



## Planning Commission Staff Report

Date: October 27, 2010

Case No.: 5.1250 – General Plan Conformity Review

Application Type: Request for a Finding of Conformity to the Palm Springs General Plan for two Coachella Valley Water District (CVWD) Projects

Location: Morongo Creek and Whitewater River Floodplain

Applicant: Coachella Valley Water District

General Plan: Open Space - Water

Zone: Watercourse

APNs: (Whitewater project: 669-030-003, 669-030-004, 669-020-005, 669-160-016, 669-220-003, 669-220-004, 669-040,010, 669-040-011, 669-230-012)  
(Morongo Creek project: 677-020-023)

From: Ken Lyon, Associate Planner

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### SUMMARY

On August 19, 2010, the City received a request from the Coachella Valley Water District (CVWD) for a finding of conformity with the City's General Plan (see attached letter). This finding is a requirement of California Government Code Section 65401; whenever a public agency proposes capital improvement projects within the jurisdiction that has adopted a General Plan to assure the project's conformity with that General Plan. In this case, the CVWD has two projects under consideration:

1. Investigation of alternatives for the rehabilitation of the Whitewater Spreading Basins to reduce sediment transport and allow more efficient groundwater replenishment in the future.
2. Design and construction of flood control channel to convey Morongo Creek stormwater flows from three highway culverts at Interstate 10, underneath the recently constructed Union Pacific Railroad Bridge to the existing levee downstream of Verona Road. The project would reduce the potential for flooding in residential subdivisions in Cathedral City, east of the creek channel.

## **RECOMMENDATION:**

Based on the analysis below, staff recommends that the Commission find that the proposed capital improvement projects are in conformity with the City General Plan. No public hearing is required.

## **PROJECT DESCRIPTION:**

### **Morongongo Creek Improvements:**

The Salvia Wash, the Edom Wash and the Willow Wash, carry stormwater flows via culverts under the Interstate 10 roadbed and the Southern Pacific Railroad bed. In turn this stormwater flows into the Morongongo Creek wash which then carries the flow to the Whittewater River. The proposed improvements to the Morongongo Creek channel will retain a soft natural soil bottom in the channel to allow percolation of water into the ground. The banks are proposed with concrete slope protection on the east bank that will tie into the existing slope protection south of Verona Road. The concrete slope protection structure on the east side will prevent scouring of the bank and possible erosion and overflow of storm water into developed residential areas east of the Morongongo Creek in Cathedral City. The project scope is primarily located within the City Limits of Cathedral City, however portions of Morongongo Creek are also in the City of Palm Springs.

### **Whittewater River Settling Basins:**

Currently, water piped from the Colorado River is discharged into Whittewater Creek north of Interstate 10. It then flows in the natural creekbed to the basins in the Whittewater River floodplain where it percolates into the underground aquifer from which domestic water is supplied to communities in the Coachella Valley. The present condition causes sediment to be carried in the waterflow in the natural creekbed and deposited in the percolation basins. The current project is to investigate alternatives to reduce the sediment carried into the percolation basin, thereby reducing the frequency of need to dredge accumulations of sediment out of the basins.

## **ANALYSIS**

### **Determining General Plan Conformity**

The request is a special provision of the California Government Code Section 65401 which requires that capital improvement projects be reviewed for conformity with the applicable General Plan. This is not a zoning approval, nor is it an 'entitlement' as is typical of a private land development, such as a Conditional Use Permit, Architectural Review or Planned Development. Instead, it is a review of the applicable sections of the General Plan to determine if the proposal either conforms or fails to conform to the General Plan.

### **Land Use Designation**

Both sites are located in areas designated in the General Plan Land Use Map as "Open Space – Water". This designation is described in the General Plan Land Use Element, as follows:

*Areas designated as Open Space-Water are reserved for flood control or drainage facilities only. Properties under this designation fall within the 100-year flood zone as established by the adoption of Federal Emergency Management Agency (FEMA) flood maps and are subject to sporadic flooding and other hazards in the event of a 00-year flood. No habitable structures are permitted within these areas.*

In reviewing CVWD's project proposals, they are deemed to be flood control facilities and thus are consistent with the type of development limited in these areas by the City's General Plan. As a result, staff has concluded that the use may be considered conforming to the Open Space – Water land use designation of the General Plan.

Zoning Analysis:

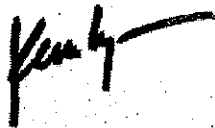
Section 92.20.00 of the Zoning Code provides regulatory guidance for parcels in the "W" watercourse zone. This section states:

*In instances where properties shall be used as floodways, drainage channels, debris basins, and other flood protection facilities, or where information is not available or is not sufficiently accurate, a designation of "W" without suffix shall be used.*

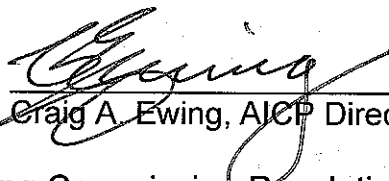
The two CVWD projects are located in the W zone. The proposed projects include a flood protection facility at the Morongo Creek Wash and improvements to the existing debris or percolation basin in the Whitewater River floodplain. Section 92.20.03 of the Zoning Code provides guidance for development standards for projects in the W zone, however in this case, the proposed projects are not habitable structures, but rather are non-habitable flood and water flow control structures. These projects will be designed consistent with standard civil engineering practices and for structural loading appropriate to the flows and hydrostatic loads imposed by the projected maximum water flows.

CONCLUSION

Based on the analysis above, staff has concluded that the two proposed project conform to the City's General Plan. A draft resolution in support of this conclusion is attached.



Ken Lyon, Associate Planner



Craig A. Ewing, AICP Director of Planning Services

Attachments

Draft Planning Commission Resolution  
Letter from CVWD  
California Government Code Section 65401

RESOLUTION No. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF PALM SPRINGS  
FINDING THAT TWO PROPOSED CVWD PROJECTS  
CONFORM TO THE 2007 PALM SPRINGS GENERAL PLAN

WHEREAS, the City of Palm Springs has a General Plan which it adopted in 2007 by City Council Resolution 22077, which identifies the land uses within the Whitewater River Floodplain and the Morongo Creek Wash as Open Space - Water; and

WHEREAS, the Open Space - Water Land Use Designation is described in the General Plan, as follows:

*"Areas designated as Open Space-Water are reserved for flood control or drainage facilities only. Properties under this designation fall within the 100-year flood zone as established by the adoption of Federal Emergency Management Agency (FEMA) flood maps and are subject to sporadic flooding and other hazards in the event of a 00-year flood. No habitable structures are permitted within these areas"*

and,

WHEREAS, California Government Code Section 65401 requires that the Palm Springs Planning Commission review proposed capital improvement projects proposed by other agencies within the legislative boundaries of the City, and consider a Finding of Conformity with the adopted General Plan for the proposed projects, and

WHEREAS, on August 19, 2010, the City received a request from the Coachella Valley Water District (CVWD) for a finding of conformity with the City's General Plan of the CVWD's proposal to construct flood control structures on the east side of the Morongo Creek Wash and to investigate alternatives for alterations to reduce sediment build-up in the percolation/settling basins in the Whitewater River Floodplain; and

WHEREAS, both sites are located in areas designated in the General Plan Land Use Map as "Open Space - Water", and

WHEREAS, in reviewing CVWD's project proposals, they are deemed to be flood control facilities and thus are consistent with the type of development limited to these land use areas by the City's General Plan, and

WHEREAS, Section 92.20.00 of the Zoning Code provides regulatory guidance for parcels in the "W" watercourse zone. This section states:

*In instances where properties shall be used as floodways, drainage channels, debris basins, and other flood protection facilities, or where information is not available or is not sufficiently accurate, a designation of "W" without suffix shall be used.*

The two CVWD projects are located in the W zone. The proposed projects include a flood protection facility at the Morongo Creek Wash and improvements to the existing debris or percolation basin in the Whitewater River floodplain. Section 92.20.03 provides guidance for development standards for projects in the W zone, however in this case, the proposed projects are not habitable structures, but rather are non-habitable flood and water flow control structures. These projects will be designed to be consistent with standard civil engineering practices and for structural loading appropriate to the flows and hydrostatic loads imposed by the projected maximum water flows.

WHEREAS, the Planning Commission has reviewed the staff report and other materials, including public comments, on the matter.

NOW THEREFORE, the Planning Commission of the City of Palm Springs does hereby adopt a Finding of Conformity with the Palm Springs General Plan for the following two CVWD capital improvement projects:

1. Flood control structures in the Morongo Creek Wash
2. Investigation of alternatives to reduce sediment build-up in the percolation/settling basins in the Whitewater River Floodplain.

ADOPTED this 27<sup>th</sup> day of October, 2010

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP, Director of Planning



Established in 1918 as a public agency

# Coachella Valley Water District

5.1250

Directors:  
Patricia A. Larson, President  
Peter Nelson, Vice President  
Tellis Codekas  
Franz W. De Klotz  
Russell Kitahara

Officers:  
Steven B. Robbins, General Manager-Chief Engineer  
Julia Fernandez, Board Secretary

August 19, 2010

Redwine and Sherrill, Attorneys

File: 1150.15  
1150.18

Craig Ewing, Director of Planning  
City of Palm Springs Planning Department  
Post Office Box 2743  
Palm Springs, CA 92263-2743

Dear Mr. Ewing:

In accordance with the provisions of Section 65401 of the Government Code, the Coachella Valley Water District (District) is pleased to submit its proposed projects for the ensuing Fiscal Year and requests a review as to conformity with the adopted general plan.

Stormwater:

1. Morongo Creek – Verona Road to I-10.

Recharge Upper Valley:

1. Whitewater Spreading Area Improvements:

If you have any questions or to coordinate projects, please call Tyler Hull, Utility Coordinator, extension 2246.

Yours very truly,

Mark L. Johnson  
Director of Engineering

Enclosures/2/as

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RECEIVED

AUG 24 2010

PLANNING SERVICES  
DEPARTMENT

669-030-003 zone W 19/3/4

**COACHELLA VALLEY WATER DISTRICT  
Capital Improvement Budget Project Nomination  
Fiscal Year 2010-2011**

*This CIB Project Nomination Form is submitted for consideration in the District CIB. The project nominated here is a suggestion for a new project that has been identified as necessary for expansion of services or for a maintenance type project that is significant enough to warrant budgeting as a Capital Improvement.*

<b>Project Title:</b>	Whitewater Spreading Area Improvements
<b>Description:</b>	Rehabilitation of the Whitewater Spreading Area which includes design and construction of facilities.
<b>Justification:</b>	These improvements are necessary to better handle sediment transport and allow more efficient groundwater replenishment in the future.

<b>Construction By:</b>	District Forces _____	<b>Fund No:</b>	301
	Outside Contract <u> X </u>	<b>Plat No(s):</b>	Various

<b>Proposed Source of Funding:</b>	Unrestricted funds <u> X </u>	<b>Location ID (Sungard):</b>
	SCC Fees WSBFC Other:	

<b>Engineering Start Date:</b>	7/1/10	<b>Construction Start Date:</b>	7/12/10	<b>Construction End Date:</b>	6/30/11
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**5-Year Cost Projection**

Before 2010-11	2010-11	2011-12	2012-13	Beyond 2012-13	Total
\$0	\$250,000	\$3,800,000	\$2,775,000	\$3,775,000	\$10,600,000



Prepared By: <u>[Signature]</u>	Date: <u>7-21-10</u>
Submitted By: <u>[Signature]</u>	Date: <u>7-21-10</u>
Department Head: <u>[Signature]</u>	Date: <u>7/21/10</u>
General Manager if approved for CIB: _____	Date: _____

577-030-024 Zone W 6/4/15

**COACHELLA VALLEY WATER DISTRICT**  
**Capital Improvement Budget Project Nomination**  
**Fiscal Year 2010-2011**

*This CIB Project Nomination Form is submitted for consideration in the District CIB. The project nominated here is a suggestion for a new project that has been identified as necessary for expansion of services or for a maintenance type project that is significant enough to warrant budgeting as a Capital Improvement.*

<b>Project Title:</b>	Morongo Creek Channel - Verona Road to I-10
<b>Description:</b>	Design and Construction of flood control channel to convey 11,600 cfs Morongo Creek flows from three highway culverts at Interstate 10, underneath the the recently constructed Union Pacific Railroad Bridge to the existing levee downstream of Verona Road.
<b>Justification:</b>	To remove the portion of Cathedral City shown to be subject to flooding on the Flood Insurance Rate Map by FEMA in 1994.

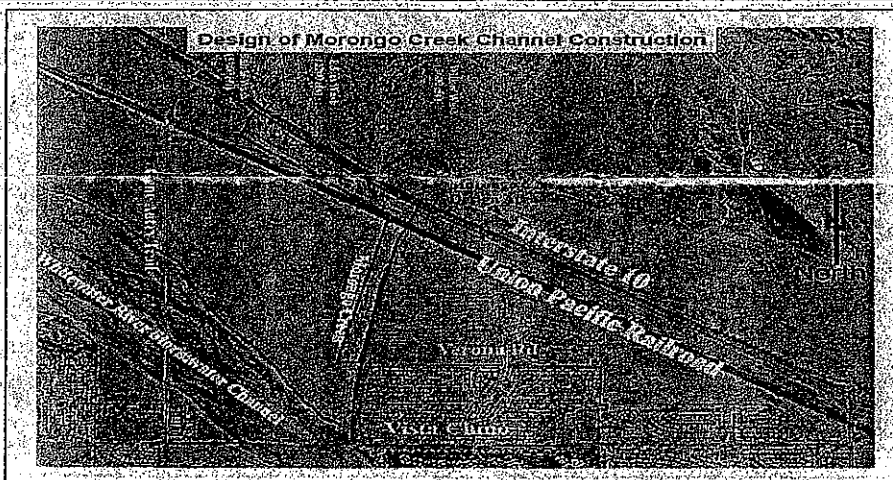
<b>Construction By:</b>	District Forces _____	<b>Fund No:</b>	301
	Outside Contract <u> X </u>	<b>Plat No(s):</b>	

<b>Proposed Source of Funding:</b>	Unrestricted funds <u> X </u> SCC Fees _____ Other: _____	WSBFC _____	<b>Location ID (Sungard):</b>	
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<b>Engineering Start Date:</b>	1/1/95	<b>Construction Start Date:</b>	10/1/10	<b>Construction End Date:</b>	10/3/13
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**5-Year Cost Projection**

Before 2010-11	2010-11	2011-12	2012-13	Beyond 2012-13	Total
\$540,600	\$778,000	\$5,000,000	\$5,547,000	\$0	\$11,865,600



Prepared By: <u>[Signature]</u>	Date: <u>5-13-10</u>
Submitted By: <u>[Signature]</u>	Date: <u>5-13-10</u>
Department Head: <u>[Signature]</u>	Date: <u>5-14-10</u>
General Manager if approved for CIB: _____	Date: _____



65401. If a general plan or part thereof has been adopted, within such time as may be fixed by the legislative body, each county or city officer, department, board, or commission, and each governmental body, commission, or board, including the governing body of any special district or school district, whose jurisdiction lies wholly or partially within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or city council, a list of the proposed public works recommended for planning, initiation or construction during the ensuing fiscal year. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.