

Annexation History: Shingle Springs Rancheria Annexation to EID (LAFCO Project #87-15)

The Shingle Springs Rancheria Annexation proposal involved the annexation of 159.25 acres, APN 319-100-37, into the El Dorado Irrigation District (EID). At the time of the annexation, the parcel was landlocked and mostly uninhabited. This parcel is located northeast of the Shingle Springs area, north of Highway 50 between the Shingle Springs Road and Greenstone Road off ramps.

According to the application materials and the LAFCO staff report, the Tribe requested the annexation because the on-site well failed. The Tribe contemplated developing the parcel into approximately 40 residential lots over a “slow, long-term process.” The April 7, 1988 staff report contained the following findings:

- The “proposal would not contribute to the likelihood of significant growth in the area during the next 10 years”;
- The “annexation will not have a growth inducing impact... and poses no concern with comparable single family residences.”

At the April 7, 1988 meeting, the project was continued “for one month until County Counsel researches the ability of local government agencies to control development on this property.”

At the May 5, 1988 meeting, the project was continued “off calendar on the grounds that the property does not adequately set forth the ultimate ramifications of annexation to the district and unanswered questions concerning future development of the property make it impossible to determine whether the proposal is consistent with the LAFCO guidelines.”

On June 21, 1988, the Tribe’s representative submitted to LAFCO a “Statement of Position,” followed by a Tribal Ordinance on June 22, 1988 detailing the Tribe’s development plans for the parcel, describing the development of the parcel as “compatible with surrounding land uses and the El Dorado general plan.”

At the July 7, 1988 meeting, the minutes state that LAFCO, the County and the Tribe reached “an agreement” and that the following motion “represented a good faith agreement between the parties.” The record states, “This application is unique in that the owners are the United States of America and Sacramento Verona Band of Homeless Indians. The ownership of this parcel presents questions of whether or not this Commission has jurisdiction over a sovereign Indian nation and whether or not the county ordinances apply to the development of property.... [A]lthough LAFCO cannot regulate land use, we do have the right and obligation to protect our public facilities and promote orderly growth.” The motion approved the annexation with the following conditions:

Section 6. The El Dorado Irrigation District shall make water available for residential use only, including accessory uses and for tribal use limited to community facilities, school playgrounds, recreational facilities, a residential home for tribal elders, and community grazing or garden projects.

Section 7. The service capability shall be limited to that necessary to serve a community of forty residential lots including the uses listed in Section 6 above.

Section 8. The annexation is subject to all rules, regulations, and policies of the El Dorado Irrigation District.

Section 9. LAFCO shall retain jurisdiction and authority to amend or eliminate Sections 6, 7, and 8 above.

At the hearing, the Tribe's representative stated two concerns. The first was that "If the circumstances change, the conditions of the [Tribal] ordinance can be changed and wanted LAFCO to be satisfied with the full environmental evaluation process being completed." Second, "the Tribe does not want additional restrictions. If the [County] general plan designation for that area were to change and allow commercial development, the Tribe would like to be able to change provisions of the ordinance to allow the commercial use."

On July 20, 1988 the Tribe's representative sent a letter to LAFCO contending that "it cannot be said... as a factual matter that the Rancheria agreed to each and every one of the conditions imposed by the vote of the Commission. Rather, the conditions reflect the extent to which LAFCO was willing to accommodate (sic) the Rancheria based on LAFCO's concerns."

The letter was not a request for reconsideration nor was such request subsequently submitted.