render the zoning ordinance inapplicable if it makes a finding after a public hearing that there is no feasible alternative to the project (§ 53096). State entities are an exception to this consistency requirement (Rapid Transit Advocates, Inc. v. Southern California Rapid Transit District (1986) 185 Cal.App.3d 996).

Condominium Conversion

- § 66427.2 requires that when the general plan contains objectives and policies addressing the conversion of rental units to condominiums, any conversion must be consistent with those objectives and policies.

Development Agreements

- § 65867.5 requires development agreements to be consistent with the general plan.

Consistency Provisions in State Law and Legal Precedents, Continued

Housing Authority Projects

- Health and Safety Code § 34326 declares that all housing projects undertaken by housing authorities are subject to local planning and zoning laws.

Integrated Waste Management

- Public Resources Code section 41701 states that if a county determines that the existing capacity of a solid waste facility will be exhausted within 15 years or if the county desires additional capacity, then the countywide siting element of the county's hazardous waste management plan must identify an area or areas, consistent with the applicable general plan, for the location of new solid waste transformation or disposal facilities or for the expansion of existing facilities.
- Public Resources Code section 41702 states that an area is consistent with the city or county general plan if:
  1. The city or county has adopted a general plan.
  2. The area reserved for the new or expanded facility is located in, or coextensive with, a land use area designated or authorized by the applicable general plan for solid waste facilities.
  3. The adjacent or nearby land use authorized by the applicable general plan is compatible with the establishment or expansion of the solid waste facility.

On-Site Wastewater Disposal Zones

- Health and Safety Code section 6965 requires a finding that the operation of an on-site wastewater disposal zone created under Health and Safety Code section 6950, et seq., will not result in land uses that are inconsistent with the applicable general plan.

Park Dedications

- § 66477 enables local governments to require as a condition of subdivision and parcel map approval the dedication of land or the payment of in lieu fees for parks and recreational purposes if the parks and recreational facilities are consistent with adopted general or specific plan policies and standards.

Parking Authority Projects

- Streets and Highway Code section 32503 specifies that parking authorities, in planning and locating any parking facility, are subject to the relationship of the facility to any officially adopted master plan or sections of such master plan for the development of the area in which the authority functions to the same extent as if it were a private entity.

Planning Commission Recommendations

- § 65855 requires that the planning commission's written recommendation to the legislative body on the adoption or amendment of a zoning ordinance include a report on the relationship of the proposed adoption or amendment to the general plan.

Consistency Provisions in State Law and Legal Precedents, Continued

Reservations of Land Within Subdivisions

- § 66479 specifies that reservations of land for parks, recreational facilities, fire stations, libraries, and other public uses within a subdivision must conform to the general plan.

Special Housing Programs

- Health and Safety Code section 50689.5 specifies that housing and housing programs developed under Health and Safety Code section 50680, et seq., for the developmentally disabled, mentally disordered, and physically disabled must be consistent with the housing element of the general plan.

Specific Plans

- § 65359 requires that a specific plan covering an area affected by a general plan amendment shall be reviewed and amended as necessary to make it consistent with the applicable general plan.
- § 65454 specifies that a specific plan may not be adopted or amended unless the proposed plan is consistent with the general plan.

Format of the Report (Housing Element)

In 2010, the State Department of Housing and Community Development adopted regulations on the preparation of the annual housing element progress report (Cal. Code Regs., tit. 25, §§ 6200, et seq.). All housing element progress reports must conform to these regulations. Forms, instructions, and a copy of the regulations can be found at the HCD's website at http://www.hcd.ca.gov/community-development/housing-element/index.shtml. In general, the following information is required for housing element reporting:

- Listing of building permits issued for the calendar year by income category.
- Demonstration of the progress towards meeting the regional housing need.
- A description of the progress in implementation of the policies and programs in the housing element.
- A city or county that is the successor to a former redevelopment agency shall include financial and housing information specified at Health and Safety Code section 34176.1(f) in its annual report.

The report must be considered at an annual public meeting before the legislative body where members of the public may provide oral testimony and written comments.

Contents of the Report

Each jurisdiction should determine which locally relevant issues are important to include in the annual report. The following items may be useful in the annual progress report:

- Introduction.
- Table of contents.
- Date of presentation to and acceptance by the local legislative body.
- List of major agency-initiated planning activities that were initiated, in progress, or completed during the reporting period (i.e., master plans, specific plans, master environmental assessments, annexation studies, and other studies or plans carried out in support of specific general plan implementation measures). Include a brief comment on how each of these activities advances the goals, policies, and/or implementation measures contained in the general plan. Provide specific reference to individual elements where applicable.
- List each of the general plan amendments that have been processed, along with a brief description and the action taken (e.g., approval, denial, etc.). This listing should include agency-initiated as well as applicant-driven amendments.
- List each of the development applications that have been processed, along with a brief description, the action taken (e.g., approval, denial, etc.), and a brief comment on how each action furthers the goals, policies, and/or implementation measures of the general plan. Provide specific reference to individual elements where applicable.
- Identify significant projects built within jurisdiction but not approved by jurisdiction, such as large school facilities not approved by city or county, but affecting general plan.
- Identify priorities for land use decision-making that have been established by the local legislative body (e.g., passage of moratoria, emergency ordinances, development of community or specific plans, etc.).
- The annual progress report should identify goals, policies, objectives, standards, or other plan proposals that need to be added, deleted, amended, or otherwise adjusted.

Submitting the Report to OPR and HCD

Annual progress reports can be submitted to OPR in either electronic or paper format. Preference is for electronic reporting. If you wish to submit your annual report to OPR electronically, e-mail it to state.clearinghouse@opr.ca.gov. Word, Excel, PowerPoint or PDF are the only acceptable file formats. Printed copies of the annual report should be sent to Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, P.O. Box 3044, Sacramento, CA 95812-3044.

A copy of the report must also be sent to the Department of Housing and Community Development via their online system, or printed copies to Division of Housing Policy Development, P.O. Box 952053, Sacramento, CA 94252-2053

Coastal Act Compliance for those Jurisdictions Located in the Coastal Zone

CALIFORNIA COASTAL ACT

The California Coastal Act of 1976 (Public Resources Code section 30000 et seq.) was enacted to "[p]rotect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources" (Id. at § 30001.5). The Coastal Act applies to the coastal zone, defined in section 30103(a) as a strip along the California coast generally "extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea." In significant coastal estuarine habitat and recreation areas, the zone may extend further inland by as much as five miles, and in developed urban areas the zone may extend inland less than 1000 yards (Ibid.). The legal coastal zone boundary is delineated on a set of maps adopted by the Legislature and located at the Coastal Commission's San

Francisco office. The coastal zone excludes the area of San Francisco Bay, which is under the jurisdiction of the San Francisco Bay Conservation and Development Commission. The Coastal Act otherwise applies to all those portions of cities (charter and general law) and counties that lie within the coastal zone (70 Ops.Cal.Atty.Gen. 220 (1987)).

The Coastal Commission, in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone. Under the Coastal Act, Local Coastal Program (LCP) planning requirements create a unique partnership between state and local government. The development of an LCP by a local government is the primary mechanism to implement the state's coastal management policies at the local level. The Coastal Act declares that "[t]o achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement" in carrying out the state's coastal management objectives and policies (Pub. Resources Code § 30004). To this end, the Act requires each of the 76 local governments (15 counties and 61 cities) lying wholly or partly within the coastal zone to prepare, with maximum public participation, an LCP to guide future development in the coastal zone. While local government develops LCPs, the Coastal Commission must certify that the LCP is consistent with the state Coastal Act before an LCP may be implemented. Once certified, local government assumes responsibility to issue most local coastal development permits pursuant to the certified LCP, with the Commission retaining limited permit and appeal authority.

As defined in the Coastal Act, an LCP means "a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of the Coastal Act at the local level" (Pub. Resources Code § 30108.6).

An LCP must include a Land Use Plan (LUP) which, by definition, means "the relevant portions of a local government's general plan or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies, and where necessary, a listing of implementing actions" (Pub. Resources Code § 30108.5). Each LCP must include "a specific public access component to assure that maximum public access to the coast and public recreation areas is provided" (Id. at. § 30500(a)).

The implementation plan (IP) portion of an LCP, including zoning, must conform with and be adequate to carry out the LUP (Pub. Resources Code § 30513). This is a distinctive provision of the Coastal Act. The Act does not just merely state that the zoning must be consistent with the land use plan as is the case for general plans; rather, the Act states that zoning must conform with and be adequate to carry out the LUP.

It is possible that a zoning ordinance would be "consistent with" a general plan designation but not conform with and be adequate to carry out the general plan. For example, zoning code requirements establishing height limits and setback requirements may be consistent with LUP policies regarding protection of public views and community character, but may not by themselves be adequate to carry out those policies. Similarly, zoning code provisions establishing maximum density may be consistent with LUP density limits but be inadequate to address other LUP policies regarding the protection of habitat or the adequacy of public services to support new development. Finally, the adequacy to carry out a certified LUP may hinge on the use of mandatory "shall" or "must" language, rather than "should," where required. The development of zoning ordinances to satisfy the Coastal Act, therefore, must begin with precisely drawn policies in the Land Use Plan, which in turn reflect the specific policies of the Coastal Act. The clearer

the land use plan designations and policy statements are, the easier it will be to develop zoning ordinances that provide clarity for decision makers, property owners, and the public.

The Commission's methodology for preparing LCPs can be found at Title 14, Division 5.5 of the California Code of Regulations, sections 13506 through 13514. Amendments to certified LCPs must be submitted to the Commission for review and, in the case of major amendments, certification (Pub. Resources Code § 30514). LCP amendments that are minor in nature or that require rapid or expeditious action are reviewed by the Commission's Executive Director and become valid if the Commission concurs with the Executive Director's determination (Id. at § 30514; Cal. Code Regs., tit. 14, §§ 13554, 13555).

The Coastal Act has special requirements for the coastal zone portions of the ports of Port Hueneme, Long Beach, Los Angeles, and the San Diego Unified Port District. Rather than preparing LCPs, these ports must prepare master plans and have them certified by the Coastal Commission (Pub. Resources Code §§ 30711, 30714). With certain exceptions, each development within a port requires a development permit and must conform to the port's master plan (Id. at §§ 30715(a), 30715.5). The cities and counties that have these ports within their jurisdictions must, for informational purposes, incorporate the master plan into their LCPs (Id. at § 30711(a)).

The four ports identified above and in Chapter 8 of the Coastal Act all have certified Port Master Plans and intergovernmental coordination was part of the original certification. How LCPs address these Port Master Plans for informational purposes all differ and reflect local conditions. However, recognizing Port Master Plans in LCPs for informational purposes offers an important benefit in that it can make clear the different jurisdictions and standards of review of proposed coastal developments. On occasion, when appropriate and the conditions warrant, the Commission can review both an LCP Amendment and a Port Master Plan Amendment at the same hearing when the development affects both jurisdictions.

With certain exceptions, development within the coastal zone is subject to a coastal development permit issued either by a local government pursuant to a certified LCP or, where no certified LCP exists, by the Coastal Commission (Pub. Resources Code §§ 30519(a), 30600(d)). A city or county that lacks a certified LCP surrenders a good deal of planning authority within the coastal zone.

Some decisions made under an LCP may be appealed to the Commission (PRC, § 30603). Additionally, the Commission retains permanent jurisdiction over development on coastal zone tidelands, submerged lands, and public trust lands (Pub. Resources Code § 30519(b)).

RELATION BETWEEN THE COASTAL ACT AND THE GENERAL PLAN

Coastal cities and counties are subject to both planning and zoning laws and the California Coastal Act. The Coastal Act has specific requirements that in the coastal zone are different than the Government Code provisions that the local government may be more familiar with in developing general plans. Therefore it is important to keep in mind that in the coastal zone, a local government's general plan may have to be modified if it is to be certified as part of an LCP that must meet Coastal Act requirements. The Coastal Act specifies that coastal Land Use Plan (LUP) provisions be "sufficiently detailed to indicate the kind, location, and intensity of land uses . . ." (Pub. Resources Code § 30108.5).

The contents of coastal LUPs overlap some of the required provisions of general plans but not all are duplicative. For instance, the Coastal Act requires policies concerning diking, dredging, filling, and shoreline structures (Pub. Resources Code §§ 30233, 30235), while planning and zoning law usually does not.

To govern effectively in the coastal zone, a general plan should be consistent with the local government's Local Coastal Program (LCP). Therefore, when developing or amending a general plan, local governments should coordinate closely with the California Coastal Commission to assure that general plan provisions intended to apply in the coastal zone are consistent with the governing LCP and California Coastal Act as relevant.

While there are requirements under the Coastal Act and regulations for the content of LCPs, there is no set format. Some communities have adopted separate coastal elements within their General Plans. Others have incorporated coastal plan policies, plan proposals, and standards directly into the general plan's land use, open-space, and conservation elements and submitted those general plan elements as the LCP for certification. A third option is to adopt a specific plan within the coastal zone. Given the diversity of local coastal jurisdictions there is no "one size fits all" approach, but the requirements of the Coastal Act must be met in completing the LCP. In the Commission's experience, with a few exceptions for local jurisdictions that are wholly within the coastal zone, maintaining the LCP as a separate element of the general plan results in a more clear understanding of the LCP requirements and fewer issues on appeals. In order to encourage general plan amendments necessary to preparing a certified LCP, such actions do not count toward the limit of four general plan amendments per year (Gov. Code § 65358(b), (d)(3)).

Some communities have adopted separate coastal elements. (See for example the LCP for the City of Malibu.) Others have incorporated coastal plan policies, plan proposals, and standards directly into the general plan's land use, open-space, and conservation elements and submitted those general plan elements as the LCP for certification. (For example see the LCP for the Santa Monica Mountains segment of Los Angeles County.) This LUP is a discrete part of the County's general plan that applies just to the Santa Monica Mountains geographic LCP segment within the coastal zone. The subsections of the LUP are organized into elements, matching the applicable general plan elements. The certified Implementation Plan (IP) of the LCP for this segment is similarly a discrete segment of the County's planning and zoning ordinance. The IP contains all of the applicable standards for the geographic area of the LCP segment, without reference to the general zoning ordinance standards.

A third option is to adopt a specific plan within the coastal zone for the Implementation Portion of an LCP. Examples of this are found in the City of Carlsbad LCP (for Carlsbad Ranch), the City of Huntington Beach LCP (for the Downtown Specific Plan) and others.

There is a special situation where a community has a certified coastal LUP but has not prepared the necessary implementing measures to obtain full LCP certification. The Coastal Act requires that the Commission delegate authority to issue permits within 120 days after the effective date of certification of an LUP, and that the local government shall adopt ordinances that set procedures for issuing coastal development permits (Pub. Resources Code § 30600.5(b), (f)). If the local government does not adopt ordinances establishing permitting procedures, permitting authority remains with the Commission. Further, if such communities adopt general plan amendments without updating the LUP (through amendments that must be certified by the Coastal Commission), discrepancies may arise between land uses and densities authorized under the general plan and those authorized in the coastal LUP. If the general plan and coastal LUP diverge significantly, problems may arise when a project applicant applies to the Commission for a coastal development permit. Communities may avoid these problems by reviewing all general plan amendments affecting the coastal zone for consistency with their coastal LUP. Communities may more efficiently control their planning process and obtain the authority to issue coastal development permits locally by completing their LCPs and seeking full certification from the Coastal Commission.

HOUSING REQUIREMENTS IN THE COASTAL ZONE

LCPs are not required to include housing policies or programs (Pub. Resources Code § 30500.1). The Government Code, however, contains special requirements for the protection and provision of low- and moderate-income housing within the coastal zone (Gov. Code § 65590). Local governments are responsible for implementing those requirements.

Government Code section 65588, subdivisions (c) and (d), state that when coastal jurisdictions update a housing element, they must document the number of low- and moderate-income housing units converted or demolished and the number of replacement units provided, including specific numbers in the coastal zone. This helps the locality determine whether affordable housing stock in the coastal zone is being protected and provided as required by Government Code Section 65590. This analysis should also reflect whether any housing in the coastal zone was converted or demolished for a nonresidential use that is not "coastal dependent" as defined in Public Resources Code section 30101 (Gov. Code § 65590(c)).

In 2003, the Coastal Act was modified to add Public Resources Code section 30604, subdivisions (f) and (g), directing the Commission to "encourage housing opportunities for persons of low and moderate income" and precluding the local government or the Commission from reducing density bonuses below what is otherwise allowable in the Government Code, unless specific findings are made regarding Chapter 3 policies:

(f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency, or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.

(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

Since that time, the Commission has interpreted these provisions as direction to encourage affordable housing by supporting it, including density bonuses, unless there is a specific inconsistency with the policies of Chapter 3, but not to require authorization of density bonuses beyond what is allowed by the Government Code.

Although the 1981 amendments to the Coastal Act (repealing former Section 30213) repealed the Commission's ability to require affordable housing and Section 30500.1 prohibits the Commission from requiring affordable housing policies in LCPs, nothing precludes local governments from submitting Land Use Plan Amendments with provisions that protect and encourage affordable housing consistent with the Chapter 3 policies of the Coastal Act. Once certified, these Land Use Plan policies become the standard of review for both implementation plan amendments and coastal development permits issued by the local government and the Commission on appeal.

The Coastal Act includes many policies that support "smart growth," among them: concentrating development (Pub. Resources Code § 30250), establishing urban-rural boundaries (Id. at § 30241), enhancing public access to the coast through facilitation of transit and non-automobile circulation within developments (Id. at § 30252), and minimizing energy use and vehicle miles travelled (Id. at § 30253). Other Coastal Act policies assure that smart growth housing development is undertaken consistent with the protection of public access and coastal natural and scenic resources. An example of this is illustrated in the following LCP Amendment action on the City of Capitola LCP. See reports: Part 1 and Part 2.

The Commission has taken numerous other actions that address provision of accessory dwelling units, reasonable accommodations and density bonuses/inclusionary housing. Some examples of these can be found in the Commission LUP Update Guide.A report on the Commission's housing program history is contained as an Attachment to the Executive Director's report of April 15, 2015.

While the Coastal Act does not define what constitutes "maximum public participation" there are numerous provisions in the Coastal Act and the California Code of Regulations (Title 14) that specify standards for preparation, review and submittal of documents, for required noticing, scheduling and for conduct of hearings. For example, the Coastal Act:

States the Legislature's findings and declarations that the public should fully participate and that the process should include the widest opportunity for public participation (Pub. Resources Code § 30006).

Outlines the Commission's duties to ensure full and adequate public participation (Pub. Resources Code § 30339).

Mandates opportunities for public participation in a LCP program, including requirements that a local government must, prior to submittal of the program, hold a public hearing or hearings on that portion of the program that has not been subjected to public hearings within four years of such submission (Pub. Resources Code §§ 30500, 30503, 30504).

Requires submittal pursuant to a resolution (Pub. Resources Code § 30510(a)).

Requires public participation in port planning and decisions (Pub. Resources Code § 30711).

In addition, the California Code of Regulations (Title 14) includes requirements for public participation in carrying out the Coastal Act provisions.

SEA LEVEL RISE IN THE COASTAL ZONE

As part of an LCP, update, or amendment, local governments should evaluate and plan for sea level rise. Sea level rise potentially increases the risk of coastal hazards as identified in Public Resources Code Section 30253 (geologic flood, and fire), as well as potentially increasing impacts on coastal resources identified throughout the Coastal Act. The analysis can be performed through a vulnerability assessment, climate action plan or other document and is best coordinated with the guidance in the general plan guidelines on how to address climate change risk, vulnerability and adaptation. The Coastal Commission maintains Sea Level Rise Policy Guidance on how to plan for sea level rise within an LCP or permit at http://www.coastal.ca.gov/climate/SLRguidance.html.

Additional information on LCP planning, such as updating certified LCPs and Best Practices for amending LCPs, can be found here: https://www.coastal.ca.gov/rflg/.

12/31/2020

PASS AND SPUR CLOSURES

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN
Tioga Pass TOU SR120	10/01/02 @ **1700**	10/02/02 @ **1207**	**Winter Closure** 11/16/02 @ **1700**	**OPEN** on 05/31/03 **@1100**										
Continued														
Sonora Pass TOU SR108	10/01/02 @ **2210**	10/03/02 @ **1200**	**Winter Closure** 11/06/02 @ **1400**	**OPEN** on 05/22/03 **@1300**										
Continued														
Ebbetts Pass ALP SR4	**Winter Closure** 11/06/02 @ **1422**	Move to P.M24.5 Nelson's Cabin 3/25/03 **@1421**	Moved back to Wolf Creek 4/2/03 @ **1045**	**OPEN** on 05/22/03 **@1100**										
Continued														
Monitor Pass ALP SR 89	11/07/02 @ **0500**	11/12/02 @ **1232**	**Winter Closure** 12/13/02 @ **0630**	3/28/03 @ **0900**	04/01/03 @ **2021**	**OPEN** on 05/10/03 @ **0900**								
Continued														
Carson Pass ALP SR 88	12/14/02 @ **1910**	12/14/02 @ **2145**	12/16/02 @ **0700**	12/16/02 @ **1435**	12/19/02 @ **1750**	12/20/02 @ **0125**	12/28/02 @ **2245**	12/29/02 @ **0630**	12/31/02 @ **0310**	12/31/02 @ **1035**		**OPEN** on 05/09/03 @ **0500**		
Continued														
Carson Spur AMA SR 88	12/14/02 @ **2347**	12/15/02 @ **0550**	12/16/02 @ **0406**	12/17/02 @ **1348**	12/19/02 @ **1715**	12/20/02 @ **0944**	12/21/02 @ **0320**	12/21/02 @ **0622**	12/22/02 @ **1333**	12/22/02 @ **1354**	12/22/02 @ **1930**	12/22/02 @ **2050**	12/28/02 @ **1850**	12/29/02 @ **0418**
Continued	12/29/02 @ **0805**	12/29/02 @ **1424**	12/31/02 @ **0224**	12/31/02 @ **1447**	01/10/03 @ **0211**	01/10/03 @ **0252**	02/16/03 @ **0310**	02/16/03 @ **0749**	03/15/03 @ **0423**	3/15/03 @ **0735**	03/23/03 @ **0500**	03/23/03 @ **1315**	04/02/03 @ **0940**	04/02/03 **@1309**
	04/02/03 @ **1814**	04/03/03 @ **0625**	04/04/03 @ **0650**	04/04/03 @ **0825**	04/05/03 @ **0123**	04/05/03 @ **0420**		**OPEN** on 05/09/03 @ **1356**						

12/31/2020

PASS AND SPUR CLOSURES

Carson Pass Spur Closures 2003

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN
Tioga Pass TOU SR120	**Winter Closure** 11/16/02 @ **1700**	**OPEN** on 05/31/03 @**1100**	**10/31/03 @ 0624**		**Winter Closure on 11/06/03 time ?**									
Continued														
Sonora Pass TOU SR108	**Winter Closure** 11/06/02 @ **1400**	**OPEN** on 05/22/03 @**1300**	**10/31/03 @ 0443**		**Winter Closure on 11/10/03 @ 1030**		**Winter Closure moved to Snow Park on 10/11/03 @ 1028**							
Continued														
Ebbetts Pass ALP SR4	**10/31/03 @ 0444**		**Winter Closure on 11/10/03 @ 1030**											
Continued														
Monitor Pass ALP SR 89	**10/31/03 @ 0800**		**Winter Closure 11/17/03 @ 1013**											
Continued														
Carson Pass ALP SR 88	**12/11/03 @ 0411**	12/11/03 **@ 0506**	12/24/03 **@2230**	12/24/03 **@ 2330**	12/29/03 **@ 1100**	12/29/03 **@ 1245**	12/29/03 **@ 1935**	12/30/03 **@ 0130**	01/01/04 **@ 1010**					
Continued														
Carson Spur AMA SR 88	01/10/03 **@ 0211**	01/10/03 **@ 0252**	02/16/03 **@ 0310**	02/16/03 **@ 0749**	03/15/03 **@ 0423**	3/15/03 **@ 0735**	03/23/03 **@ 0500**	03/23/03 @ **1315**	04/02/03 **@ 0940**	04/02/03 **@1309**	04/02/03 **@ 1814**	04/03/03 **@ 0625**	04/04/03 **@ 0650**	04/04/03 **@ 0825**
Continued	04/05/03 **@ 0123**	04/05/03 **@ 0420**		**OPEN** on 05/09/03 **@ 1356**	11/09/03 **@ 0322**	11/09/03 **@ 0409**	12/10/03 **@ 0332**	**12/10/03 @ 0432**	12/10/03 **@ 1230**	12/10/03 **@ 1408**	12/11/03 **@ 0300**	12/11/03 **@ 0730**	12/13/03 **@ 0518**	
	12/14/03 **@ 0650**	12/14/03 **@ 1306**	12/24/03 **@ 1312**	12/24/03 **@ 1715**	12/24/03 **@ 1905**	12/25/03 **@ 0646**	12/26/03 **@ 0058**	12/26/03 **@ 0321**	12/29/03 **@ 0744**	12/30/03 **@ 0520**				

12/31/2020

PASS AND SPUR CLOSURES 2004

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN
Tioga Pass TOU SR120	**Winter Closure on 11/06/03 time ?**	5/14/04 @ 0916												
Continued														
Sonora Pass TOU SR108	**Winter Closure moved to Snow Park on 10/11/03 @ 1028**	5/6/04 @ 1530												
Continued														
Ebbetts Pass ALP SR4	**10/31/03 @ 0444**		**Winter Closure on 11/10/03 @ 1030**											
Continued														
Monitor Pass ALP SR 89	**10/31/03 @ 0800**		**Winter Closure 11/17/03 @ 1013**											
Continued														
Carson Pass ALP SR 88	01/01/04 **@ 1010**	01/02/04 **@ 0626**	01/02/04 **@ 1830**	01/02/04 **@ 2216**	02/02/04 **@ 1556**	02/02/04 **@ 1830**	02/18/04 **@ 0430 No Notification**	02/18/04 @ **0439 No Notification**	02/25/04 **@ 1658**	02/26/04 **@ 0008**	02/26/04 **@ 0150**	02/26/04 **@ 1006**	02/26/04 **@ 2000**	02/27/04 **@ 0213**
Continued														
Carson Spur AMA SR 88	01/01/04 **@ 0558**	01/01/04 **@ 0744**	01/01/04 **@ 0925**	01/02/04 **@1800**	01/20/04 **@ 2230**	01/20/04 **@ 2340**	01/27/04 **@1400**	01/27/04 **@1535**	01/27/04 **@ 2300**	01/28/04 **@ 0315**	02/02/04 **@1430**	02/03/04 **@ 0049**	02/16/04 **@ 1303**	02/16/04 **@ 1449**
Continued	02/18/04 **@ 0244**	02/18/04 **@ 0807**	02/18/04 **@1500**	02/18/04 **@ 1622**	02/18/04 **@ 2200**	02/18/04 **@ 2334**	02/25/04 **@ 1031**	**MOVED to Iron Mt.@ 1457**		02/27/04 **@ 0715**	03/01/04 **@ 1920**	03/01/04 **@ 2020**	03/02/04 **@ 0619**	03/02/04 **@ 0613**
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PASS AND SPUR CLOSURES 2004

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PASS AND SPUR CLOSURES 2005

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN
Tioga Pass TOU SR120	**11/01/04 Per YNP decided last week sometime in a meeting that it is close for Winter**	06/24/05 **@0800**	Within park boundaries **10/25/05 @0730**	10/25/05 **@ 1032**	Closed @ Crane Flat to YNP Entrance 10/27/05 **@ 0659**	**10/28/05 @1220**	CLOSED through YNP, Icy conditions 10/28/05 **@1921**	10/29/05 **@1015**	11/02/05 **@ 12530**	11/03/05 **@ 0754**	11/06/05 **@ 1125**	Due to strom 11/06/05 **@1800**	11/06/05 **@ 1759**	11/14/05 **@ 1300**
Continued														
Sonora Pass TOU SR108	**12/07/04 Closure moved down to Snow Park**	Closure moved to Eagels Meadows 04/20/05 **@ 1000**	Closure open to Kennedy Meadows to Tuo/Mono Co line 04/20/05 **@ 1310**	05/19/05 meet on Memorial Day weekend for ETO		Winter closure openning 05/25/05 **@ 1500**	Closure open to Kennedy Meadows to Tuo/Mono Co line 10/25/05 **@ 0054**	10/28/05 **@1215**	Due to snow 11/02/05 **@ 1530**	11/04/05 **@ 1330**	Due to snow 11/07/05 **@1110**	11/15/05 **@ 1215**	Due to snow 11/25/05 **@ 1300**	
Continued														
Ebbetts Pass ALP SR4	**Moved 12/27/04 @ 1100 Mt.Reba Rd to Wolf Cr.**	moved 03/25/05 **@ 1702 Gate 4 EO Lake Alpine**	Closure move **04/21/05 @?** EO Lake Alpine	winter closure openning **05/26/05 @ 1430**	11/07/05 **@ 1637**	11/09/05 **@ 1030**	Winter Closure 11/28/05 **@ 0937**							
Continued														
Monitor Pass ALP SR 89	Winter closurse 11/25/04 **@ 1438**	Opening pass 04/26/05 **@ 1200**	Due to snow 11/28/05 **@ 1230**		Winter Closure 12/5/05 **@ 0800**									
Continued														
Carson Pass ALP SR 88	01//7/05 **@ 1317**	01/09/05 **@ 1800**	01/11/05 **@ 0100**	01/11/05 **@ 1847**	01/28/05 @ **1735**	01/28/05 **@ 1851**	02/20/05 **@ 0414**	02/20/05 **@ 0715**	03/19/05 **@2122**	03/19/05 **@ 2136**	03/20/05 @ **2220**	**03/20/05 @ 2243**	03/22/05 **@1830**	03/22/05 **@ 1945**
Continued	03/24/05 **@1945**	03/24/03 **@2251**	03/27/05 **@ 2252**	03/28/05 **@ 0442**	12/18/05 **@ 0820**	12/18/05 **@ 1225**	12/26/05 **@ 0515**	12/26/05 **@ 0730**	12/31/05 **@ 0957**	12/31/05 **@ 1326**				
Continued														
Carson Spur AMA SR 88	12/29/04 **@ 2300**	01/03/05 **@ 0805**	01/04/05 **@ 0158**	01/04/05 **@ 0225**	01/07/05 @ **1236**	01/09/05 **@ 0755**	01/10/05 @ **0322**	01/10/05 **@ 0619**	01/10/05 **@ 2300**	01/11/05 **@ 1355**	01/28/05 @ **0640**	01/28/05 @ **0742**	01/28/05 **@ 1100**	01/28/05 **@ 1505**
Continued	01/28/05 **@ 1735**	01/28/05 **@ 1851**	01/29/05 **@ 2148**	01/29/05 **@ 2338**	01/30/05 **@ 1324**	01/30/05 **@ 1411**	01/30/05 @ **2130**	01/30/05 **@ 2149**	02/01/05 **@ 0357**	02/01/05 **@ 0416**	02/10/05 @ **1237**	02/10/05 @ **1315**	02/16/05 **@ 0516**	02/16/05 **@ 0731**
Continued	02/16/05 **@ 1130**	02/16/05 **@ 1243**	02/19/05 **@ 2326**	02/20/05 **@ 1155**	02/21/05 **@ 0510**	02/21/05 **@ 0553**	02/21/05 @ **1100**	02/21/05 **@1337**	02/27/05 **@ 0044**	02/28/05 **@ 0940**	03/19/05 @ **0747**	03/19/05 @ **0825**	03/19/05 **@ 1030**	03/19/05 **@1430**
Continued	03/19/05 **@ 2011**	03/20/05 **@ 0743**	03/20/05 **@ 2042**	03/21/05 **@ 0453**	03/22/05 **@0139**	03/22/05 **@ 0621**	03/22/05 **@0850**	03/22/05 **@1330**	03/22/05 **@1632**	03/23/05 **@ 1140**	03/23/05 **@ 1518**	03/23/05 **@ 1755**	03/24/05 **@ 0125**	03/24/05 **@ 0510**
Continued	03/26/05 **@ 0357**	03/26/04 **@0453**	03/27/5 **@ 0008**	03/28/05 **@1050**	03/28/05 **@2203**	03/29/05 **@ 0345**	04/03/05 **@ 2143**	04/04/05 **@ 0413**	04/08/05 **@1027**	04/08/05 **@1705**	04/08/05 **@ 1853**	04/08/05 **@ 2210**	04/16/05 **@ 1950**	04/16/05 **@ 2115**
Continued	12/2/05 **@ 0200**	12/2/05 **@ 0234**	12/9/05 **@ 1952**	12/9/05 **@ 2029**	12/18/05 **@ 0330**	12/18/05 **@ 0515**	12/18/15 **@ 0722**	12/18/05 **@ 1710**	12/19/05 **@ 0030**	12/19/05 **@ 0615**	12/25/05 **@ 1904**	12/26/05 **@ 0030**	12/28/05 **@ 1030**	12/28/05 **@ 1406**
Continued	12/31/05 **@ 0012**	12/31/05 **@ 0318**	12/31/05 **@ 0757**	12/31/05 **@ 1945**										

Spur and Pass
2006
Closures

Tioga Pass TOU SR120	Winter closure 11/25/05 @ 1000	6/17/06 @ 0618	10/17/06 @ 1551	10/17/06 @ 1905	11/03/06 @ 2036	11/04/06 @ 1210	11/10/06 @ 2157	11/17/06 @ 1300	Winter closure 11/27/06 @ 0745					
Continued														
Sonora Pass TOU SR108	Winter closure 12/05/05 @ 0800	5/25/06 @ 0900	10/06/06 @ 2317	10/07/06 @ 1130	10/09/06 @ 2111	10/11/06 @ 1130	11/03/06 @ 1630	11/06/06 @ 1100	Winter closure 12/18/06					
Continued														
Ebbetts Pass ALP SR4	Winter Closure 11/28/05 @ 0937	5/25/06 @ 1410	10/10/06 @ 1300	10/11/06 @ 1015	11/11/06 @ 0625	11/17/06 @ 0830	Winter closure 12/11/06 @ 1600							
Continued														
Monitor Pass ALP SR 89	Winter Closure 12/5/05 @ 0800	4/27/06 @ 1500	winter closure 11/26/06 @ 1726											
Continued														
Carson Pass ALP SR 88	1/2/06 @ 0215	1/2/06 @ 0530	2/27/06 @ 2228	2/28/06 @ 0032	3/2/06 @ 1644	3/2/06 @ 1720	3/3/06 @0221	3/3/06 @ 0242	3/3/06 @ 0955	3/3/06 @ 1310	3/4/06 @ 0239	3/4/05 @ 0423	3/14/06 @ 0140	3/14/06 @ 0752
Continued	3/15/06 @ 0152	3/15/06 @ 0358	3/28/06 @ 2330	3/29/06 @ 0145	3/31/06 @ 2231	4/1/06 @ 0234	4/7/06 @ 0512	4/7/06 @ 0534	4/12/06 @ 0847	4/12/06 @ 1015	4/16/06 @ 1415	4/17/06 @ 0322	12/26/06 @ 2044	n/a
Continued														
Continued														
Continued														
Carson Spur AMA SR 88	1/1/06 @ 0100	1/1/06 @ 0314	1/1/06 @ 2243	1/2/06 @ 0630	1/2/06 @ 1230	1/3/06 @ 0658	1/14/06 @ 0800	1/14/06 @ 1235	1/14/06 @ 1727	1/15/06 @ 0400	1/18/06 @ 0323	1/18/06 @ 0413	1/18/06 @ 1037	1/18/06 @ 1753
Continued	1/22/06 @ 1209	1/22/06 @ 1327	1/22/06 @ 2044	1/22/06 @ 2125	1/30/06 @ 2100	1/30/06 @ 2327	2/17/06 @ 2205	2/18/06 @ 0225	2/20/06 @ 0251	2/20/06 @ 0403	2/27/06 @ 1700	2/27/06 @ 2304	2/28/06 @ 0000	3/1/06 @ 0345
Continued	3/1/06 @ 1243	3/1/06 @ 1415	3/2/06 @ 1336	3/2/06 @1451	3/2/06 @ 2041	3/3/06 @ 0001	3/3/06 @ 0500	3/3/06 @ 0544	3/3/06 @ 0845	3/3/06 @ 2335	3/6/06 @ 0418	3/6/06 @ 1318	3/7/06 @ 0500	3/7/06 @ 0610
Continued	3/10/06 @ 0305	3/10/06 @ 0619	3/10/06 @ 2255	3/10/06 @ 2338	3/14/06 @ 0258	3/14/06 @ 2215	3/17/06 @ 0448	3/17/06 @ 0651	3/21/06 @ 0131	3/21/06 @ 0503	3/25/06 @ 0530	3/25/06 @ 2304	3/28/06 @ 2047	3/29/06 @ 0330
Continued	3/31/06 @ 2035	4/1/06 @ 0717	4/4/06 @ 0415	4/4/06 @ 0640	4/4/06 @ 2207	4/5/06 @ 0613	4/10/06 @ 1223	4/10/06 @ 1400	4/12/06 @ 0540	4/12/06 @ 0908	4/16/06 @ 1125	4/17/06 @ 1654	12/21/06 @ 2345	12/22/06 @ 0011
Continued	12/27/06 @ 0139	12/27/06 @ 0350	12/28/06 @ 0145	12/28/06 @ 0730										

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN
Tioga Pass TOU SR120	Winter closure 11/27/06 @ 0745	5/11/07 @ 1000	9/20/07 @ 0730	9/20/07 @ 0950	10/05/07 @ 0631	10/13/007 @ 1030	10/16/07 @2130	10/17/07 @1035	10/20/07 @0330	10/20/07 @ 0815	10/29/07 @ 2153	10/30/07 @ 1130	11/11/07 @ 0348	
Continued		11/12/07 @ 0959	12/4/07 @ 0845	12/05/07 @ 1011	12/6/07 @ 0958									
Sonora Pass TOU SR108	Winter closure 12/18/06	4/26/07 @ 1200	5/1/07 @ 0710	5/11/07 @ 1130	9/20/07 @ 0900	9/21/07 @ 1100	10/10/07 @ 0152	10/11/07 @ 0950	10/16/07 @1620	10/18/07 @1015	10/29/07 @ 1630	10/30/07 @ 1120	11/11/07 @ 0030	
Continued		11/13/07 @1400	12/06/07 @ 0939	n/a	winter closure 12/10/07 @ 0826									
Ebbetts Pass ALP SR4	Winter closure 12/11/06 @ 1600	5/10/07 @ 1654	9/20/07 @ 0310	9/20/07 @ 1130	10/10/07 @ 0540	10/10/07 @ 1414	10/16/07 @0618	10/18/07 @1000	12/1/07 @ 1155	n/a	winter closure 12/10/07 @ 0833			
Continued														
Monitor Pass ALP SR 89	winter closure 11/26/06 @ 1726	3/16/07 @ 0945	3/21/07 @ 0159	3/22/07 @ 1002	3/26/07 @ 2017	3/29/07 @ 0900	4/11/07 @ 0900	4/13/07 @ 0900	04/15/07 @ 0027	4/16/07 @ 1130	4/17/07 @ 2211	4/23/07 @ 1430	5/2/07 @1740	5/4/07 @1255
Continued	5/5/07 @ 0346	5/7/07 @ 0837	12/6/07 @ 1030	n/a	winter closure 12/21/07 @ 1015									
Carson Pass ALP SR 88	2/22/07 @ 1220	2/22/07 @ 1509	2/25/07 @ 1130	2/25/07 @ 2210	2/26/07 @ 1808	2/27/07 @ 0640								
Continued														
Carson Spur AMA SR 88	1/04/07 @ 2143	1/5/07 @ 0039	2/09/07 @ 1029	2/09/07 @ 1058	2/10/07 @ 1221	2/10/07 @ 1339	2/11/07 @ 0607	2/11/07 @ 0715	2/22/07 @ 1023	2/23/07 @ 0355	2/25/07 @ 0409	2/25/07 @ 0835	2/26/07 @ 1135	2/26/07 @ 1512
Continued	2/27/07 @ 0730	2/27/07 @ 1559	3/03/07 @ 0300	3/03/07 @ 0415	3/26/07 @ 2150	3/27/07 @ 0040	3/28/07 @ 0256	3/28/07 @ 0400	4/22/07 @ 0600	4/22/07 @ 1428	12/19/07 @ 033	12/19/07 @ 0100	12/20/07 @ 0425	12/20/07 @ 0542
	12/20/07 @ 1255	12/20/07 @ 1322	12/21/07 @ 0341	12/21/07 @ 0355										

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN
Tioga Pass TOU SR120	12/6/07 @ 0958	5/20/08 @ 1505	5/23/08 @ 1356	5/23/08 @ 1655	5/23/08 @ 2010	5/26/08 @ 1003	7/14/08 @ 1525	7/14/08 @ 1714	10/3/08 @ 2144	10/4/08 @ 1245	10/10/08 @ 1510	10/12/08 @ 1407	10/30/08 @ 1900	
Continued	winter closure 12/16/08 @ 0800													
Sonora Pass TOU SR108	winter closure 12/10/07 @ 0826	5/8/08 @ 1400	5/24/08 @ 0200	5/25/08 @ 1109	5/25/08 @ 1800	5/26/08 @ 1106	10/4/08 @ 0350	10/4/08 @ 1100	10/10/08 @ 1752	10/14/08 @ 1200	10/30/08 @ 1810		winter closure 12/14/08 @ 0930	
Continued														
Ebbetts Pass ALP SR4	winter closure 12/10/07 @ 0833	gate 1 4/15/08 @ 1445	n/a	gate 3 4/25/08 @ 1700	n/a	5/9/08 @ 1301	5/24/08 @ 0806	5/26/08 @ 0852	10/10/08 @ 1844	10/12/08 @ 1054	11/2/08 @ 0025	11/14/08 @ 1200	winter closure 12/15/08 @ 0910	
Continued														
Monitor Pass ALP SR 89	winter closure 12/21/07 @ 1015	4/9/08 @ 1600	4/23/08 @ 0518	4/23/08 @ 1035	10/10/08 @ 1832	10/11/08 @ 1432	11/2/08 @ 0108	11/4/08 @ 1200	11/08/08 @ 2338	11/10/08 @ 1044	11/26/08 @1200	11/27/08 @ 1200	winter closure 12/15/08 @ 0910	
Continued														
Carson Pass ALP SR 88	1/4/08 @ 1620	1/4/08 @ 1758	1/5/08 @ 1804	1/5/08 @ 1959	1/6/08 @ 0207	1/6/08 @ 1340	1/27/08 @ 1911	1/28/08 @ 0710	2/2/08 @ 2207	2/3/08 @ 1506	2/24/08 @ 0840	2/24/08 @ 1105	10/10/08 @ 1145	10/10/08 @ 1200
Continued														
Carson Spur AMA SR 88	1/4/08 @ 0930	1/7/08 @ 0505	1/8/08 @ 1738	1/8/08 @ 2005	1/22/08 @ 2052	1/22/08 @ 2126	1/24/08 @ 0058	1/24/08 @ 0132	1/27/08 @ 0540	1/27/08 @ 0745	1/27/08 @ 1850	1/28/08 @ 1639	1/30/08 @ 0017	1/30/08 @ 0133
Continued	2/1/08 @ 0156	2/1/08 @ 0723	2/3/08 @ 0115	2/3/08 @ 2100	2/4/08 @ 2012	2/4/08 @ 2101	2/16/08 @ 1614	2/16/08 @ 1709	2/22/08 @ 0544	2/22/08 @ 0655	2/22/08 @ 1708	2/22/08 @ 1747	2/23/08 @ 2224	2/24/08 @ 2130
Continued	3/15/08 @ 0504	3/15/08 @ 0536	3/16/08 @ 2205	3/16/08 @ 2223	3/18/08 @ 1004	3/18/08 @ 1216	12/15/08 @2227	12/15/08 @ 2252	12/22/08 @ 0100	12/22/08 @ 0202	12/23/08 @ 0500	12/23/08 @ 0549	12/25/08 @ 0522	

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN
Tioga Pass TOU SR120	winter closure 12/16/08 @ 0800	5/19/09 @ 1557	6/5/09 @ 0954	6/5/09 @ 1422	10/4/09 @ 0718	10/5/09 @ 1317	10/12/09 @ 2350	10/15/09 @ 1359
Continued	11/12/09 @ 0734		Winter Closure 12/1/09 @ 1600					
Sonora Pass TOU SR108	winter closure 12/14/08 @ 0930	5/14/09 @ 1200	6/5/09 @ 1357	6/7/09 @ 0900	10/4/09 @ 0244	10/6/09 @1010	10/13/09 @ 0900	10/16/09 @ 1130
Continued	11/27/09 @ 2000		Winter Closure 12/3/09 @ 1408					
Ebbetts Pass ALP SR4	winter closure 12/15/08 @ 0910	5/8/09 @ 1350	6/5/09 @ 1228	6/6/09 @ 0840	10/4/09 @ 0626	10/4/09 @ 1223	10/13/09 @ 0925	10/15/09 @0900
Continued	11/27/09 @ 1515		Winter closure 12/3/09 @ 1409					
Monitor Pass ALP SR 89	winter closure 12/15/08 @ 0910	4/17/09 @ 1159	4/25/09 @ 0236	4/25/09 @ 1006	5/2/09 @ 0241	5/4/09 @ 1000	10/13/09 @ 1456	10/14/09 @ 1000
Continued								
Carson Pass ALP SR 88	2/17/09 @ 1300	2/17/09 @ 1345	3/3/09 @ 1400	3/3/09 @ 1745	3/4/09 @ 0645	3/4/09 @ 1200	12/13/09 @ 0218	12/13/09 @ 0313
Continued								
Carson Spur AMA SR 88	1/22/09 @ 1457	1/22/09 @ 1511	1/24/09 @ 0430	1/24/09 @ 0458	2/7/09 @ 1330	2/7/09 @ 1400	2/9/09 @ 0104	2/9/09 @ 0629
Continued	2/15/09 @ 1340	2/15/09 @ 1443	2/16/09 @ 1502	2/16/09 @ 1545	2/17/09 @ 0211	2/17/09 @ 0715	2/23/09 @ 0402	2/23/09 @ 0612
Continued	3/22/09 @ 0300	3/22/09 @ 0523	3/22/09 @ 0613	3/22/09 @ 1750	5/2/09 @ 0604	5/2/09 @ 0800	5/2/09 @ 1139	5/2/09 @ 1355

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CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN			
10/15/09 @ 2309	10/16/09 @0959	10/19/09 @ 1255	10/21/09 @ 1018	10/28/09 @ 0355	10/29/09 @ 1030			
10/19/09 @ 1429	10/20/19 @ 1130	10/28/09 @ 0830	10/30/09 @ 1100	11/12/09 @ 0435	11/25/09 @ 1200			
10/19/09 @1342	10/20/09 @ 1300	10/27/09 @ 2243	10/29/09 @ 1030	11/12/09 @ 0500	11/24/09 @ 1155			
11/12/09 @ 0556	11/23/09 @ 0900	11/27/09 @ 1700						
2/11/09 @ 2107	2/11/09 @ 2310	2/13/09 @ 1014	2/13/09 @ 1305	2/14/09 @ 0321	2/14/09 @ 0429			
3/1/09 @ 1939	3/2/09 @ 0111	3/2/09 @ 1740	3/3/09 @ 0300	3/3/09 @ 0516	3/3/09 @ 0545			
12/12/09 @ 1555	12/12/09 @ 1655	12/13/09 @ 0509	12/13/09 @ 0541	12/22/09 @ 0511	12/22/09 @ 0546			

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN
Tioga Pass TOU SR120	Winter Closure 12/1/09 @ 1600	6/5/10 @ 0800	10/4/10 @ 0815	10/7/10 @ 1007	10/23/10 @0957	10/25/10 @ 1531	10/29/10 @ 1713	11/7/10 @ 0845
Continued								
Sonora Pass TOU SR108	Winter Closure 12/3/09 @ 1408	4/16/10 @ 1030 1st gate open @ eagle meadows	4/23/10 @ 1154 2nd gate open @ kennedy meadows	full open 5/28/10 @ 1600	10/4/10 @0844	10/8/10 @ 1000	10/18/10 @0130	10/19/10 @ 0946
Continued	11/20/10 @0953	n/a	Winter closure 11/22/10 @ 0753					
Ebbetts Pass ALP SR4	Winter closure 12/3/09 @ 1409	full open 5/28/10 @ 1700	10/5/10 @ 0540	10/6/10 @ 0920	10/24/10 @ 1400	10/25/10 @ 0930	10/30/10 @ 0412	11/1/10 @1020
Continued								
Monitor Pass ALP SR 89	11/27/09 @ 1700	3/24/10 @ 1200	3/29/10 @ 1933	4/14/10 @ 1106	4/20/10 @1055	4/23/10 @ 0858	4/27/10 @1734	4/30/10 @ 1200
Continued	5/25/10 @2118	5/27/10 @ 1248	5/27/10 @ 2214	5/28/10 @ 0924	10/5/10 @0902	10/7/10 @ 1402	10/24/10 @ 1853	11/7/10 @1430
Carson Pass ALP SR 88	1/18/10 @ 1900	1/19/10 @ 0019	1/20/10 @ 2009	1/21/10 @ 0131	2/26/10 @ 2200	2/27/10 @ 1231	3/3/10 @ 1340	3/3/10 @ 1422
Continued	12/19/10 @ 0300	12/19/10 @ 0423	12/19/10 @ 1500	12/19/10 @ 2120	12/28/10 @ 2315	12/29/10 @ 1230		
Carson Spur AMA SR 88	1/13/10 @ 0533	1/13/10 @ 0620	1/17/10 @ 1457	1/17/10 @ 1518	1/18/10 @ 1346	1/18/10 @ 2354	1/19/10 @ 1419	1/19/10 @ 1452
Continued	1/24/10 @ 1916	1/24/10 @2150	1/26/10 @ 0149	1/26/10 @ 0428	2/4/10 @ 1304	2/4/10 @ 1401	2/5/10 @0500	2/5/10 @ 0600
Continued	2/26/10 @ 1906	2/27/10 @ 1058	3/3/10 @ 1236	3/3/10 @ 1513	3/8/10 1954	3/8/10 @2106	3/12/10 @ 1830	3/12/10 @ 2000
Continued	3/31/10 @ 0238	3/31/10 @ 0255	4/4/20 @ 2054	4/5/10 @1719	4/7/10 @ 0351	4/7/10 @ 0415	4/11/10 @1913	4/11/10 @2149
	5/27/10 @2230	5/27/10 @2345	11/20/10 @ 1448	11/20/10 @ 1840	11/20/10 @ 2253	11/21/10 @ 2229	11/22/10 @ 0020	11/22/10 @ 1157
	12/14/10 @ 1942	12/14/10 @ 2215	12/17/10 @ 1849	12/21/10 @ 0201	12/26/10 @ 0111	12/26/10 @ 0311	12/28/10 @ 1930	12/30/10 @ 1247

CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN			
11/19/10 @ 1545								
10/23/10 @ 1605	10/30/10 @ 0321	11/1/10 @1000	11/6/10 @ 0945	11/7/10 @ 0935				
11/7/10 @ 0825	11/15/10 @ 1423	11/19/10 @ 1400	n/a	Winter closure 11/22/10 @ 0753				
5/10/10 @ 1733	5/12/10 @ 1018	5/22/10 @2355	5/22/10 @ 0900	5/22/10 @ 2309	5/23/10 @ 1209			
11/12/10 @ 0959	11/19/10 @ 1000							
3/31/10 @ 0330	3/31/10 @ 0338	4/5/10 @ 0120	4/5/10 @ 0739	12/17/10 @ 2145	12/18/10 @ 0020			
1/20/10 @ 1002	1/20/10 @ 1132	1/20/10 @ 2030	1/21/10 @ 0221	1/22/10 @0334	1/22/10 @0505			
2/10/10 @0021	2/10/10 @0054	2/22/10 @ 0300	2/22/10 @ 0320	2/24/10 @ 0400	2/24/10 @ 0613			
3/13/10 @ 2025	3/13/10 @ 2200	3/27/10 @0233	3/27/10 @0258	3/30/10 @ 1500	3/30/10 @ 1600			
4/12/10 @ 1300	4/12/10 @ 1400	4/28/10 @1656	4/28/10 @ 1930	5/10/10 @ 2036	5/10/10 @0227			
11/23/10 @ 0838	11/23/10 @ 2149	11/27/10 @1510	11/27/10 @ 1735	11/27/10 @ 2125	11/27/10 @ 2242			

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED
Tioga Pass TOU SR120	11/19/10 @ 1545	6/18/11 @ 0847	10/5/11 @ 0600	10/7/11 @ 1415	11/3/11 @ 2000	11/16/11 @ 1205	11/18/11 @ 1656	11/25/11 @ 1205	11/30/11 @ 1847
Continued									
Sonora Pass TOU SR108	Winter closure 11/22/10 @ 0753	04/15/11 @1430 closure to eagle meadows	04/28/11 @ 1500 closure to kennedy meadows	5/27/11 @ 1146	5/28/11 @ 1630	5/30/11 @ 0930	6/1/11 @ 1330	6/7/11 @ 1019	6/29/11 @ 0620
Continued	11/3/11 @ 1410	12/23/11 @ 1345							
Ebbetts Pass ALP SR4	Winter closure 11/22/10 @ 0753	05/04/11 @ 0845 closure to gate 2 e. lake alpine	5/20/11 @ 1440 closure to gate 3 raymond meadow	5/27/11 @ 1201	5/28/11 @ 1510	5/29/11 @ 1400	6/1/11 @ 1356	6/7/11 @ 1200	10/4/11 @ 1710
Continued									
Monitor Pass ALP SR 89	11/19/10 @ 1000	4/29/11 @ 1002	5/9/11 @ 1600	5/10/11 @ 0911	5/17/11 @ 1900	5/19/11 @ 0858	5/25/11 @ 1944	5/26/11 @ 0900	5/28/11 @ 2022
Continued	10/4/11 @ 2116	10/7/11 @ 0900	11/3/11 @ 1754	11/14/11 @ 1211	11/17/11 @ 2101	11/19/11 @0905	11/19/11 @2000	11/25/11 @ 0928	
Carson Pass ALP SR 88	2/16/11 @ 1000	2/16/11 @ 2100	2/17/11 @ 1903	2/18/11 @ 0205	2/19/11 @ 0212	2/19/11 @ 0304	2/25/11 @ 0353	2/25/11 @ 0445	2/25/11 @ 1015
Continued	3/20/11 @ 0659	3/20/11 @ 0511	3/23/11 @ 1059	3/23/11 @ 1259	3/23/11 @ 2251	3/23/11 @ 2329	3/24/11 @ 1213	3/25/11 @ 0508	
Carson Spur AMA SR 88	1/3/11 @ 0218	1/3/11 @ 0254	2/16/11 @ 0538	2/17/11 @ 0054	2/17/11 @ 1250	2/17/11 @ 1408	2/17/11 @ 1839	2/19/11 @ 1730	2/25/11 @ 0212
Continued	3/6/11 @ 0720	3/6/11 @ 0746	3/6/11 @ 0811	3/6/11 @ 0829	3/6/11 @ 1413	3/6/11 @ 1432	3/7/11 @ 0258	3/7/11 @ 0546	3/14/11 @ 0500
Continued	3/19/11 @ 0738	3/19/11 @ 1023	3/19/11 @ 2358	3/21/11 @ 1417	3/23/11 @ 1545	3/24/11 @ 0029	3/24/11 @ 1232	3/26/11 @0730	3/27/11 @ 0100
Continued									

OPEN	CLOSED	OPEN	CLOSED	OPEN					
12/7/11 @ 1554	12/12/11 @ 1515	12/16/11 @ 1415							
6/29/11 @ 1400	10/4/11 @ 1713	10/7/11 @ 1230	10/10/11 @ 1800	10/11/11 @ 1030					
10/7/11 @1230	11/3/11 @ 1415	12/12/11 @ 0900	12/15/11 @ 0400	12/16/11 @ 1210					
5/29/11 @ 1221	6/1/11 @ 1939	6/2/11 @ 1037	6/5/11 @ 2006	6/6/11 @ 1215					
2/25/11 @ 2228	3/18/11 @ 2133	3/18/11 @ 2322	3/20/11 @ 0211	3/20/11 @ 0319					
2/25/11 @ 0311	2/25/11 @ 0847	2/26/11 @ 0156	3/3/11 @ 0603	3/3/11 @ 0621					
3/14/11 @ 0642	3/16/11 @ 0335	3/16/11 @ 0432	3/18/11 @ 1928	3/19/11 @ 0241					
3/27/11 @ 0153	4/7/11 @2200	4/7/11 @ 2229	5/18/11 @ 0453	5/18/11 @ 0844					

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN
Tioga Pass TOU SR120	1/17/12 @ 1700	5/7/12 @ 1200	5/25/12 @ 1653	5/26/12 @ 1153	6/4/12 @ 1620	6/5/12 @ 1029	10/11/12 @ 1250	10/11/12 @ 1315
Continued								
Sonora Pass TOU SR108	1/18/12 @ 1200	5/4/12 @ 1200	5/25/12 @ 0800	5/27/12 @ 0900	6/4/12 @ 1500	6/5/12 @ 1200	10/11/12 @ 1210	10/13/12 @ 1010
Continued	closed for the winter 12/13/12 @ 1309							
Ebbetts Pass ALP SR4	1/18/12 @ 1200	5/11/12 @ 0802	5/25/12 @ 0800	5/26/12 @ 0930	6/4/12 @ 1415	6/5/12 @ 1214	10/22/12 @ 0153	11/2/12 @ 1128
Continued								
Monitor Pass ALP SR 89	1/18/12 @ 1200	4/16/12 @ 0900	6/4/12 @ 1400	6/5/12 @ 1415	10/22/12 @ 0849	10/26/12 @ 1000	11/8/12 @ 0858	11/11/12 @ 1342
Continued								
Carson Pass ALP SR 88	03/28/12 @ 0427	03/28/12 @ 0502	11/30/12 @ 1149	12/18/12 @ 0024	12/18/12 @ 0046	12/17/12 @ 1652	12/22/12 @ 1819	12/22/12 @ 1916
Continued								
Carson Spur AMA SR 88	1/23/12 @ 0300	1/23/12 @ 0330	2/15/12 @ 0530	2/15/12 @ 0545	2/27/12 @ 1750	2/27/12 @ 1807	2/29/12 @ 0448	2/29/12 @ 0524
Continued	3/16/12 @ 2200	3/17/12 @ 0735	3/19/12 @ 0008	3/19/12 @ 0023	3/28/12 @ 0030	3/27/12 @ 0104	4/11/12 @ 2042	4/11/12 @ 2138
	4/14/12 @ 2220	4/15/12 @ 1237	11/30/12 @ 1205	11/30/12 @ 1331	12/12/12 @ 0601	12/12/12 @ 0615	12/12/12 @ 1516	12/12/12 @ 1544
	12/22/12 @ 1006	12/22/12 @ 1658	12/23/12 @ 0249	12/23/12 @ 0300	12/23/12 @ 1335	12/23/12 @ 1627	12/24/12 @ 0053	12/24/12 @ 0133

CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN			
10/22/12 @ 0330	10/25/12 @ 1310	11/8/12 @1031		closed for the winter 12/3/12 @ 1316				
10/22/12 @ 0255	10/19/12 @ 0915	10/31/12 @ 1300	11/2/12 @ 0959	11/8/12 @ 0632				
11/8/12 @ 0510		closed for winter 12/17/12 @ 0825						
11/16/12 @ 0611	11/19/12 @ 1359	11/28/12 @ 0859		closed for the winter 12/18/12 @ 0852				
12/23/12 @ 1243	12/23/12 @ 1430							
2/29/12 @ 1430	2/29/12 @ 1506	3/16/12 @ 1128	3/16/12 @ 1146	3/16/12 @1730	3/16/12 @ 1747			
4/13/12 @0107	4/13/12 @ 0145	4/13/12 @ 0805	4/13/12 @ 0920	4/13/12 @ 1036	4/13/12 @ 1700			
12/17/12 @ 0934	12/17/12 @ 1632	12/17/12 @ 1652	12/18/12 @ 0024	12/22/12 @ 0432	12/22/12 @ 0451			
12/26/12 @ 1630	12/26/12 @ 1712							

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED
Tioga Pass TOU SR120	closed for the winter 12/3/12 @ 1316	5/11/13 @ 0835	10/8/13 @ 1755	10/11/13 @ 1100	10/27/13 @ 1833	11/1/13 @ 1030	11/4/13 @ 0815	11/4/13 @ 0926	11/18/13 @ 2002
Continued									
Sonora Pass TOU SR108	closed for the winter 12/13/12 @ 1309	open to eagle meadows 4/5/13 @ 1158		open to kennedy meadows 4/12/13 @ 1102		fully open 4/24/13 @ 1200	5/5/13 @ 1900	5/9/13 @ 1023	9/21/13 @ 1720
Continued	10/28/13 @ 0250	10/31/13 @ 1205	11/18/13 @1605	11/26/13 @ 1300	12/2/13 @ 1600		12/7/13 closed at snow park @ 1300		12/9/13 @ 1247 closed for the winter
Ebbetts Pass ALP SR4	closed for winter 12/17/12 @ 0825	4/25/13 @ 0900	5/6/13 @ 0929	5/8/13 @ 1145	9/21/13 @ 1846	9/22/13 @ 0800	10/9/13 @ 1000	10/10/13 @ 1157	10/28/13 @ 0200
Continued	12/9/13 @ 1247 closed for the winter								
Monitor Pass ALP SR 89	closed for the winter 12/18/12 @ 0852	4/10/13 @ 1101	4/15/13 @ 1920	4/17/13 @ 1300	5/6/13 @ 1800	5/8/13 @ 1000	10/28/13 @ 0810	10/30/13 @ 1105	11/19/13 @ 2238
Continued									
Carson Pass ALP SR 88									
Continued									
Carson Spur AMA SR 88	3/6/13 @ 1455	3/6/13 @ 1535							

OPEN	CLOSED	OPEN	CLOSED	OPEN			
9/22/13 @ 1230	9/26/13 @ 0510	9/26/13 @ 1030	10/9/13 @ 0608	10/10/13 @ 1230			
10/30/13 @ 1410	11/18/13 @ 2200	11/26/13 @ 1252	12/2/13 @ 1700				
11/26/13 @ 0959	12/2/13 @ 1700		12/9/13 @ 1318 closed for the winter				

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN
Tioga Pass TOU SR120	12/12/13 @ 1509 closed for the winter	5/2/14 @ 0901	5/6/14 @ 0136	5/7/14 @ 1100	5/20/14 @ 0658	5/22/14 @ 1200	9/27/14 @ 2202	9/28/14 @ 0815
Continued								
Sonora Pass TOU SR108	12/9/13 @ 1247 closed for the winter	4/9/14 @ 1133 open to kennedy meadows		4/18/14 @ 1200	4/21/14 @ 1600	4/29/14 @ 1200	5/5/14 @ 1518	5/9/14 @ 0951
Continued	9/28/14 @ 1830	9/29/14 @ 1000	10/25/14 @1630	10/26/14 @ 1300	10/31/14 @ 1200	11/05/14 @ 1000	11/13/14 @ 0100	11/14/14 @ 1300
	11/22/14 @ 1122 closed @ snow pk for the winter							
Ebbetts Pass ALP SR4	12/9/13 @ 1247 closed for the winter	4/9/14 @ 1330 open to gate #2		4/18/14 @ 1200	4/21/14 @ 2100	4/29/14 @ 0901	5/5/14 @ 2200	5/7/14 @ 0900
Continued	11/12/14 @ 1400	11/14/14 @ 1000	11/19/14 @ 1000	11/24/14 @ 0958	11/29/14 @ 0338		12/12/14 @ 1200 closed for the winter	
Monitor Pass ALP SR 89	12/9/13 @ 1318 closed for the winter	1/13/14 @ 1200	1/23/14 @ 1600	1/25/14 @ 1200	1/29/14 @ 1603	3/11/14 @ 0959	3/25/14 @ 1801	4/3/14 @ 1159
Continued	10/31/14 @ 1200	11/3/14 @ 1000	11/29/14 @ 0604	12/9/14 @ 0900	12/11/14 @ 1200	12/22/14 @ 0910	12/24/14 @ 1203	
Carson Pass ALP SR 88								
Continued								
Carson Spur AMA SR 88	2/8/14 @ 0000	2/8/14 @ 0034	2/8/14 @ 1323	2/8/14 @ 1427	2/9/14 @ 0151	2/9/14 @ 1112	2/9/14 @ 1659	2/9/14 @ 1908
Continued	3/27/14 @ 0102	3/27/14 @ 0116	3/29/14 @ 2206	3/30/14 @ 0010	3/31/14 @ 1942	3/31/14 @ 2344	4/25/14 @ 1202	4/25/14 @ 1324

CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN			
9/28/14 @ 1928	9/28/14 @ 2010	11/13/14 @ 0747		12/15/14 @ 1000 closed for the winter				
5/10/14 @ 1845	5/11/14 @ 0900	5/20/14 @ 0720	5/22/14 @ 1045	9/26/14 @ 2315	9/28/14 @ 1000			
11/19/14 @ 1000	11/25/14 @ 1215	11/28/14 @ 1600 closed at kennedy meadows		12/12/14 @ 0938 closed at eagle meadows				
5/20/14 @ 0740	5/22/14 @ 0900	10/25/14 @ 1623	10/26/14 @ 0800	10/31/14 @ 1100	11/3/14 @ 1025			
4/22/14 @ 0536	4/22/14 @ 1359	4/25/14 @ 2011	4/26/14 @ 0945	5/20/14 @ 0700	5/22/14 @ 0900			
2/27/14 @ 0400	2/27/14 @ 0425	2/28/14 @ 1733	2/28/14 @ 1835	3/4/14 @ 0254	3/4/14 @ 0316			
12/12/14 @ 0409	12/12/14 @ 0430	12/19/14 @ 2035	12/19/14 @ 2054					

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED
Tioga Pass TOU SR120	12/15/14 @ 1000 closed for the winter	5/4/15 @ 0800	5/7/15 @ 0806	5/10/15 @ 1208	5/13/15 @ 2004	5/16/15 @1215	5/17/15 @ 1625	5/18/15 @ 1259	5/21/15 @ 1429
Continued	10/28/15 @ 1656	10/30/15 @ 1050	11/1/15 @ 1603		12/9/15 @ 1718 closed for the winter				
Sonora Pass TOU SR108	11/22/14 @ 1122 closed @ snow pk for the winter	4/17/15 @ 1159	4/22/15 @ 1656	4/27/15 @ 1334	5/6/15 @ 1559	5/11/15 @ 1044	5/13/15 @ 1600	5/18/15 @ 0630	5/18/15 @ 1640
Continued	10/28/15 @ 0400	10/30/15 @ 0845	11/1/15 @ 1600		11/16/15 closed for the winter @ kennedy meadows		11/25/15 @ 1053 closed for the winter @ snow park		
Ebbetts Pass ALP SR4	12/12/14 @ 1200 closed for the winter	4/17/15 @ 1359	4/22/15 @ 1458	4/27/15 @ 1325	5/6/15 @ 2036	5/11/15 @ 1012	5/14/15 @ 0913	5/18/15 @ 1039	11/1/15 2100
Continued									
Monitor Pass ALP SR 89	12/24/14 @ 1203	1/12/15 @ 0959	1/13/15 @ 0551	1/14/15 @ 1230	1/26/15 @ 2115	1/29/15 1000	2/6/15 @ 1250	2/24/15 @ 0958	2/27/15 @ 0300
Continued	4/24/15 @ 1500	4/27/15 @ 0930	5/6/15 @ 2252	5/9/15 @ 0807	5/14/15 @ 1331	5/18/15 @ 0904	11/2/15 @ 0955		11/23/15 @ 1537 closed for the winter
Carson Pass ALP SR 88	11/24/15 @ 1700	11/24/15 @ 1901	12/21/15 @ 1533	12/21/15 @ 2317	12/24/15 @ 1459	12/24/15 @ 1652			
Continued									
Carson Spur AMA SR 88	2/7/15 @ 0300	2/7/15 @ 0331	3/1/15 @ 0121	3/1/15 @ 0141	4/7/15 @ 1731	4/7/15 @ 1823	4/25/15 @ 0648	4/25/15 @ 0722	11/15/15 @ 1804
Continued	12/20/15 @ 2355	12/21/15 @ 0140	12/21/15 @ 1144	12/22/15 @ 1658	12/24/15 @ 1103	12/24/15 @ 1344	12/26/15 @ 0433	12/26/15 @ 0600	1/14/16 @ 2323

Continued									
Continued									
Continued									

OPEN	CLOSED	OPEN	CLOSED	OPEN
5/22/15 @ 0914	10/4/15 @ 0833	10/5/15 @ 0907	10/18/15 @ 0814	10/18/15 @ 1336
5/22/15 @ 0735	10/1/15 @ 1620	10/2/15 @ 0900	10/4/15 @ 0230	10/5/15 @ 0800
	11/23/15 @ 1500 closed for the winter			
3/6/15 0859	3/23/15 0455	3/26/15 @ 0852	4/5/15 @ 2345	4/10/15 @ 0858
11/15/15 @ 1851	12/13/15 @ 1657	12/13/15 @ 1842	12/15/15 @ 1758	12/15/15 @ 1825
1/15/16 @ 0953	1/18/16 @ 1043	1/18/16 @ 1210	1/19/16 @ 1020	1/19/16 @ 1208

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED
Tioga Pass TOU SR120	12/9/15 @ 1718 closed for the winter	5/18/16 @ 0800	5/20/16 @ 2101	5/21/16 @ 0925	5/21/16 @ 2000	5/22/16 @ 1306	5/23/16 @ 1732	5/26/16 @1100	10/2/16 @ 1900
Continued	10/28/16 @ 1306	11/7/16 @ 0944	11/16/16 @ 1630		12/1/16 @ 1620 closed for the winter				
Sonora Pass TOU SR108	11/25/15 @ 1053 closed for the winter @ snow park	4/15/16 @ 1200 open to eagle meadows	4/22/16 @ 1200 open to kennedy meadows	5/18/16 @ 1209	5/20/16 @ 1200	5/26/16 @ 1120	10/2/16 @ 1800	10/4/16 @ 1206	10/13/16 @ 1312
Continued	11/16/16 @ 1324		11/27/16 @ 1349 closed to snow park		11/30/16 @ 1608 closed for the winter				
Ebbetts Pass ALP SR4	11/23/15 @ 1500 closed for the winter	4/19/16 @ 1200 opened to gate #2		5/13/16 @ 1158	5/20/16 @ 1158	5/23/16 @ 1056	5/24/16 @ 1320	5/26/16 @ 0902	10/3/16 @ 0502
Continued	11/16/16 @ 1630		11/30/16 @ 1608 closed for the winter						
Monitor Pass ALP SR 89	11/23/15 @ 1537 closed for the winter	4/5/16 @ 1002	4/8/16 @ 1000	4/15/16 @ 1000	4/22/16 @ 1200	5/9/16 @ 0900	5/20/16 @ 1404	05/23/16 @ 0903	10/2/16 @ 2300
Continued	11/18/16 @ 2049		11/30/16 @ 1608 closed for the winter						
Carson Pass ALP SR 88	1/5/16 @ 2330	1/6/16 @ 0000	1/13/16 @ 1745	1/13/16 @ 1806	1/15/16 @ 0323	1/15/16 @ 0500	1/19/16 @ 1240	1/19/16 @ 1354	1/22/16 @ 2346
	3/6/16 @ 0415	3/6/16 @ 0553	3/13/16 @ 0530	3/13/16 @ 0548	3/13/16 @ 2142	3/13/16 @ 2328	12/16/16 @0353	12/16/16 @ 0410	
Continued									

Carson Spur AMA SR 88	**1/5/16 @ 1823**	**1/5/16 @ 2100**	**1/7/16 @ 0236**	**1/7/16 @ 0300**	**1/13/16 @ 1138**	**1/13/16 @ 1259**	**1/14/16 @ 2323**	**1/15/16 @ 0953**	**1/18/16 @ 1043**
Continued	**1/23/16 @ 0602**	**1/23/16 @ 0650**	**1/26/16 @ 0056**	**1/26/16 @ 0211**	**1/30/16 @ 0808**	**1/30/16 @ 0857**	**1/31/16 @ 1805**	**1/31/16 @ 1934**	**2/18/16 @ 0130**
Continued	**3/6/16 @ 0207**	**3/6/16 @ 0536**	**3/7/16 @ 0000**	**3/7/16 @ 0034**	**3/13/16 @0424**	**3/13/16 @ 0640**	**3/13/16 @ 1132**	**3/13/16 @ 1722**	**3/13/16 @ 1857**
Continued	**11/27/16 @ 0100**	**11/27/16 @ 0256**	**12/16/16 @ 0456**	**12/16/16 @ 0507**	**12/23/16 @ 2027**	**12/23/16 @ 2209**			
Continued									

OPEN	CLOSED	OPEN	CLOSED	OPEN
10/3/16 @ 0742	10/15/16 @ 1930	10/20/16 @ 1210	10/24/16 @ 0730	10/24/16 @ 0900
10/19/16 @ 1200	10/30/16 @ 1600	11/3/16 @ 1215	11/15/16 @ 1600	11/16/16 @ 1230
10/4/16 @ 1110	10/13/16 @ 1300	12/18/16 @ 1351	10/30/16 @ 1000	11/4/16 @ 0909
10/4/16 @ 0945	10/15/16 @ 0047	10/18/16 @ 1106	10/30/16 @ 0826	11/2/16 @ 0003
1/23/16 @ 0113	1/31/16 @ 1911	1/31/16 @ 1939	2/18/16 @ 0325	2/18/16 @ 0413

1/18/16 @ 1210	1/19/16 @ 1020	1/19/16 @ 1208	1/22/16 @1815	1/22/16 @ 1950
2/18/16 @ 0401	2/18/16 @ 0841	2/18/16 @ 1343	3/5/16 @ 0855	3/5/16 @ 1021
3/14/16 @ 0628	3/22/16 @ 0030	3/22/16 @ 0122	4/22/16 @ 1912	4/22/16 @ 2035

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED
Tioga Pass TOU SR120	12/1/16 @ 1620 closed for the winter	6/29/17 @ 0900	9/21/17 @ 0455	9/21/17 @ 1116	09/21/17 @ 1556	09/22/17 @ 1246	10/3/17 @ 1840	10/4/17 @ 1137	10/19/17 @ 1700
Continued	closed for winter 11/29/17 @ 1600								
Sonora Pass TOU SR108	11/30/16 @ 1608 closed for the winter	4/14/17 @ 1400 opened to eagle meadows	4/27/17 @ 0700 opened to kennedy meadows	6/13/17 @ 1400	9/20/17 @ 2310	9/22/17 @ 1200	10/3/17 @ 1445	10/5/17 @ 1200	10/19/17 @ 1500
Continued	11/14/17 @ 0219		11/21/17 @ 1200 closed for the winter at kennedy meadows						
Ebbetts Pass ALP SR4	11/30/16 @ 1608 closed for the winter	5/19/17 @ 1325 opened to gate #2 east of lake alpine	5/26/17 @ 1636 opened to gate #4 wolf creek	6/2/17 @ 1339 opened to gate #3 raymond meadow		6/30/17 @ 1312	9/20/17 @ 2330	9/22/17 @ 2305	10/19/17 @ 2101
Continued									
Monitor Pass ALP SR 89	11/30/16 @ 1608 closed for the winter	5/8/17 @ 1248	11/16/17 @ 1305	11/21/17 @ 0848	11/26/17 @ 1911	11/28/17 @ 1002	12/19/17 @ 2206	12/22/17 @ 1000	
Continued									
Carson Pass ALP SR 88	1/4/17 @ 0643	1/5/17 @ 0037	1/8/17 @ 0115	1/8/17 @ 0734	1/10/17 @ 0135	1/12/17 @ 1413	1/19/17 @ 1034	1/19/17 @ 1223	1/20/17 @ 0226
Continued	1/6/17 @ 1805	1/7/17 @ 0240	1/10/17 @ 0138	1/12/17 @ 1413	1/19/17 @ 1034	1/19/17 @ 1223	1/20/17 @ 0226	1/20/17 @ 1515	1/22/17 @ 0700
Continued	2/9/17 @ 2108	2/10/17 @ 0046	2/10/17 @ 1116	2/10/17 @ 1400	2/20/17 @ 0947	2/20/17 @ 1441	2/20/17 @ 1550	2/22/17 @ 1216	2/26/17 @ 1732
continued	3/24/17 @ 1934	3/24/17 @ 2021	4/7/17 @ 1015	4/7/17 @ 1129	4/13/17 @ 0810	4/13/17 @ 1048	4/18/17 @ 1151	4/18/17 @ 1340	4/27/17 @ 1150

Carson Spur AMA SR 88	**1/2/17 @ 2200**	**1/2/17 @ 2303**	**1/3/17 @ 1501**	**1/3/17 @ 1618**	**1/3/17 @ 1936**	**1/4/17 @ 0050**	**1/4/17 @ 0418**	**1/6/17 @ 0216**	**1/8/17 @ 0509**
Continued	**1/19/17 @ 1301**	**1/19/17 @ 1715**	**1/20/17 @ 0635**	**1/21/17 @ 1931**	**1/22/17 @ 0400**	**1/24/17 @ 1733**	**1/26/17 @ 2014**	**1/26/17 @ 2254**	**2/3/17 @ 2208**
Continued	**2/7/17 @ 2237**	**2/7/17 @ 2312**	**2/9/17 @ 1904**	**2/10/17 @1934**	**2/11/17 @ 1459**	**2/11/17 @ 1927**	**2/11/17 @ 2152**	**2/11/17 @ 2300**	**2/12/17 @ 0031**
Continued	**2/20/17 @ 0702**	**2/23/17 @ 0958**	**2/26/17 @ 2343**	**2/27/17 @ 0709**	**3/5/17 @ 0230**	**3/6/17 @ 1315**	**3/21/17 @ 1630**	**3/21/17 @ 1720**	**3/24/17 @1533**
Continued	**4/8/17 @ 0536**	**4/8/17 @ 1019**	**4/13/17 @ 0611**	**4/13/17 @ 1950**	**4/18/17 @ 1053**	**4/18/17 @ 1410**			

OPEN	CLOSED	OPEN	CLOSED	OPEN
10/21/17 @ 0915	11/2/17 @ 1700	11/6/17 @ 0929	11/14/17 @ 1030	
10/20/17 @ 1300	11/2/17 @ 2340	11/7/17 @ 1100	11/9/17 @ 0000	11/10/17 @ 0930
10/20/17 @ 1222	11/2/17 @ 1215		closed for the winter 11/29/17 @ 1600 gate #1 to gate #3	
1/20/17 @ 1515	1/22/17 @ 0701	1/23/17 @ 1601	11/25/17 @ 1113	11/25/17 @ 1127
1/23/17 @ 1601	1/25/17 @ 1113	1/25/17 @ 1127	2/6/17 @ 1800	2/7/17 @ 0241
2/26/17 @ 1752	2/27/17 @ 0255	2/27/17 @ 0326	3/5/17 @ 0259	3/6/17 @ 1058
4/27/17 @ 1345				

1/8/17 @ 0641	1/9/17 @ 2144	1/14/17 @ 0331	1/19/17 @ 0407	1/19/17 @ 0719
2/3/17 @ 2257	2/6/17 @ 0215	2/6/17 @ 1233	2/6/17 @ 1841	2/7/17 @ 1832
2/12/17 @ 0047	2/17/17 @ 1733	2/17/17 @ 1823	2/18/17 @ 0430	2/18/17 @ 0435
3/24/17 @ 1824	3/31/17 @ 0917	3/31/17 @ 0944	4/7/17 @ 0436	4/7/17 @ 0531

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED
Tioga Pass TOU SR120	closed for winter 11/29/17 @ 1600	5/21/18 @ 0603	11/20/18 @ 1800		closed for the winter 11/28/18 @ 0825				
Continued									
Sonora Pass TOU SR108	11/21/17 @ 1200 closed for the winter at kennedy meadows		1/19/18 @ 0747 closed at snow park		4/6/18 @ 1000 closed at eagle meadows		4/23/18 @ 1152 closed at kennedy meadows	5/3/18 @ 1400	11/21/18 @ 1200 closed at kennedy meadows
Continued									
Ebbetts Pass ALP SR4	closed for the winter 11/29/17 @ 1600 gate #1 to gate #3		4/13/18 @ 1440 closed at gate #2 to gate #3	5/4/18 @ 1157	11/20/18 @ 1517		11/28/18 @ 1000 closed for the winter		
Continued									
Monitor Pass ALP SR 89	1/12/18 @ 0901	1/6/18 @ 0418	1/18/18 @ 1159	1/29/18 @ 1200	2/12/18 @ 0257	4/2/18 @ 0904	4/11/18 @ 2329	4/18/18 @ 1036	11/21/18 @ 2232
Continued									
Carson Pass ALP SR 88	3/2/18 @ 0131	3/2/18 @ 1323	3/2/18 @ 2256	3/3/18 @ 0030	3/15/18 @ 1942	3/15/18 @ 2222	3/16/18 @ 0420	3/16/18 @ 0503	3/16/18 @ 1000
Continued	3/22/18 @ 0614	3/22/18 @ 1202	3/24/18 @ 2306	3/24/18 @ 2345	11/29/18 @ 1455	11/29/18 @ 1711			
Continued									
continued									
Carson Spur AMA SR 88	1/25/18 @ 0135	1/25/18 @ 0235	2/18/18 @2235	2/18/18 @ 2255	02/22/18 @ 1555	02/22/18 @ 1615	02/27/18 @ 0331	02/27/18 @ 0400	2/27/18 @ 1354
Continued	3/2/18 @ 0429	3/2/18 @ 1838	3/2/18 @ 2332	3/3/18 @ 1303	3/5/18 @ 0034	3/5/18 @ 0655	3/14/18 @ 0106	3/14/18 @ 0152	3/15/18 @ 2000
Continued	3/27/18 @ 0013	3/27/18 @ 0140	3/27/18 @ 1503	3/27/18 @ 1521	4/16/18 @ 1049	4/16/18 @ 1143	11/29/18 @ 1559	11/29/18 @ 1748	12/1/18 @ 0958

Continued									
Continued									

OPEN	CLOSED	OPEN	CLOSED	OPEN
	11/28/18 @ 1000 closed for the winter @ kennedy meadows		11/29/18 @ 1226 closed for the winter @ snow park	
	11/28/18 @ 1000 closed for the winter			
3/16/18 @ 1208	3/16/18 @ 1536	3/16/18 @ 1805	3/16/18 @ 2322	3/17/18 @ 0019
2/27/18 @ 1410	3/1/18 @ 0601	3/1/18 @ 0640	3/1/18 @ 1329	3/1/18 @ 1622
3/17/18 @ 1949	3/22/18 @ 0114	3/22/18 @ 0325	3/22/18 @ 0723	3/23/18 @ 0657
12/1/18 @ 1209	12/5/18 @ 1330	12/5/18 @ 1343	12/28/18 @ 0456	12/28/18 @ 0530

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN
Tioga Pass TOU SR120	closed for the winter 11/28/18 @ 0825	7/1/19 @ 0701	9/28/19 @ 1619	9/30/19 @ 1156	11/19/19 @ 1510		11/27/19 @ 1102 closed for the winter							
Continued														
Sonora Pass TOU SR108	11/29/18 @ 1226 closed for the winter @ snow park	4/13/19 @ 1357 open to eagle meadows		4/22/19 @ 0736 open to kennedy meadows		5/30/19 @ 1403	9/29/19 @ 2342 closed @ kennedy meadows	9/30/19 @ 1100	11/19/19 @ 1809	11/22/19 @ 1200	11/26/19 closed at kennedy meadows @ 1224		11/27/19 closed at snow park @ 0835	
Continued	12/2/19 @ 1122 closed for the winter													
Ebbetts Pass ALP SR4	11/28/18 @ 1000 closed for the winter	4/23/18 @ 0731 EB opened to gate #2 east of lake alpine		5/1/19 @ 1400 WB opened to gate #3 raymond meadows		5/30/19 @ 1155	9/29/19 @1020 closed at gate #2	9/29/19 @ 1130	9/29/19 @ 2030	10/1/19 @ 0937	11/19/19 @ 1800	11/22/19 @ 1150	11/26/19 @ 1200	
Continued	12/2/19 @ 1122 closed for the winter													
Monitor Pass ALP SR 89	11/28/18 @ 1000 closed for the winter	4/26/19 @ 1455	5/15/19 @ 2217	5/25/19 @ 0808	11/20/19 @ 0205	11/21/19 @ 1110	11/26/19 @ 1304		12/2/19 @ 1122 closed for the winter					

Continued														
Carson Pass ALP SR 88	1/6/19 @ 1853	1/7/19 @ 1256	1/15/19 @ 1739	1/16/19 @ 0241	1/16/19 @ 1806	1/17/19 @ 2341	1/20/19 @ 1645	1/21/19 @ 0259	2/2/19 @ 1209	2/2/19 @ 1404	2/2/19 @ 2252	2/3/19 @ 0030	2/3/19 @ 1140	2/3/19 @ 1256
Continued	2/4/19 @ 0317	2/5/19 @ 1910	2/9/19 @ 1642	2/10/19 @ 1855	2/13/19 @ 1032	2/13/19 @ 1423	2/14/19 @ 0600	2/14/19 @ 0700	2/14/19 @ 1454	2/16/19 @ 0255	2/16/19 @ 2206	2/16/19 @ 2317	2/25/19 @ 1810	2/27/19 @ 1630
Continued	3/6/19 @ 1828	3/7/19 @ 0640	3/28/19 @ 0215	3/28/19 @ 0315	11/26/19 @ 1610	11/26/19 @ 1955	12/2/19 @ 0315	12/2/19 @ 1303						
continued														
Carson Spur AMA SR 88	1/6/19 @ 0102	1/6/19 @ 0340	1/6/19 @ 1411	1/6/19 @ 1544	1/6/19 @ 1844	1/7/19 @ 1505	1/15/19 @ 1703	1/15/19 @ 1845	1/15/19 @ 2055	1/15/19 @ 2251	1/16/19 @ 0607	1/16/19 @ 0731	1/16/19 @ 1631	1/18/19 @ 1618
Continued	1/20/19 @ 1744	1/20/19 @ 1836	1/21/19 @ 0600	1/21/19 @ 0747	1/22/19 @ 0307	1/22/19 @ 0432	2/2/19 @ 0706	2/7/19 @ 1552	2/9/19 @ 1718	2/11/19 @ 2230	2/12/19 @ 2233	2/13/19 @ 0348	2/13/19 @ 0901	2/14/19 @ 0413
Continued	2/14/19 @ 1411	2/18/19 @ 1813	2/19/19 @ 0106	2/19/19 @ 0207	2/22/19 @ 0501	2/22/19 @ 0556	2/25/19 @ 1800	3/1/19 @ 0330	3/6/19 @ 1000	3/7/19 @ 1752	3/27/19 @ 2211	3/28/19 @ 1314	4/2/19 @ 1644	4/3/19 @ 0219
Continued	12/1/19 @ 0130	12/3/19 @ 0712	12/15/19 @ 0343	12/15/19 @ 0524	12/16/19 @ 1323	12/16/19 1336	12/22/19 @ 1335	12/22/19 @ 1434	12/25/19 @ 2030	12/25/19 @ 2128				
Continued														

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN
Tioga Pass TOU SR120	11/27/19 @ 1102 closed for the winter	6/15/20 @ 0900						
Continued								
Sonora Pass TOU SR108	12/2/19 @ 1122 closed for the winter	5/15/20 @ 1000	5/17/20 @ 1800	5/20/20 @ 1400				
Continued								
Ebbetts Pass ALP SR4	12/2/19 @ 1122 closed for the winter	5/15/20 @ 1000	5/18/20 @ 0210	5/20/20 @ 1400				
Continued								
Monitor Pass ALP SR 89	12/2/19 @ 1122 closed for the winter	5/8/20 @ 1000	5/18/20 @ 0904	5/20/20 @ 0800				
Continued								
Carson Pass ALP SR 88	3/15/20 @ 1240	3/16/20 @ 0540	4/5/20 @ 1828	4/6/20 @ 0020	4/10/20 @ 0043	4/10/20 @ 0143		
Continued								
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continued								
Carson Spur AMA SR 88	1/16/20 @ 1630	1/16/20 @ 2319	3/2/20 @ 0200	3/2/20 @ 0215	3/14/20 @ 1850	3/17/20 @ 0955	3/25/20 @ 0600	3/25/20 @ 0722
Continued	4/23/20 @ 1330	4/23/20 @ 1345						
Continued								
Continued								
Continued								

CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN
4/5/20 @ 0918	4/6/20 @ 1336	4/8/20 @ 0130	4/8/20 @ 0230	4/10/20 @ 0242	4/10/20 @ 0310

	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED
Tioga Pass TOU SR120									
Continued									
Sonora Pass TOU SR108									
Continued									
Ebbetts Pass ALP SR4									
Continued									
Monitor Pass ALP SR 89									
Continued									
Carson Pass ALP SR 88									
Continued									
Carson Spur AMA SR 88									
Continued									

OPEN	CLOSED	OPEN	CLOSED	OPEN