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04/16/2007 04:31 PM

To Cynthia C Johnson/PV/EDC@TCP
cc
bcc
Subject Fw: Olde Coloma Theater

2007 APR 16 PM 4:35

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— Forwarded by Danielle Y Sather/PV/EDC on 04/16/2007 04:31 PM —



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Subject Olde Coloma Theater

RECEIVED
BOARD OF SUPERVISORS
EL DORADO COUNTY

April 16, 2007

Dear Honorable Members of the Board of Supervisors:

I have been informed that tomorrow your Board will be hearing the appeal on the decision of the Planning Commission to require a special use permit for the Olde Coloma Theater in Coloma. I apologize for this late note, but I thought the appeal had been moved to a later date.

I was employed as a planner for the El Dorado County Planning Department from August 1974 through August 1983. As you will note, that was the time during which all of the building permits for the Old Coloma Theater were signed. There is only one other planner who was there during that entire time who is alive, Ross Hutchinson, with whom I have been in contact. Unfortunately, the two Planning Directors during that time, Bruce Robinson and Kenneth Milam, along with the gentleman who preceded me as Assistant Planning Director, James Ingram, are all deceased.

I will start out by saying that during that entire period the Theater and its operation was never considered anything but legal. The Planning, Building,

Environmental Health and other county departments, including the Planning Commission and Board of Supervisors, were very familiar with it and that is why the three building permits were signed. I am sure you know that signing a building permit for an illegal business or activity is a crime.

Bruce Robinson, who was the planning director until around 1977, was a very cautious gentleman. He signed nothing, nor directed others to sign anything that had a hint of illegality. I have seen him refuse to sign a building permit even when directed to do so by a member of the Board of Supervisors. However, if directed to do such by the entire Board, he would do so.

Kenneth Milam, who replaced Robinson and was the planning director when the last two building permits were signed, was also very cautious. I was at the public counter when the 1979 permit application was submitted and recall quite well asking him to review it, since I was participating in a performance at the theater at the time. He had no problem with it. I do not recall being at the counter when the 1983 permit was submitted. However, it was signed.

I do not know how involved the Board of Supervisors was with the gift of the building from the California Division of Forestry to June Scott and the Coloma Crescent Players. There are several things that could have happened, and did happen in similar cases.

I can easily understand that either Mr. Robinson went to the Board of Supervisors with a request for assistance on how to handle the issue of the building being moved, or that the Supervisor for that area of the county at the time, Ray Lawyer I believe, raised the issue. It could be this simple:

Mr. Robinson or Mr. Lawyer: "What should we do about this building being moved to Coloma from Mt. Danaher?"

Board Member: "Sounds like a good place for it, being that it is near the State Park, and it would be good for the community."

Board Members: " Sure; Great; Sign it. You have our approval."

Note the lack of formal action, but just a policy directive. It wouldn't be the first

time that something like that happened and it might not show up in the minutes.

I am sure there is some kind of paper trail on the building permits, although I have been told that there is nothing on the first permit other than the permit itself. The other permits should have a worksheet with a signature from the Planning Department, regarding zoning, setbacks, etc. I saw them.

After the Planning Commission directed staff to find the documents at the August 24, 2006 meeting, nothing happened. I contacted Planning Services several weeks later and asked if I could see the papers they had found. I was told that they weren't sure if they had anything other than the final permits. I believe they didn't even look for them.

At this point I must say that even though many of us asked for the planning staff to work with the theater group to solve the problems, it didn't happen. I was at two meetings where staff and counsel simply continued to demand a special use permit no matter what information was provided by the public.

Requiring a special use permit for this use where there is no justification is dangerous. There are hundreds of uses such as this around the county, including some of your own.

Please demand that the staff and the theater folks sit down and find a solution to this problem so that the schools and the community can continue to benefit from this 30 plus year old theater operation.

Sincerely,

Doug Noble

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