

## **Section 3.9 NOISE**

**“The presence or absence of noise in the environment can greatly affect quality of life. Given its rural character, Calaveras County affords a relatively quiet environment, compared to urbanized areas of California. This factor is one of many which attracts visitors and residents to the County.”**

...The primary function of the Noise Element is to incorporate noise considerations into the land use decision making process. Proposed development is assessed according to the data presented here, to determine its noise compatibility with surrounding land uses.

...The major objective of the Noise Element is to provide guidelines to achieve noise land use compatibility. **By identifying noise sensitive land uses and establishing compatibility guidelines for land use and noise, the Noise Element will influence the general distribution, location and intensity of future land use. Effective land use planning can reduce noise problems.** Residential areas are one of the noise-sensitive land uses.”

(from the 1996 General Plan Noise Element, pages VI-1 and VI-2.) (emphasis added)

### **3.9.1 SETTING**

#### ***Environmental Setting***

“The Ridge at Trinitas project area is located away from major noise sources as there are no industrial noise sources within the vicinity of the project or airports within two miles of the proposed project. The predominant noise source at the project site is generated from traffic on Ospital Road. Other noise sources include occasional small aircraft traffic overflights, although these occurrences are infrequent. (RDEIR p. 3.9-1)

The DEIR description fails to note that the area’s physical characteristics – rolling, grassy hills with sparse oaks trees – transmit noise in ways that flat or densely treed areas do not. If outdoors or with windows open, neighbors can easily hear music and loud conversations from outside gatherings half a mile away. People tend to be considerate of their neighbors’ preference for “country quiet.” Barking dogs and roosters crowing too early in the morning present the most common noise complaints. Most residents choose to live in the area to avoid the noise, lights and traffic of cities; and they believe the NRL/AP zoning should protect their properties from industrial, commercial and non-nature-oriented recreational encroachment. Directly to the northeast, south and west of the project area are working sheep and/or cattle ranches. Several residents nearby raise chickens or goats.

**This project as proposed would change the area irrevocably, in violation of Calaveras General Plan Policy VI-1 A: “Protect existing noise sensitive uses from new non-residential sources of excessive noise.”**

#### **“Common Noise Levels:**

According to Occupational Safety and Health Administration (OSHA) regulations, protection against the effects of noise exposure shall be provided when the sound level exceeds those shown in [Table 3.9-1](#). This table shows the maximum exposure in Ldn for

various land use categories and locations (whether indoor or outdoor). This maximum is provided according to the health and psychological effects described above, with a reasonable margin of safety. Table 3.9-1 identifies whether the threshold applies to activity interference, hearing loss consideration, or both effects. " (RDEIR p.3.9-3)

**Regulatory Setting**

**State**

"California encourages each local jurisdiction to perform noise studies and implement a noise element as part of its general plan."... "The Department of Health guidelines indicate that residential land uses and other noise-sensitive uses would generally be acceptable without special noise insulation requirements in areas where exterior ambient noise levels do not exceed approximately 60 dBA (day-night noise levels, Ldn or CNEL). Residential uses in areas with Ldn between 60 and 65 dBA would generally be acceptable with noise reduction measures or insulation, and residential uses should generally be discouraged in areas where noise levels are above 65 dBA Ldn." (RDEIR p.3.9-6)

**Local**

"The Noise Element of the Calaveras County General Plan sets forth criteria for evaluating noise impacts of nonresidential land use proposals on adjacent residential and other noise sensitive land uses. These criteria represent thresholds of acceptable noise levels for several types of sensitive land uses, with land uses categorized based on their sensitivity to noise. The maximum acceptable noise levels are provided in Table 3.9.2. (RDEIR p.3.9-6)

**Table 3.9.2  
Calaveras County Noise Sensitive Land Use Maximum Noise Levels**

Land Use	Maximum Noise Level <sup>1</sup>
Single Family Residential	60 dB Ldn
Multiple Family Residential	65 dB Ldn
Schools, Hospitals	70 dB Ldn

<sup>1</sup> As measured at the property line of the noise sensitive land use.  
Source: *Calaveras County General Plan*, December 9, 1996

Table 3.9-3 provides a **General Plan Consistency Analysis – Noise**, listing the most current adopted Calaveras County General Plan goals, policies and implementation measures. (RDEIR p.3.9-7) Relevant to this project are:

**Goal VI-1:** Improve noise compatibility between new and existing land uses.

**Policy VI-1A:** Protect existing noise sensitive uses from new non-residential sources of excessive noise.

**Implementation Measures**

**VI-1A-1:** Consider the potential noise impacts of non-residential land use proposals on adjacent residential and other noise sensitive land uses to the following noise levels as measured at the property line of the noise sensitive land use: (see Table 3.9-2).

**VI-1A-2:** Site specific noise analyses should be performed where major noise sources are proposed to be located near noise sensitive land uses.

Source: Calaveras County General Plan, 1996

### **3.9.2 THRESHOLDS OF SIGNIFICANCE** (RDEIR p.3.9-7) Relevant to this project are:

Consistent with Appendix G of the CEQA Guidelines, the proposed project is considered to have a significant impact on the environment if it will *[cause]*:

- Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project

The goals and policies stated in the General Plan have no enforceable impact, since the County has not adopted a noise ordinance.

***Recommendation 1:** The County should draft and adopt an enforceable noise ordinance, to protect the public from the psychological and physical health hazards of noise nuisances throughout the county, and to give citizens legal recourse against habitual noise nuisances that violate the General Plan goals adopted to protect the public from incompatible land uses.*

### **3.9.3 IMPACTS AND MITIGATION MEASURES**

#### ***Impact #3.9-1: Exposure of persons to or generation of noise levels in excess of established standards or a substantial permanent increase in ambient noise levels above levels existing without the project***

On page 3.9-8, the RDEIR describes various sources of noise expected from the project:

“Noise induced by The Ridge at Trinitas project could arise from two sources: future traffic on Ospital Road accessing the site and as well as noise that may emanate from daily business operations of the clubhouse, lodge, and or operation of the existing golf course. Typical noise generating activities that are planned to occur at the project site include the following:

- The use of gasoline powered lawnmowers, leaf blowers, and other automated maintenance equipment that frequently operate at a golf course. [1]
- The lodge will host indoor and outdoor golf tournament banquets, weddings, birthday and/or anniversary parties for members which may include amplified music or public address systems. [2]

Normally, a three dB(A) increase in ambient noise levels represents the threshold at which most people can detect a change in the noise environment. In areas where existing noise sources are dominated by traffic, a doubling in the volume of vehicular traffic would cause ambient noise levels to increase by 3 dB(A). According the Traffic Impact Study, prepared by kd Anderson (2008), traffic volumes on Ospital Road would not double, therefore, a significant increase in noise due to traffic in the project vicinity resulting from the proposed project is not anticipated. [3]

Nine of the thirteen home sites are adjacent to the fairways or greens on the golf course. Therefore, these residences would be subjected to noise levels generated by the

gasoline

maintenance equipment. The use of electric golf carts on the course during daily operations would minimize the amount of noise encountered by these residents during daily operations. [4] In addition, the proposed lodge is approximately 350 feet away from the northern property boundary, as shown on the TSTM (Figure 2-7). Although this is a considerable distance from the adjacent properties, noise generated by events at the lodge may be discernable at the adjacent properties. As a result, future project related noise from golf course and lodge operation is projected to have a *potentially significant* effect on future residences within the proposed gated community and on adjacent property owners.” [5]

Look at these impacts individually:

- [1] Neighbors have been living with “typical” noise generating activities at the illegally constructed golf course since 2005. Depending on wind and weather conditions, they are often heard for hours on end up to half a mile away from the project’s property lines.
- [4] The use of quiet electric golf carts does nothing to reduce the noise of the leaf blowers, lawn mowers and automated maintenance equipment.
- [3] Information provided on **Table 3-13.18 Total Project Trip Generation By Study Scenario** (p.3.13-28 of Chapter 3.13 Transportation/Traffic) indicates that traffic volumes on Ospital Road *will* double, and in the event of large scale events will more than quadruple. Even with the maximum 12,000 rounds per year cited in the Project Description, average weekday daily trips jump to 943. The study projects an event with 1,000 attendees would generate 1,807 trips. This increased traffic volume could therefore be expected to increase the ambient noise levels detectibly along the Ospital and Southworth Roads corridor.
- [2][5] Indoor and outdoor banquets, weddings, birthday and/or anniversary parties with amplified music and public address systems are typically high-spirited, energetic LOUD activities. Given the terrain and the locations of both the Clubhouse and Lodge on the high-elevation portions of the project site, the sound will travel easily to residences around the project site.

The proposal calls for 24 Mid-Level Special Events (from 250-500 people) and one Large Special Event (between 501 and 999 people) annually. It acknowledges that tournaments typically last from one to four days. (RDEIR p. 2-8) It cites no limitations on the number of events hosting up to 249 people. “Events” could take place seven days a week. Will continuous event activities increase noise levels in the project area over 65 dBA Ldn – the level beyond which the Department of Health discourages residential uses?

Significant increases in both the ambient and special event noise are likely to have a harmful impact on ordinary operations of the working ranches nearby. One property owner registered concerns in early 2006 about the project’s threat to her family’s right to farm (Calaveras County Zoning Code 17.18.015).<sup>1</sup> The 1996 General Plan Implementation Measure IV-2A-1 requires the County to “Enforce ‘right to farm’ provisions of the County Zoning Code.”

“Any legally existing agriculture land use (farming, ranching, orchard, livestock, row crops, food processing) is considered to have a right to enjoy the productive and economic fruits of labors without fear of infringement on this right by encroaching residential or other non-agriculture development on adjoining parcels and lands in the general vicinity. **The right to farm shall take precedence over all other adjoining and nearby land uses.**” (emphasis added) (RDEIR p.3.8-8)

The proposal seeks a zoning adjustment to REC-X-PD: Recreation-Existing Parcel Size-Planned Development. With findings and the approval and validation of a conditional use permit, Recreation (REC) zoning allows as conditional uses: "circus, carnival, concert or entertainment event of **more than** one thousand persons" (Calaveras County Code 17.46.030). Concerts with amplified speakers and 1,000 people or more will pose significant impacts on noise, traffic and public safety in this location, not only interfering with the right to farm, but potentially becoming a "public nuisance". Civil Code section 3479 provides:

"Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or **offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property,** or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance."

The applicants have marketed Trinitas in golf magazines as "California's Tournament Golf Course" and discussed holding a PGA tournament.<sup>2</sup> Such tournaments often attract tens of thousands of visitors. How will these operational goals impact noise, traffic, parking, and public service needs in this isolated rural location? The RDEIR appears to be minimizing potential impacts of approving the zoning change, based on the applicant's stated intentions to host more substantial events than described in this document.

**On page 3.8-9, the RDEIR Land Use and Agriculture section concludes the following:**

**"Although the residential development on the site can be characterized as compatible with the area, the other activities on the site are relatively intensive. If the maximum number of events is held at the project site, there will be fairly intensive activity almost every weekend of the year. The operation of the golf course and related facilities and special events is not compatible with the rural scattered quiet residential nature of the surrounding uses. This impact is significant and unavoidable."** (emphasis added)

On page 3.9-9, the RDEIR declares that incorporating Mitigation Measures 3.9-1a, 3.9-1b, 3.9-1c and 3.9-1d will reduce Impact 3.9-1 to a **less than significant** level. By what objective criteria is this assertion made? No studies have been done. There is no evidence for this conclusion. "A conclusory statement 'unsupported by empirical or experimental data, scientific authorities, or explanatory information of any kind' not only fails to crystallize issues [citation] but 'affords no basis for a comparison of the problems involved with the proposed project and the difficulties involved in the alternatives.'" (*People v. County of Kern* (5th Dist 1974) 39 Cal.App.3d 830, 841-842 [115 Cal.Rptr. 67], quoting *Silva v. Lynn* (1st Cir. 1973) 482 F.2d 1282, 1285.)

***Recommendation 2: Site-specific studies (Implementation Measure VI-1 A-2) should be commissioned and analyzed before any action is taken on the proposal, to determine the extent that ordinary operations of the project – including tournaments and outdoor banquets or events with amplified music and a public address system – will impact adjacent residential and other noise-sensitive land uses, as to health and psychological effects and potential activity interference, hearing loss, or both effects. Studies should address the decibel levels various activities could achieve at property lines within at least a half-mile radius of the outer boundaries of the project sites where most excessive noises will originate – the Lodge, Clubhouse, snack shop and any intended concert seating area, natural amphitheatre or stands. Please conduct such studies and incorporate findings in the final EIR.***

**Recommendation 3:** Consider conducting noise studies at Ironstone during public concerts, or at other golf courses during major tournaments or outdoor banquets. Although the terrain differences would not allow collection of information directly comparable between the sites, it would set parameters that would allow tests to be done at Trinitas using comparable noise volumes.

***Mitigation Measure 3.9-1a:*** Residential buildings or those portions of buildings used for residential purposes shall be constructed using insulation materials designed to offer increased insulation against noise nuisance from neighbors and adjacent uses. “(RDEIR p. 3.9-9)

Mitigation Measure 3.9-1a focuses on protecting residents of new homes built within the project from noise generated by their project neighbors, including the other residences and the Lodge, Clubhouse, golf course activities and special events. Most of the described construction features will not prevent project noise from being disruptive to occupants who open their windows during the many months that our local climate makes doing so a pleasant and energy-saving choice. These measures also do not mitigate impacts on existing residents outside the project area from the same noises. There are no supporting local noise studies or data to indicate how project-generated noise will travel outside the project area, such as those mentioned in **Implementation Measure VI-1 A-1** (RDEIR p. 3.9-7).

***Mitigation Measure 3.9-1b:*** Outdoor events (such as outdoor banquets, weddings, or similar events) shall be limited to the hours between 7:00 a.m. and 10:00 p.m. and shall not exceed Calaveras County General Plan recommendations for maximum noise levels for noise sensitive land uses at the property line. Additionally, the golf course use shall only be allowed from dawn till dusk.

How does “limiting” outdoor event noise to fifteen hours a day, seven days a week mitigate anything? Should local residents be grateful the hours are not 5 a.m. to midnight? How does that result in a less than significant noise impact in a previously quiet rural setting? Who will ensure that the maximum noise levels are not violated, and what recourse do local residents have if they are? With no Noise Ordinance, residents in other parts of the county have complained that contacting local law enforcement does nothing to prevent repeated offenses against noise sensitive neighbors.

The RDEIR now indicates the golf course and driving range will only be open “dawn to dusk”. The other planned venues raise additional noise impact questions:

- Will all outdoor events actually end at 10:00 pm, including anniversary or birthday parties, weddings and indoor/outdoor events with amplified music and public address system? Who will enforce the restrictions?
- Will the restaurant/bar, olive tasting facility, snack shack and retail areas close by 10:00 p.m., earlier or later? What are the seating capacities in each of these areas?
- When will the last employees leave for the day?
- What time will the last bar patrons make their way to the parking lot, shout their good-byes to friends, slam their car doors shut (under the street lights in the clubhouse parking lot) and hit our (inadequate) roadways for home, hopefully without endangering other drivers?
- Will there be music and/or public address system at the snack shack?
- The Clubhouse description includes the banquet facility, but the description on page 3.9-8 indicates such functions will be hosted at the “lodge”. Which is it? The Clubhouse is significantly closer to the on-site residences; the 30-unit motel/lodge is close to residences north of the property. Both structures are located at elevations higher than the rest of the project site. Presumably on-site homeowners choose to live in this setting; established residents in the surrounding neighborhoods did not.
- Will there be musical concerts; if so, what type, how often?
- The project description now claims to have eliminated “stadium seating” still shown at the

18th green on the TSTM and Site Plan (Figure 2-7). Where on-site would concerts or other events requiring outdoor public seating be held?

- Does the applicant still intend to install a Jumbo-tron at the 18th green?
- How far will noise from outdoor parties, concerts or banquet activities carry in all directions?
- Will there be rules about noise at the outdoor swimming pool?
- Are there any restrictions on who can book rooms in the lodge? What will the noise be like when a group of high school or college students attending “training camps” congregate at the pool or outside their Lodge rooms? The project even refers to “dormitory” lodging. Anyone who has lived in a college dormitory can conjure visions that don’t include quiet evenings or respect for the sensitivities of those living in close proximity.
- How will the restrictions on the total number of guests for all facilities at one time be enforced?
- If the project receives the REC-X-PD zoning adjustment, what limits the number of guests, since Recreation zone allows events of OVER 1,000 people with a conditional use permit?
- What consequences will be enforced if noise levels exceed the *General Plan* recommendations? The County has no enforceable noise ordinance.

*Please address all the above questions in the Final EIR document.*

***Recommendation 4:*** *Please remove “stands” from maps in the Final EIR. Despite the applicant’s statements, their inclusion in any document receiving official certification could be interpreted as tacit approval for including them in future segments of the project. In any future consideration of the scope of project, the applicant should be denied consideration of adding stands or stadium seating near the 18<sup>th</sup> hole or elsewhere on the project site. A condition of approval of the project should be an explicit exclusion of any bleachers, stadium, amphitheatre, or similar structures. In addition, there should be a prohibition of any expansion of the proposed parking lots, or creation of new parking areas, either permanent or temporary, such as would be needed to accommodate events beyond the ordinary day-to-day activities of the golf course and Lodge. These prohibitions are crucial, because of the applicant’s history of a piecemeal approach to project development that has avoided timely regulatory oversight.*

***Recommendation 5:*** *If the applicants’ intention is to host PGA tournaments and/or public concerts with attendance vastly exceeding the 1,000 figure, it should be noted in the Final EIR, and the impacts addressed in all relevant sections, including noise, so that decision makers have realistic information on which to decide whether to certify the document. "A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process." (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692, 712 [270 Cal.Rptr. 650].)*

***Mitigation Measure 3.9-1.d:*** *“During any additional construction activities and operation of the proposed project, the applicant will be responsible for the retention of a qualified acoustic professional to perform noise monitoring and reporting. The noise monitoring reports shall occur on a monthly basis for up to two years after buildout of the lodge and clubhouse to monitor typical operational noise levels at the project site and report if the noise levels exceed the Calaveras County Noise Sensitive Land Use Maximum Noise Levels, shown in Table 3.9-2. The subsequent monthly reports shall be submitted to the County for review.”*

If monitoring reports shall occur on a monthly basis, how often and for what amount of time will monitoring take place? There is no specificity to this measure to allow for meaningful “monitoring”. This mitigation could mean that on one day a month someone might appear somewhere on the property and record noise levels for as little as one hour. This would not provide

any comprehensive analyzable data on chronic or temporary noise levels at adjacent property lines during the full range of ordinary operational activities and special events. **CEQA requires that mitigation monitoring “shall be designed to ensure compliance during project implementation”** (Public Resources Code, sec. 21081.6, subd. (a)(1).)

Please address the following questions in the Final EIR:

- Has a “qualified acoustical professional” been identified to perform this monitoring?
- Will the County require the applicant to hire such a person **before** beginning any new phase of the project?
- Which County Department and staff member will be assigned to review the monitoring reports and determine if additional mitigations are necessary?
- What penalty will the applicant face if he fails to hire this professional or submit required reports? **Monitoring and reporting do not in themselves mitigate impacts.** Consequences of failure to meet standards must be addressed and enforcement mechanisms identified.

***Recommendation 6:** If the proposed project receives approval, monitoring should be conducted over the entire 7 a.m. to 10 p.m. “mitigation” timeframe, several days a week after buildout of each element. Specific outside areas would need to be monitored, such as the clubhouse, lodge, swimming pool, snack shack, parking lots, and concert seating area, during “ordinary” activities as well as special events, banquets and tournaments.*

**Impact #3.9-3: A substantial temporary or periodic increase in noise levels in the project vicinity above levels existing without the project**

**Discussion/Conclusion:** As shown in [Table 3.9-3](#), typical construction activities have the potential to exceed noise level thresholds at sensitive receptors, located in the single-family residences located to the north, west and south of the project site, refer to [Figure 2-2](#). Typical composite noise levels for construction activities, and distances of various noise contours from the construction sites, are also presented in [Table 3.9-3](#). Construction of the clubhouse, golf course accessory facilities, residents, lodge and access roads **would temporarily increase noise levels in the immediate area of the project site**. Activities involved in construction would generate maximum noise levels, as indicated in [Table 3.9-4](#).

**Table 3.9-4  
Typical Noise Levels During Construction**

Construction Activity	Noise Level at 50' [dB(A), Leq]	Approximate Distance (ft.) to Reduce Noise to a Given Level [dB(A), Leq <sup>1</sup> ]		
		60	65	70
Ground Clearing	84	790	450	250
Excavation	89	1,400	800	450
Foundation	78	400	220	130
Erection	85	890	500	280
Finishing, exterior	89	1,400	800	450

<sup>1</sup> Calculations assume a 6 dB(A) reduction for each doubling of distance from noise source.

Source: Planning Partners, August 2005

**Mitigation Measure 3.9-3:** All phases of **construction** shall be limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays, and 8:00 a.m. to 5:00 p.m. on Saturdays. No construction shall be permitted to occur on Sundays or national, state, or county holidays. These hours are defined because they include a period of time when noise sensitivity is lowest.” (p.3.9-10)

Neighbors had to put up with bulldozers, trenching and grading activities for years during the (un-permitted) golf course construction phase of the project, waking them up at 7:00 a.m. and at times operating almost constantly for eight-hour work days. How “temporary” would construction noise be if the planned clubhouse, lodge, 13 residences, snack shop, swimming pool, etc. were being built out? How many months/years would residents in the surrounding area be subjected to 11 hours of construction noise weekdays and 9 hours on Saturday at the intensity generated by construction equipment and activities? How does “limiting” activity and noise to this schedule reduce the impact to a less than significant level? Without the project, the area would remain a quiet rural setting. This cannot be considered “compatible” with surrounding agricultural and rural residential land uses.

### ***Mitigation Monitoring and Relevance of Project History***

**“Section 21081.6 of the Public Resources Code requires that the Lead Agency adopt a Mitigation Monitoring and Reporting Program (MMRP) to ensure that all mitigation measures are implemented as required.”** (2007 DEIR pg. 1-4)

The public has justifiable concerns about the project’s history and the efficacy of the county government to “ensure that all mitigation measures are implemented as required.” This RDEIR acknowledges that the golf course that anchors the Ridge at Trinitas proposal was built illegally. (p. 2-3) The applicants violated various local, state and federal laws building it.<sup>3</sup> The County failed to enforce General Plan land use designations, zoning codes and county ordinances, and the Williamson Act, allowing the illegal golf course to be built. Unless implementation of all mitigations is required before additional project work is allowed, it seems unlikely they will ever get done. The applicants have recently indicated they may not be able to afford the required mitigations.<sup>4</sup> Some of the mitigations have been declared infeasible.<sup>5</sup> The County is understaffed and in a budget deficit. Who’s going to monitor compliance? Please address the above concerns about the feasibility of an effective MMRP in the Final EIR.

### ***4.5 Project Alternatives - Noise analysis***

“The following project alternatives have been developed for the proposed project, consistent with CEQA requirements and the project objectives stated above. ... (RDEIR p. 4.9)

- Alternative 1: No Project Alternative
- Alternative 2: Construction of Golf Facilities Only
- Alternative 3: Construction of Residences Only”

From the standpoint of Noise mitigation, Alternative 1 would result in the least negative impact on surrounding property owners’ quality of life. In a conflict between allowing hundreds of the community’s tax-paying residents to continue enjoying their property in peace, and one developer’s personal wealth-building “Field of Dreams”, the decision should tilt toward the good of the many. A private, membership golf course will not benefit many of its immediate neighbors.

If the golf course is allowed to remain for family play only, there will still be course maintenance noises, but no significant new noise impacts to the surrounding area. Even the 13 additional residences, after construction, would have far less significant noise impacts. The clubhouse, the lodge, and the other major commercial operations, however, would inevitably and irreversibly change this quiet rural area into a hub of activity incompatible with the surrounding residences and ranches.

*Recommendation 6: At the end of the EIR process, if there is still consideration of some part of the project going forward, If not the No Project Alternative, then Alternative 3 – Construction of Residences Only – is the only reasonable choice. Disallow the clubhouse and lodge, as well as the other commercial aspects of the project.*

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<sup>1</sup> Public Scoping Session comments by Lynnette Ospital, date-stamped 2.17.06 (missing pgs 2,4&6) (Exhibit 3.9-1; 4 pages) (not included)

<sup>2</sup> January 30, 2006 “Calaveras wishes and PGA dreams...Family on a mission to turn ranch into golfer’s paradise” Calaveras Enterprise article;  
Spring 2007 NCGA Golf magazine article: “Silent No More”;  
Golf Today Magazine "Trinitas - Golfs Field of Dreams"

<sup>3</sup> Trinitas violations packet (Back of binder)

<sup>4</sup> Nemea quote in VSN article on release of RDEIR (Actually Stockton Record 8.19.08)

<sup>5</sup> News articles on CCWD declaration surface water not in 5 years (Stockton Record 9.11.08 and Sonora Union Democrat 9.11.08)