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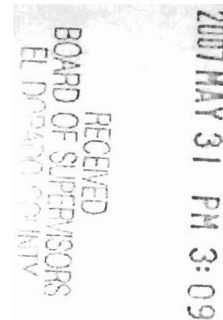
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May 30, 2007

The Honorable Helen Baumann
Chairperson
El Dorado County
Board of Supervisors
330 Fair Lane
Placerville, CA 95667



Re: Olde Coloma Theatre-Status Report

Dear Chairperson Baumann:

This letter is in response to the Board of Supervisors' directive to file a report regarding the status of the Special Use Permit and other issues relating to the operations of the Olde Coloma Theatre.

First, I wish to clarify the issues which appear to have become somewhat obfuscated due to discussions of process. It is not hyperbole to suggest that the Theatre has been a tremendous asset to this community for decades. The Theatre provides wonderful family value entertainment as well as a State endorsed children's education program. The Theatre is a good thing. It is understood however that regardless of its value, the Theatre must be operated in a manner that is not unreasonably detrimental to its surrounding neighborhood and in a manner that will not expose its customers or others to risk of harm.

Two maps of the neighborhood are attached. The first depicts the Theatre in its location as reflected on the Marshall Gold Discovery Park website. The second map identifies the surrounding parcels. Parcel 3 (Vineyard House) is now a private residence. Parcel 7 is also a private residence (Lingford) and the singular complaining party regarding Theatre operations. The remaining properties are owned by the State of California. As depicted on Attachment 1, the Theatre is located on Monument Road which is actually State

Highway 153. Monument Road is approximately ¼mile in length and provides access only to the Theatre, the Lingford residence and the Marshall Monument picnic area. Traffic count on Monument Road is considered extremely light except perhaps in the peak summer months when Park visitations are maximized.

From the time of its initiation of operations until 2005, the Theatre has utilized the Vineyard House parcel for parking. In 2005, the owners of the Vineyard House parcel withdrew their permission to allow busses and private vehicles to park on-site. As a result, parking conditions have become the subject of complaint by neighbor Lingford. This is particularly true of the tour busses that bring the schoolchildren in for the Theatre's education performances. As a general practice, the tour busses have dropped their passengers off on Monument Road and parked in the State parking lot or in the alternative, the children walk from the parking lot to the Theatre. Since Monument Road is so infrequently traveled, neither practice represents a significant safety risk. Although the children do walk on the road adjoining the Lingford parcel, there is no evidence to indicate that the Lingford property has been subjected to damage or other detriment by the schoolchildren. Nevertheless, the Theatre has been working on a solution to the parking issue so as to eliminate any impact upon the Lingford parcel.

The Theatre is revising its operational procedures to require the tour busses to park on-site in which case the busses would not be passing or parking in front of the Lingford property. Failure to follow the on-site parking instructions will result in a cancellation of future tours conducted by the tour sponsors. The Theatre proposes to volunteer a condition on the Special Use Permit that will require on-site parking for the tour busses. In regards to the evening melodrama performances the Theatre readily acknowledges that on-site parking is inadequate. The Theatre has a permit with the Park that permits customer parking in the Park parking lot on Church Street and the Theatre will be providing shuttle service to and from the Theatre. The Theatre will have working volunteers available to guide Theatre customers so as to avoid any turn-arounds in the Lingford driveway. There is no history of the evening performances ever causing any disturbance or creating any nuisance other than the recent parking issues of which Neighbor Lingford complains.

There is no question that a great deal of personal animosity exists between Neighbor Lingford and the Theatre operators. Mr. Lingford has made it clear that he wants nothing less than to have the Theatre shut-down. Although Mr. Lingford does not have the right to shut the Theatre down he most certainly has a right to the private enjoyment of his property. The Theatre thus has recognized an obligation to treat Neighbor Lingford in a respectful and neighborly manner and to take measures that would protect against any damage to the Lingford property.

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Supervisor Baumann

The Board of Supervisors has directed that the Theatre file for and obtain a Special Use Permit for its on-going operations. I have represented to you that I have been charged with working with the Theatre to accomplish such. I have been working on the application documents and hope to have the application filed by June 5.

I will be available at your meeting on the 5th to respond to any additional questions you may have. Thank you.

Very truly yours,



ROBERT A. LAURIE
BECKER RUNKLE & LAURIE